

**Employers can rely on
unrelated earlier
disciplinary warnings to
dismiss an employee for
misconduct**

```
[et_pb_section admin_label="Section" global_module="136"  
fullwidth="on" specialty="off" transparent_background="off"  
background_color="#ffffff" allow_player_pause="off"  
inner_shadow="off" parallax="off" parallax_method="off"  
padding_mobile="off" make_fullwidth="off"  
use_custom_width="off" width_unit="on" make_equal="off"  
use_custom_gutter="off"] [et_pb_fullwidth_code  
global_parent="136" admin_label="Post  
Header"] [Page_Header_Start] Employment Law News  
[Page_Header_End] [/et_pb_fullwidth_code] [/et_pb_section] [et_pb  
_section admin_label="section"] [et_pb_row  
admin_label="row"] [et_pb_column type="3_4"] [et_pb_text  
admin_label="Text" background_layout="light"  
text_orientation="left" use_border_color="off"  
border_color="#ffffff" border_style="solid"]
```

**Employers can rely on
unrelated earlier
disciplinary warnings to
dismiss an employee for**

misconduct

[post_details]

[Social-Share]

[post_tags]

In *Wincanton v Stone*, Mr Stone was employed as a driver for Wincanton. In 2009, Mr Stone received a first written warning for being insubordinate. In 2010, Mr Stone breached Wincanton's health and safety rules when he pulled out of a loading bay when the light was red. This was not an act of insubordination but carelessness. Wincanton dismissed Mr Stone on the basis that the earlier warning "*tipped the balance*" in favour of dismissal, even though the two warnings were for very different types of conduct.

Mr Stone brought a claim in the Tribunal for unfair dismissal. The Tribunal held that Wincanton had acted unreasonably in aggregating the warnings. Wincanton appealed and won.

An employer is entitled to dismiss someone for being involved in two different types of misconduct. This is clearly a helpful decision for employers.

```
[/et_pb_text][/et_pb_column][et_pb_column
type="1_4"][et_pb_sidebar      admin_label="Sidebar"
orientation="right" area="sidebar-1" background_layout="light"
remove_border="off"]
[/et_pb_sidebar][[/et_pb_column][[/et_pb_row][[/et_pb_section]
```