



CANADIAN FEDERATION
OF NURSES UNIONS
LA FÉDÉRATION CANADIENNE
DES SYNDICATS D'INFIRMIÈRES
ET INFIRMIERS

POSITION STATEMENT

October 2022

Mandatory Overtime

The CFNU believes that the practice of mandating overtime is unjust, unacceptable and potentially unsafe due to the increased risk of nurse fatigue. It is the position of the Canadian Federation of Nurses Unions to reject the practice of officially mandating nurses to work overtime, as well as the practice of coercing or pressuring a nurse into accepting overtime. After a regularly scheduled shift, the nurse must have the option to accept or decline any overtime.

According to Bosek (2001), mandatory overtime is defined as “[...] a person with authority is commanding a person with lesser authority or power to work extra hours not previously negotiated and that the person with lesser power is obligated to comply during mandatory overtime.”¹

Human resource strategies are needed that will firstly address, on an interim basis, the scheduling problems caused by the shortage of nurses, and secondly work toward a health human resource plan for the future that adopts proven initiatives on retention, return and recruitment of nurses within the public health care system. In alignment with years of nursing research, the CFNU supports a call for the promotion of innovative responsive scheduling and the abolishment of mandatory overtime.²

As noted in *Nursing Economics*, “Researchers exploring the effects of nursing overtime have identified relationships between overtime and practice errors, nurse fatigue and injuries, and adverse patient outcomes.”³

With the exception of disaster situations or emergency circumstances (where the *Code of Ethics* outlines the *duty to provide care*), nurses’ unions feel that there are no circumstances whereby employers should mandate employees to work overtime. Mismanagement of human resources and chronic unfilled vacancies do not constitute grounds for mandating overtime. Additionally, the right to refuse to provide care may also be applied during an emergency situation when ability to provide safe care is compromised by unreasonable expectations, lack of resources or ongoing threats to personal well-being.⁴

Therefore, we urge health care policy-makers to eliminate mandatory overtime, and create more attractive full-time jobs within health care organizations and in our communities.

¹ Bosek, M.S.D. "Mandatory overtime: professional duty, harms, and justice." *JONA's Healthcare Law, Ethics and Regulation* 3.4 (2001): https://journals.lww.com/jonalaw/Citation/2001/12000/Mandatory_Overtime__Professional_Duty,_Harms,_and.2.aspx, pp. 99-102.

² Advisory Committee on Health Human Resources. (2002). *Our Health, Our Future. Creating Quality Workplaces for Canadian Nurses: Final Report of the Canadian Nursing Advisory Committee*. Source: <https://www.canada.ca/en/health-canada/services/health-care-system/reports-publications/nursing/health-future-creating-quality-workplaces-canadian-nurses-final-report-canadian-nursing.html>, pp.35-45.

³ Wheatley, C. (2017). Nursing Overtime: Should it be regulated? *Nursing Economics*. July-August 2017/Vol. 35/No.4. Retrieved from <https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A503465371&v=2.1&it=r&sid=AONE&asid=075b4034>

⁴ British Columbia College of Nurses and Midwives. *Practice Standard: Duty to Provide Care*. Retrieved from <https://www.bccnm.ca/RN/PracticeStandards/Pages/dutytoprovidecare.aspx>