



# REFUSAL TO WORK ON GROUNDS OF HEALTH & SAFETY POLICY (Work Safe)

## Overview

This policy has been produced in line with the principles of NR's 'Worksafe Policy as detailed in NR/L2/OHS/002. A copy of the referenced document is available to Three Shires Ltd (The Company) should a fuller interpretation be required.

Three Shires Limited acknowledges its responsibilities under the Health and Safety at Work Act 1974 and have documented these in our Health and Safety Policy. This policy is signed by our Managing Director indicating his commitment to upholding its objectives.

In addition to our Health and Safety Policy, Three Shires Limited (The Company) operates a this this policy for its employees, and any subcontractors working on Three Shires Limited sites or contracts and premises managed by Three Shires Limited.

All employees (or sub-contractors if appropriate) are made aware of the contents of this policy and will become familiar with the conditions laid down.

## Responsibilities

The Company will take all reasonable measures to ensure that those persons referred to above are made aware of the contents of this policy and that it will not affect their continued employment by The Company in the event of invoking this policy.

The Company will take all reasonable measures to prevent, so far as is reasonably practicable, any invocation placed on any person by this policy by planning and implementing safe working conditions and taking all factors into account.

Employees of The Company will at all times exercise diligence in monitoring their safe working environment in respect of themselves and any other persons in the working area.

## It is our Policy to:

Enable any employee or subcontractor with the absolute right to decline to carry out work if they feel it is not safe to do so. In such cases any situation which leads to an individual refusing to work for health and safety reasons the employee or sub-contractor will be supported by Three Shires Limited management team.


Ensure any refusal to work on health and safety grounds must be reported to the company's management team as soon as issue(s) causing concern have been raised.

Inform employees and subcontractors by means of a set procedure that Initially they should bring any issues involving a refusal to work on health and safety grounds to the attention of their own Site Supervisor. Where issues cannot be resolved locally and immediately, these should be raised directly and by the quickest possible means with the Operations Manager or Operations Director.

Ensure have access to independent, impartial health and safety advice through our Health & Safety Manager. Manager's investigating any refusal to work must in the first instance discuss the situation with the Health & Safety Manager, so that a full and accurate record of the refusal to work is maintained.

Maintain that employees and sub-contractors refusing to work on Health & Safety grounds will be supported by Three Shires Limited and no disciplinary action, financial or other penalty will be taken against them.

Ensure the employee raising the Work Safe concern will be informed of decisions throughout the process. In all cases Three Shires Limited Ltd will retain a record of the refusal to work on health and safety grounds as a file

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<b>Reference:</b>	PO12	<b>Position:</b>	H&S Manager	<b>Issue Date:</b>	January 2022
<b>Category:</b>	Policies	<b>Signature:</b>		<b>Last Reviewed</b>	January 2023
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note to be discussed within The Company management meetings. Managers and staff are also encouraged to report any unsafe acts or conditions, which they have witnessed

**Criteria for Invoking the Policy**

It is a condition of employment with The Company that all persons referred to above shall comply with the following:

1. If any situation arises which the employee (or sub-contractor) believes will or has resulted in an unsafe working environment for some people or all, they must immediately draw it to the attention of the site supervisor to allow it to be investigated and resolved locally, if possible the appropriate 'refusal to work' report form should be completed.
2. If the Site Supervisor cannot immediately be contacted, then in a safe manner stop or do not commence any working operations subject to the risk identified and warn others of the danger or concerns they have.
3. Double check that there are no instructions or information available locally to resolve the issue.
4. If the Site Supervisor does not support your concerns, then the employee (or sub-contractor) should contact the Operations Manager / Operations Director to ask for a 'second opinion' to either confirm the Site Supervisors decision or to support your concerns.
5. Ensure that employee (or sub-contractor) is clear and concise in describing their concerns.
6. If the concern is genuine, even if it is ultimately seen to be unfounded, then the employee (or sub-contractor) will not be subject to any detrimental treatment by The Company.

**CIRAS Reporting**

Further to The Company's processes for Refusal to Work on Grounds of Health & Safety, all staff engaged in the railway infrastructure have a facility for reporting any safety concerns into a central, confidential reporting system known as CIRAS (Confidential Incident Reporting & Analysis System). To comply with the RISQS and CIRAS reporting procedure, The Company will subscribe as a membership levy for a 12-month rolling renewable contract.

CIRAS is an alternative way for rail industry staff to report safety concerns that they feel unable to report through The Company safety channels. It is a completely independent and confidential way to report safety concerns without fear of recrimination.

Employees (or sub-contractors) can contact CIRAS by calling 0800 4101101, writing to 'FREEPOST CIRAS' or texting 07507 285887 (standard message rates apply) or via the CIRAS website at [www.ciras.org.uk](http://www.ciras.org.uk)

The responsibility for the implementation of this policy lies with the Managing Director.

**Principal legislation**

Management of Health and Safety at Work Regulations 1999, amended 2006  
 Health and Safety at Work *etc.* Act 1974 (HSWA)  
 Corporate Manslaughter & Corporate Homicide Act 2007  
 Health & Safety Offences Act 2008  
 ORR Health and Safety Regulatory Strategy (September 2020)

**Guidance**

ORR Principles for railway health and safety

Signed

Print

James Lloyd

Position

Managing Director

Date 16<sup>th</sup> January 2023

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