



College of
Registered Nurses
of Manitoba

Duty to Care

Periodically, registered nurses contact the College of Registered Nurses of Manitoba to report that their employer has told them that they must do an overtime shift and that if they don't, they will be charged with "abandonment." This document is intended to provide guidance on the issue of duty to care.

Duty to Care

RNs in Manitoba are required to practise according to the Canadian Nurses Association *Code of Ethics for Registered Nurses* and the practice direction *Practice Expectations for RNs*. Once care of a client has been undertaken, an RN has the ethical and legal responsibility to continue to provide care for the assigned period of time. In the case of an assigned shift, an RN is responsible to provide safe, competent, ethical care during that shift. It is not abandonment if the RN chooses not to accept overtime hours. If an RN determines that they are too fatigued to provide safe, competent, ethical care, the employer must be notified that they are not able to accept the overtime assignment.

RNs in Manitoba recognize that should the shift end and a qualified replacement is not available they would continue to provide care to clients whose lives would be endangered if the RN were to leave (e.g. providing care to a client under general anesthesia).

The employer is legally responsible for the provision of sufficient staffing for safe, competent and ethical care. The employer may need to explore other options for short-

term client safety (e.g. RNs may not be the only qualified professionals who can provide care in the current situation). In determining the best solution to a short-staffing situation, the employer weighs the competing risks associated with employee fatigue of the RNs working overtime against the risks associated with work overload for the staff working with too few RNs.

Risks of Fatigue

There is a relationship between fatigue, accidents and error. Fatigue is cumulative. RNs and employers must be aware of the risks to clients and staff when extended shifts cause staff fatigue. RNs should consider the total hours worked recently and up-coming scheduled shifts when deciding about working extra shifts or hours.

Where overtime is not avoidable, employers must consider strategies to mitigate the risks of fatigue in overtime situations. Overtime can be more safely managed when supports are available. These supports are individually determined and may include the availability of hot food, showers and a change of clothing. RNs' ability to provide safe care can be enhanced by the opportunity for a quiet nap, extra breaks, family "visits" at the work site or a ride home at the end of the shift. Professional practice support in the form of collaboratively developed processes for determining who may be asked to work overtime, and the appropriate ancillary and professional staff are important supports to safe practice.

Summary

- RNs are accountable to give safe, competent, ethical care when working voluntary or mandatory overtime.
- RNs are accountable to determine if they are safe to work an overtime shift.
- When RNs conclude that they are too fatigued to provide safe, competent, ethical care, they must notify their employer that they are not able to accept the overtime assignment.
- RNs, in collaboration with the employer, may determine that they are able to accept part of the overtime shift, or accept specified responsibilities for a specific period of time. Limitations must be made clear to the employer before beginning the overtime hours.

Fatigue is a risk to safe, competent, ethical care. The practice direction *Practice Expectations for RNs* and the *Code of Ethics for Registered Nurses* require all RNs to collaborate with other members of the health-care team to advocate for health-care environments that are conducive to safe and ethical practice for the health and well-being of clients and others in the setting. Nurse managers/administrators must strive to provide sufficient staff to meet the requirements for nursing care as part of their fundamental responsibility to promote practice environments where fitness to practice and safe care can be maintained. RNs, employers and other health-care team members are obliged to contribute to solutions that address staffing shortages. The long-term use of extra hours to meet the daily requirements for nursing care threatens the health of clients, nurses and co-workers.

Published: 03/2002

Revised: 05/2018

For more information please contact one of our practice and standards consultants at

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Resources

College of Registered Nurses of Manitoba Publications

Available at www.crnmb.ca

- *Managing Chronic Short Staffing*
- *Standards of Practice for Registered Nurses*

Canadian Nurses Association Publications

Available at www.cna-aiic.ca

- *Code of Ethics for Registered Nurses*
- *Working with Limited Resources: Nurses' Moral Constraints*
- *Measuring Nurses' Workload*

Canadian Nurses Protective Society Publications

Available at www.cnps.ca

- *Delegation to Other Health Care Workers*
- *Legal Risks in Nursing*
- *Negligence*
- *Vicarious Liability*

Canadian Nursing Advisory Committee Report: Our Health, Our Future (2003)

Available at hc-sc.gc.ca