

## HOURS OF WORK AND REST REQUIREMENTS – A COMPARISON

The following Table 1 compares the requirements of the New Deal with those of the Working Time Regulations, as they will apply to doctors in training from August 2004. The Working Time Regulations must be taken as applying in parallel with the New Deal – for each parameter where there are differences the more stringent of the requirements will apply.

New Deal Requirements		Working Time Regulations Requirements			
Maximum contracted hours for each working pattern		Maximum contracted hours for each working pattern	2004	2007	2009
On-call rotas:	72 hours per week	On-call rotas (resident)	58	56	48
		(non-resident)	Silent*	Silent*	Silent*
Partial shifts and 24 hour partial shifts:	64 hours per week	Partial shifts and 24 hour partial shifts (resident)	58	56	48
Full shifts:	56 hours per week	Full shifts:	58	56	48
Maximum number of actual hours		Maximum number of actual hours			
Irrespective of the number of contracted hours, the number of hours on duty and the working pattern, no junior doctor should be expected to undertake more than 56 hours of actual work a week.		Irrespective of the contracted hours, the hours on duty and the working pattern, the maximum number of hours of actual work of a junior doctor in a week should be:			
			58	56	48

### Controls on duty periods

Working pattern	Maximum continuous duty	Minimum period off duty between duty periods	Minimum continuous period off duty	Working pattern	Maximum continuous duty	Minimum period off duty between duty periods	Minimum continuous period off duty
<b>Full shift</b>	14 hours	8 hours	48 hours + 62 hours in 28 days	<b>Full shift</b>	13 hours	11 hours	one of 24 hours in each 7 day period or,
<b>Partial shift</b>	16 hours (except 24 hour partial shifts)	8 hours	48 hours + 62 hours in 28 days	<b>Partial shift</b>	13 hours	11 hours	two of 24 hours in each 14 day period, or,
<b>On-call rota</b>	32 hours (56 hours at weekend)	12 hours	48 hours + 62 hours in 21 days	<b>On-call rota (res)</b>	13 hours	11 hours	one of 48 hours in each 14 day period.
				<b>(non-res)</b>	Silent*	11 hours	
<ul style="list-style-type: none"> <li>Maximum number of continuous duty days for all working patterns is 13 days, followed by a minimum of 48 hours off duty.</li> <li>Duty hours: all hours working or on-call (including rest while on duty).</li> <li>Actual hours: all hours on duty carrying out tasks for the employer, including periods of formal study leave or teaching.</li> </ul>				<ul style="list-style-type: none"> <li>Maximum number of continuous duty days for all working patterns is 12 days, followed by a minimum of 48 hours off duty.</li> <li>Duty hours: all hours working or on-call (including rest while on duty).</li> <li>Working hours: all hours on duty at the place of work, including periods of formal study leave or teaching.</li> </ul>			

\* Where Working Time Regulations are silent on aspects of the above, New Deal limits will apply.

### Rest requirements

New Deal					New Deal with Working Time Regulations				
Working pattern	Natural breaks	Minimum rest during the whole of each duty period	Minimum continuous rest guide	Timing of continuous rest	Working pattern	Natural breaks	Minimum rest during the whole of each duty period	Minimum continuous rest guide	Timing of continuous rest
<b>Full shift</b>	Yes	Natural breaks	At least a 30 minute continuous break after approximately every 4 hours continuous duty	At least a 30 minute continuous break after approximately 4 hours continuous duty	<b>Full shift</b>	Silent*	At least a 20 minute continuous break during shifts longer than 6 hours	At least a 20 minute continuous break during shifts longer than 6 hours	Silent*
<b>Partial shift</b>	Yes	Natural breaks if no out of hours duty. Otherwise one quarter of the out of hours duty period *	Frequent short periods of rest are not acceptable	At any time during the duty period	<b>Partial shift</b>	Silent*	At least a 20 minute continuous break during shifts longer than 6 hours	At least a 20 minute continuous break during shifts longer than 6 hours	Silent*
<b>24 hour partial shift</b>	Yes	6 hours	4 hours	Between 10pm and 8am	<b>24 hour partial shift</b>	Silent*	At least a 20 minute continuous break during shifts longer than 6 hours	At least a 20 minute continuous break during shifts longer than 6 hours	Silent*
<b>On-call rotas</b>	Yes	Mon-Fri: one half of the out of hours duty period **. <b>Weekends: see revision note below</b>	Minimum 5 hours	Between 10pm and 8am	<b>On-call rotas</b>	Silent*	At least a 20 minute continuous break during shifts longer than 6 hours	At least a 20 minute continuous break during shifts longer than 6 hours	Silent*
Reasonable expectation of rest: in each of the working patterns, rest targets must be met during at least 75% of all rostered duty periods. * e.g.: 5pm to 9am Mon to Fri = 4 hours; 8am to midnight Sat or Sun = 4 hours ** e.g.: 5pm to 9am Monday to Friday = 8 hours					Limits shown shaded above are subject to derogation and compensatory rest.				

\* Where Working Time Regulations are silent on aspects of the above, New Deal limits will apply.

