

RESIDENT DOCTORS RIGHTS: NIGHT DUTIES, SHIFT WORK & BREAKS

This applies to doctors on the 2016 contract



Limits on hours

- Shifts should **not be rostered** to exceed 13 hours.
- You should normally have at least 11 hours continuous rest between rostered shifts, other than on-call duty periods. If there is a breach in this rest period (excluding on-call), you should get time off in lieu, which must be within 24 hours.
- You should not work more than four long shifts on consecutive days – that's any shift that exceeds 10 hours. After four long shifts on consecutive days, you should have a minimum of 48 hours' rest.
- You should not work more than four shifts where at least three hours are between 11pm and 6am. After this type of shift, you must be rostered for a minimum of 46 hours' rest.



Breaks

For the following shift lengths, you must receive:

- >5 hours: at least one **30-minute paid break**
- >9 hours: a **second 30-minute paid break**
- >12 hours: a **third 30-minute paid break for a night shift**
- **access to space where you can eat and rest**



Rest facilities

- When you tell your employer you feel unable to travel home due to tiredness, where possible your employer should provide an appropriate place where you can sleep, without charge. When you're required to work overnight on a resident on-call working pattern, you should be given overnight accommodation for the resident on-call duty period without charge.
- If an appropriate rest facility can't be provided, your employer must cover the cost of alternative arrangements for your travel home, and if necessary, they must also cover reasonable expenses (as determined through locally agreed policies) for you to return to work to begin your next shift or to collect your vehicle.
- If you're rostered to work a night shift, you must have access to a space where you can eat and rest. Where possible, this should be in an area away from patients.

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Rights

- **Your employer** has a statutory responsibility to ensure you are not contracted to work outside the limits listed above.



What should you do when the rules are not followed?

- Contractual limits on working hours and protected rest periods are necessary to ensure the safety of both patients and doctors.
 - You can use **exception reporting** to inform your employer when your day-to-day work varies significantly and/or regularly from the agreed work schedule. It is worth in particular reporting
 - differences in the total hours of work (including opportunities for rest breaks)
 - differences in the pattern of hours worked
 - differences in the educational opportunities and support available to you
 - differences in the support available to you during service commitments.
 - The guardian of safe working hours will review all exception reports copied to them by doctors to identify whether a breach has occurred.
 - You can change things for the better by exception reporting. Record any work that varies from your agreed rota, and you could get time off in lieu or pay, and possibly bring about lasting improvements for you and your colleagues, through rota change and other enhancements. **[Find out more about exception reporting for resident doctors in England](#)**
- If you have questions about any aspect of your working life, contact one of our advisers by visiting **www.bma.org.uk/contactus**