



REFUSAL TO WORK POLICY STATEMENT (WORKSAFE)

The Health & Safety at Work Etc. Act 1974 requires TSM Ltd to ensure, so far as is reasonably practicable, the health and safety of our employees and anyone else who may be affected by our acts or omissions.

The purpose of this Policy is to ensure that all employees are aware of the manner in which TSM Ltd requires employees to stop working, should the employees consider the working environment or the working practice to be unsafe.

All employees should be aware they can report any incidents, unsafe acts, concerns and safety related issues to the national Confidential Incident Reporting and Analysis Service, CIRAS (0800 4 101 101 <https://www.ciras.org.uk/> or via the CIRAS app) operated by Railway Group Members (RGM's) where they do not feel able to report through normal channels.

In order to carry out this policy, responsibilities for health and safety have been clearly defined, allocated and accepted at all levels. All employees must play their part in implementing this policy if safety standards are to constantly improve. The Refusal to Work process is as follows:

- Individuals must be free to report their concerns without fear of reprisal or being subject to an unfair disciplinary process.
- If an employee (individual) believes that a task or condition will endanger either themselves or others, work shall cease, and the situation be immediately reported to the person in charge on site (TSM Ltd / customer representative as appropriate).
- The situation will then be reviewed by the person in charge on site and consideration will be given to the safety impact on the individual and others. Wherever possible, immediate and appropriate action must be taken to resolve the situation.
- As a result of the review, the system of work will either be confirmed as safe or amended. If the individual is satisfied with this outcome, they will resume work.
- If the individual remains dissatisfied, the person in charge will contact TSM Ltd's Managing Director (or on-call Manager if outside of normal working hours) providing all the relevant details/background to the situation.
- If the situation cannot be resolved, a benchmark review will be undertaken by the Managing Director against all legislative, Railway Group, Network Rail Company standards and industry best practice to determine the safety impact of the task or condition.
- If the benchmark review fails to produce a satisfactory outcome, the disputed system of work will cease and TSM Ltd's external HSE support consultancy and the customer will be informed as soon as practically possible.
- The HSE support consultant will liaise with the customer to consider the disputed working arrangements, making any necessary changes and advise the Managing Director accordingly.
- Changes to working arrangements will be documented and implemented by the Managing Director. This may include amendments to internal Procedures, Work Instructions, Processes, Risk/COSHH Assessments. Additional levels of training and competence may be required by individuals or further briefings as appropriate.
- Full details of the eventual, agreed outcome will be forwarded to the complainant and the customer where appropriate. Suitable records will be maintained.



- Should the complainant still be dissatisfied with the system of work, TSM Ltd will provide independent arbitration from an external source. TSM Ltd will undertake to follow the arbitrator's advice.
- Should the arbitrator uphold TSM Ltd's safe system of work and the complainant still refuse to work, TSM Ltd will implement the disciplinary procedure.

The arrangements in place to implement this policy form part of the company's day to day operational procedures and as such are reviewed on a continuous basis.

Where opportunities for improvement in safety standards or safety problems are identified they will be tackled promptly, with sufficient resources, to ensure that they adequately are dealt with, implemented and briefed to all employees.

This policy statement will be briefed to all employees at induction and will be formally reviewed on an annual basis at the Management Review meeting.

This policy will also be communicated to all persons working under the control of the company and can be made available to interested parties at the discretion of the Managing Director.

Signed: 

Position: Managing Director

Date: 01/07/2025

Review Date: 01/07/2026