

## Category 5 Standard

# S5547

# Refusal to work on the grounds of health and safety

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**MAYOR OF LONDON**

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## Contents

|     |                                                    |   |
|-----|----------------------------------------------------|---|
| 1   | Purpose                                            | 3 |
| 2   | Scope                                              | 3 |
| 3   | Requirements                                       | 3 |
| 3.1 | Refusal to work – initial review and response      | 3 |
| 3.2 | Potential dangers affecting more than one location | 4 |
| 3.3 | Continuation of work                               | 5 |
| 3.4 | Right of appeal                                    | 5 |
| 3.5 | Review                                             | 6 |
| 4   | Responsibilities                                   | 6 |
| 5   | Supporting information                             | 6 |
| 5.1 | Background                                         | 6 |
| 6   | References                                         | 6 |
| 6.1 | References                                         | 6 |
| 6.2 | Abbreviations                                      | 7 |
| 6.3 | Definitions                                        | 7 |
| 6.4 | Person accountable for the document                | 7 |
| 6.5 | Document history                                   | 8 |

## 1 Purpose

- 1.1 The purpose of this Standard is to define LU's arrangements for instances where employees have refused to work normally on the grounds of health and safety, to ensure that risks remain at, or are reduced to, a level which is as low as reasonably practicable.

## 2 Scope

- 2.1 This Standard applies to all employees. All employees may refuse to work if they have legitimate grounds for believing that to start / continue work would place themselves or others in serious and imminent danger. This Standard outlines LU's arrangements for investigating and responding to such instances.
- 2.2 The right to refuse to work on the grounds of health and safety relates only to circumstances and risks which have not previously been identified, assessed and, as necessary, mitigated. Where risks have been identified, assessed and mitigated there is no right to refuse to work on the grounds of health and safety.

## 3 Requirements

### 3.1 Refusal to work – initial review and response

- 3.1.1 Where an employee believes that to start/continue work would place themselves or others in serious and imminent danger, they shall stop work and report the matter immediately to their manager.
- 3.1.2 The manager shall inform the local Health and Safety Representative as soon as practicable.
- 3.1.3 If the manager, in consultation with an HSE Adviser, determines that there is no serious or imminent danger, the reported issue and the reasons why the risks are considered to be as low as reasonably practicable shall be recorded and communicated to the employee and the relevant Health and Safety Representative. Following this the employee shall be requested to work normally and the steps outlined in clauses 3.1.7 to 3.1.12 shall not be required.
- 3.1.4 In the event that there is a failure to agree that the risks are as low as reasonably practicable, the relevant Workplace Risk Assessments shall be reviewed by the manager in consultation with an HSE adviser. This review shall be recorded and the outcome advised to the Employee and relevant Health and Safety Representative.
- 3.1.5 If the review of the Workplace Risk Assessment confirms that risks are as low as reasonably practicable the employee shall be requested to work normally.
- 3.1.6 Pending the review of the Workplace Risk Assessment the employee shall work in accordance with 3.3.2.
- 3.1.7 If the manager determines that serious and imminent danger is confirmed the manager shall explain how the matter will be dealt with and what work the employee shall be required to undertake whilst the matter is being investigated (section 3.3.2 refers).