

CONTRACTOR CONTROL – DISCIPLINARY PROCESS

1.0 Purpose

This safety instruction has been written to support HSP 2050 - Controlling Contractors, and shall be used in the event of Health, Safety and Environment (HSE) misconduct by a Contractor's or Sub-Contractor's employee. Examples include, but are not limited to, the following:

- Physical violence.
- Wilful damage to Company plant and equipment.
- Release of hazardous substances into the site drainage system or atmosphere.
- Dangerous driving, including speeding.
- Any act or omission which puts any person in imminent danger, whether an injury or damage results or not.
- Working without appropriate documentation – Contractor Risk Assessment or Permit to Work.
- Working outside of agreed risk assessments and method statements or permits without approval
- Illegal disposal of hazardous waste.
- Use of unapproved sub-contractors for performing work.
- Illegal drug taking, possession of drugs or the consumption of alcohol on the premises.
- Non compliance in the use of PPE.
- Use of mobile phones whilst driving

This Safety Instruction also supports the AWL Contractor HSE monitoring programme and shall be used where auditing identifies major failings in a Contractor's, or Sub-Contractors HSE management arrangements.

2.0 Scope

This Safety Instruction applies to all AgustaWestland (AWL) employees managing or supervising contractors, agency workers and term contractors working on the Yeovil site and in off-site locations to support contract requirements.

3.0 Definitions

There are no definitions associated with this Safety Instruction.

4.0 References and Related Legislation

HSAWA	The Health & Safety at Work etc Act 1974
CDM	The Construction Design & Management Regulations 2007
MHSW	The Management of Health & Safety at Work Regulations 1999
HSP2050	Controlling Contractors
HSP2051	Permits to Work

5.0 Forms

WA3732 Health and Safety Disciplinary Report

All Forms can be downloaded from the Company Intranet through the COS link.

6.0 Procedures

6.1 Responsibilities

6.1.1 Line Managers & Supervisors

Managers/Supervisors shall:

- Report any incidence of a breach of HSE rules to the HSE Department, providing the information detailed in paragraph 6.2 below.
- Stop the contractor from working until the HSE Department has deemed it safe for the work to continue if they believe that the breach of health, safety and environmental rules is significant enough to cause harm to employees (including the contractor) or damage to the environment, AWL equipment and infrastructure.

6.1.2 Employees

All employees shall:

- Report any incidence of a breach of health, safety and environmental rules to their line manager, providing the information detailed in paragraph 6.2 below.

6.1.3 Health, Safety & Environment Department

The HSE Department shall:

- Maintain a HS&E disciplinary logbook controlled by the Senior HSE Advisor (Site Facilities)
- Provide all HSE advisors and Site Facilities Team members with a triplicate book for recording warning in accordance with para 6.2.2
- Investigate all breaches of health and safety rules by contractors and maintain records as detailed in paragraph 7 below
- Issue and record WA3732 discipline reports as detailed in paragraphs 6.2.3 and 7 below
- Attend discipline reviews and issue and record the minutes of such reviews as detailed in paragraphs 6.2.5 and 7 below
- Write and record letters removing personnel site clearance and/or cancelling contracts as detailed in paragraph 6.2.6 and 7 below

6.1.4 Site Facilities

The Site Facilities Department shall:

- Ensure all Managers, Project Engineers and Maintenance Supervisors enter details in the HS&E disciplinary logbook
- Report any incidence of a breach of HSE rules to the HSE Department, providing the information detailed in paragraph 6.2 below
- Stop the contractor from working until the HSE Department has deemed it safe for the work to continue if they believe that the breach of health, safety and environmental rules is significant enough to cause harm to employees (including the contractor) or damage to the environment, AWL equipment and infrastructure
- Attend disciplinary reviews as detailed in paragraphs 6.2.5 below

6.2 Process

6.2.1 General

The Contractor discipline process shall be conducted in 5 stages and may be initiated by any AWL employee that has a concern regarding the safe working of any contractor or sub contractor on site. The five stages are as follows:

- Initial Action
- Discipline Report
- Escalation
- Discipline Review
- Contract cancellation

6.2.2 Breach of Health & Safety Rules - Initial Action

Where a Site Facilities Team Member or HSE Adviser observes a breach of HSE rules they may take various actions depending upon the severity:

- Provide a reminder to the individual
- Provide a reminder and add to the HS&E logbook
- Issue a warning by use of the triplicate book entry
- Stop the work – request attendance of contractor management team and HSE Department
- Removal of individual from site

Where it's considered appropriate to issue a formal warning to the individual involved such a warning must be given verbally and recorded in writing with copies being issued to the individual(s) concerned, manager/supervisor of the company involved and the Health, Safety and Environment (HSE) Department.

