

Practice Directive

Working Extra Hours

Fitness to practice and the provision of safe,
competent ethical care

**College of Registered Nurses of Prince
Edward Island**

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Introduction

Registered Nurses in all domains of care are facing increased requests to work **extra hours**. Extra hours may be in the form of planned or unplanned overtime, staying on after the end of a shift, working an extra shift on scheduled days off, or returning to work during vacation time.

As well, Registered Nurses (RN) may choose to work extra hours. An RN may request extra shifts from their employer, volunteer to stay on at the end of a shift, or they may work at secondary employers on their days off from their primary employer.

Regardless of the reason for working extra hours, RNs must consider their **fitness to practice** and their ability to deliver safe, competent ethical care to their **clients**. The Regulated Health Professions Act (2013), which governs nursing practice in Prince Edward Island (PEI) considers a nurse to be incompetent when they are unable to practice according to established standards due to illness, addiction, or other incapacity.

Purpose

The purpose of this document is to:

- provide direction to RNs that may be working extra hours,
- provide direction to RNs that may request others to work extra hours, and
- provide direction to employers of RNs that may request additional hours to be worked.

Definition of Terms

Advocate: actively supporting a right and good cause; supporting others in speaking for themselves or speaking on behalf of those who cannot speak for themselves (CNA, 2017).

Client: The person or persons receiving nursing care. Can refer to patients, residents, families, groups, communities, and populations.

Duty to provide care: nurses have a professional duty and a legal obligation to provide persons receiving care with safe, competent, compassionate and ethical care. There may be some circumstances in which it is acceptable for a nurse to withdraw from care provisions or to refuse to provide care (CNA, 2017).

Extra hours: The number of hours worked during the reference week in excess of the usual hours reported in the main job (Statistics Canada, 2018). These additional hours or work may be planned or unplanned overtime, staying on after the end of a shift or working extra shifts on scheduled days off or during vacation time.

Fatigue: A condition characterized by a lessened capacity for work (both mentally and physically) and reduced efficiency of accomplishment, usually accompanied by a feeling of weariness and tiredness.

Fitness to practice: An individual is not impaired by illness, addiction, or other incapacity that impacts their ability to practice competently.

Background

The average annual growth rate for RNs licensed to practice in Canada slowed between 2013 and 2017 to 0.8% (Canadian Institute for Health Information, 2017). Statistics Canada reports an average of 9.5 hours of both paid and unpaid overtime per week for nurses in Canada (2019). In 2019, the Prince Edward Island Nurses' Union (PEINU) reported 150 to 160 vacancies in registered nursing positions within Health PEI. Health PEI is the only health authority in PEI. The current vacancy rate has set the stage for RNs to work extra hours.

Working extra hours may lead to **fatigue**. Fatigue can have negative impacts on client care such as

- reduction in anticipatory problem solving
- reduction in patient safety;
- diminished judgement, degraded decision-making, slowed reaction time and lack of concentration;
- clinical errors, failure to rescue, falling asleep when driving home; and
- interpersonal consequences, including decreased quality or interactions with colleagues and patients.

(CNA & RNAO, 2010)

Protecting the Public

When there is a potential for working extra hours, the underlying duty is to protect the clients' right to safe, competent, ethical nursing care. RNs must balance the **duty to provide care** with an equal duty to ensure they are competent and fit to practice. An individual RN is the best to judge and make their own decisions of when they are fit to practice. If an RN decides that they are not able to maintain competency while remaining at work or taking on extra hours, the RN must report this to their supervisor and request that relief be provided or decline the extra shift(s). The CRNMPEI Standards for Nursing Practice require nurses to exercise reasonable judgement when making decisions and reminds them they are always accountable for their actions and decisions. When deciding to accept extra work hours or book themselves to work extra hours, the RN must assess

- their fitness to practice (i.e. level of fatigue) for the period of extra hours,
- the risks and benefits to clients,
- the ability to stay for a shorter period than requested until relief arrives, and
- hours worked for all employers not to exceed 108 hours in a 14-day period.

Nurse managers and administrators are obliged to promote practice environments where fitness to practice and safe care can be maintained. These administrative obligations include responding to concerns about nursing coverage by obtaining alternate qualified staff. In addition, proactive planning to create quality practice environments with a focus on effective care delivery processes and workload management practices. For example

- establish safe scheduling practices and policies for nursing staff that limit hours worked by a nurse a) to 12 hours in any 24-hour period* and b) to 108 hours in any one 14-day period,
- develop processes to document fatigue in the workplace and its relationship to overtime; and data related to patient error,
- ask about the number of hours nursing staff may be working at other facilities and engage in conversations related to fitness to practice.

*Employer may negotiate with the nurse to extend hours beyond 12 hours in a 24-hour period to ensure safe client care. Safe client care includes appropriate staffing levels as well as competent nurses free of any incapacity. The RN is best to judge their own fitness to practice.

Staffing Shortages

The use of overtime to alleviate a nursing shortage may impact on the quality of care delivered (Griffiths, Dall’Ora, Simon, Ball, Lindqvist, Rafferty, Schoonhoven, Tishelmen, and Aiken, 2015). The chronic use of extra hours to provide adequate nursing coverage is an inadequate and ultimately detrimental solution to a deepening shortage of nursing professionals (CARNA, 2011). Registered Nurses are ethically obliged to work together to address staffing shortages that threatens the safety and quality of care. Direct care RNs and RN Nurse Managers/Administrators can work together and **advocate** for better human resource planning, healthier practice environments, and best practices in the delivery and evaluation of nursing services.

Possible Outcome

If a nurse is chronically working extra or excessive hours this result can in incompetence or incapacity. A complaint to the College for professional misconduct or incompetence can be received. The College would then process the complaint under the Discipline section of the RHPA. Evidence of working extra hours to support staffing shortages will be considered when determining merit of the complaint.

References

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