A standard triplicate book, which is available from the HSE Department shall be used for this process, recording the:

- Name of the individual involved (where applicable)
- Name of the Contractor/Sub-Contractor
- Date and time of warning
- Basic details of warning
- Name and signature of the Site Facilities Project Engineer, Maintenance Supervisor or HSE Adviser issuing the warning

Note: *Where an AWL manager, or employee reports a health and safety issue involving a Contractor's employee to Site Facilities, or the HSE Department it shall be investigated and if appropriate a warning shall be issued as above.*

6.2.3 Health, Safety & Environment Disciplinary Report

On receipt of a HSE warning notification the HSE Department shall assess the seriousness of the breach and where appropriate shall issue a HSE Disciplinary Report (WA3732) to the individual's employer. The WA 3732 can be downloaded from the COS.

Copies of the report shall also be sent to:

- Main Contractor, if employee is a sub-contractor
- Indirect Procurement
- Head of Site Facilities

Note: A history of minor warnings may result in the issuing of a WA3732 HSE Disciplinary Report.

Where an audit of a Contractor's/Sub-Contractor's activities has identified major failings in its HSE management arrangements the HSE Department shall issue a WA3732, HSE Disciplinary Report. Copies of the report shall be distributed as detailed **above**.

6.2.4 Review and Escalation Protocol

Disciplinary review shall form a standard agenda item at contract reviews.

Notwithstanding the termination clauses outlined in the AWL Commercial Business Terms and Conditions, the HSE Department shall hold a Disciplinary Report database and will advise whether further action is required in accordance with the following Protocol:

- Any report of gross misconduct could potentially result in an employee being banned from site, or a Contractor/Sub-Contractor losing its contract
- More than two WA3732 Disciplinary Reports for an individual within any twelve month period will result in a one month ban
- More than one, one month ban in any twelve month period will result in an individual being permanently banned from working on any AWL site
- Where a Contractor or Sub-Contractor receives more than two Disciplinary Reports about its HSE management arrangements within a twelve month period it will be called to a formal disciplinary contract review
- Where a Contractor or Sub-Contractor has three of its employees banned within a twelve month period it will be called to a formal disciplinary contract review
- A Contractor or Sub-Contractor called to more than one disciplinary review in twelve months, or three in five years may lose its contract
- A Contractor is responsible for ensuring that it employs **competent** Sub-Contractors and shall therefore be **responsible for** the disciplinary performance of Sub-Contractors it has specifically requested AWL approval for. Where a Sub-Contractor is requested to attend a disciplinary review the relevant Term Contractor shall be in attendance and shall have a management WA3732 Disciplinary Report registered against its contract.

6.2.5 Disciplinary Reviews

Disciplinary contract reviews will be attended by the: -

- **HSE Manager or HSE Services Manager**
- **Head of Site Facilities** or their nominee
- **Indirect Procurement** Manager or their nominee
- Relevant Contractor's Senior Management representative(s)
- Where relevant, Sub-Contractor's Senior Management representatives(s)

Following a Disciplinary Review the HSE Department shall issue Minutes and agreed actions. The **Indirect Procurement** Department will write to the contractor registering the Disciplinary Review against the contract and provide a copy of the Minutes and agreed actions.

In the case of a Sub-Contractor, the HSE Department shall send the written warning.

A right to appeal shall apply and such requests shall be submitted in writing to the HSE Manager. Appeals will be subject to review by the Head of Indirect Procurement UK and/or the Head of HR UK, supported by the Legal Department where considered appropriate. The decision of this appeal team shall be final.

6.2.6 Contract Cancellation

Where cancellation of a term contract is considered appropriate, it shall be undertaken by the **Indirect Procurement** Department in accordance with **AWL** existing Terms and Conditions, **taking guidance from the AWL Legal Team as appropriate.**

In the case of a Sub-Contractor, the Sub-Contractor and relevant Term Contractor will be advised **in writing** by the **HSE** Department that the Sub-Contractor has lost their HSE approval and will no longer be able to undertake work for **AWL**.

All bans and contract cancellations shall be notified to GKN Aerospace Services (Structures) and Honeywell.

6.3 Training

There is no training associated with this Safety Instruction.

7.0 Records

Record Type	Dept Responsible	Retention Period
Risk Assessments	Local Department	15 years
Personnel Training Record	AWL SAP System	In accordance with CI.No.ISO.18.01
Triplicate book record	HSE Department	3 years
WA3732	HSE Department	5 years
Discipline Review Minutes	HSE Department	5 years
Cancellation of Term Contract Letter	Indirect Procurement	5 years
Cancellation of Contract Letter to sub contractor	HSE Department	5 years