### Weekend Rest requirements

New Deal		New Deal with Working Time Regulations	
<b>Revision of weekend rest requirements for on-call rotas</b>			
1. If the agreed total rest expectation of 50% of the out-of-hours duty period within the duty period is achieved, this is acceptable and no further action is needed. For a weekend duty period of 9am Saturday to 5pm Monday, this would mean a total of 24 hours rest during that period.			
<b>OR</b>			
2. At weekends, if the rest requirement equivalent to that for a weekday is achieved (8 hours for 24 hour period, 5 continuous between 10pm and 8am, on at least 75% of duty periods), but the total rest does not meet the requirement for the weekend (at least 50% of the out of hours duty period on 75% of occasions), the requirements of the New Deal will still be met if:			
(i) "equivalent paid rest" is built into the rota for each weekend worked, in the form of working days or half days (to count as a day or half day on duty for total hours purposes). This rest should be taken by the end of the Monday of the following week (i.e. within 8 days).		No distinction is made between weekend and weekday working.*	
<i>However</i> , in exceptional circumstances, the period of equivalent paid rest built into the rota may be taken at another time in the rota cycle. This must be with the agreement of the individual trainee and apply to no more than 25% of weekends worked.			
<b>AND</b>			
(ii) the trust clearly demonstrates that the post is fully compliant with all the other hours limits and rest requirements of the New Deal, including the limit of an average 56 hours a week of actual work.			
Equivalent paid rest will be awarded for each weekend worked where the total rest requirement is not met, on the following basis:			
<b>Total rest achieved per 48 hours weekend</b>	<b>Equivalent paid rest</b>	<b>Total rest achieved per 48 hours weekend</b>	<b>Equivalent paid rest</b>
Greater than 20 hours, less than 24	Half day (4 hours)	No provision or requirement for paid rest*	
Less than/equal to 20 hours	Full day (8 hours)		

\* Where Working Time Regulations are silent on aspects of the above, New Deal limits will apply.

**Table 2**

<b>New Deal with Working Time Regulations For August 2004 and after</b>			
<b>Maximum contracted hours for each working pattern</b>	<b>2004</b>	<b>2007</b>	<b>2009</b>
On-call rotas (resident)	58	56	48
(non-resident)	72	72	72
Partial shifts and 24 hour partial shifts (resident)	58	56	48
Full shifts:	56	56	48
<b>Maximum number of actual hours</b>			
Irrespective of the contracted hours, the hours on duty and the working pattern, the maximum number of hours of actual work of a junior doctor in a week should be:	56	56	48

**Controls on duty periods**

<b>Working pattern</b>	<b>Maximum continuous duty</b>	<b>Minimum period off duty between duty periods</b>	<b>Minimum continuous period off duty</b>
<b>Full shift</b>	13 hours	11 hours	48 hours + 62 hours in 28 days
<b>Partial shift</b>	13 hours	11 hours	48 hours + 62 hours in 28 days
<b>On-call rota (res)</b>	13 hours	11 hours	48 hours + 62 hours in 21 days
<b>(non-res)</b>	32 hours (56 at weekends)	11 hours	
<ul style="list-style-type: none"> <li>• Maximum number of continuous duty days for all working patterns is 12 days, followed by a minimum of 48 hours off duty.</li> <li>• Duty hours: all hours working or on-call (including rest while on duty).</li> <li>• Working hours: all hours on duty at the place of work, including periods of formal study leave or teaching.</li> </ul>			

**Rest requirements**

<b>New Deal with Working Time Regulations</b>				
<b>Working pattern</b>	<b>Natural breaks</b>	<b>Minimum rest during the whole of each duty period</b>	<b>Minimum continuous rest guide</b>	<b>Timing of continuous rest</b>
<b>Full shift</b>	Yes	At least a 30 minute continuous break after approximately 4 hours continuous duty	At least a 30 minute continuous break after approximately 4 hours continuous duty	At least a 30 minute continuous break after approximately 4 hours continuous duty
<b>Partial shift</b>	Yes	One quarter of the out of hours duty period*, or at least a 20 minute continuous break during shifts longer than 6 hours if this is greater	At least a 20 minute continuous break during shifts longer than 6 hours Frequent short periods of rest are not acceptable	At any time during the duty period
<b>24 hour partial shift</b>	Yes	6 hours	4 hours	Between 10pm and 8am
<b>On-call rotas</b>	Yes	Mon-Fri: one half of the out of hours duty period **.	Minimum 5 hours	Between 10pm and 8am
<b>Weekends: see revision note below</b>				

**Note:** TCS make reference to 'a 30 minute break after approximately 4 hours continuous duty' only in respect of full shifts. WTR requires those working any shift longer than 6 hours to receive a continuous break of at least 20 minutes

during the working period – this has been incorporated into the above table where necessary. Limits shown shaded above are subject to derogation and compensatory rest.

**Reasonable expectation of rest** in each of the working patterns, rest targets must be met during at least 75% of all rostered duty periods.

\* e.g.: 5pm to 9am Mon to Fri = 4 hours; 8am to midnight Sat or Sun = 4 hours

\*\* e.g.: 5pm to 9am Monday to Friday = 8 hours

### **Weekend Rest requirements**

#### **New Deal with Working Time Regulations**

Revision of weekend rest requirements for on-call rotas	
<b>1.</b>	If the agreed total rest expectation of 50% of the out-of-hours duty period within the duty period is achieved, this is acceptable and no further action is needed. For a weekend duty period of 9am Saturday to 5pm Monday, this would mean a total of 24 hours rest during that period.
<b>OR</b>	
<b>2.</b>	At weekends, if the rest requirement equivalent to that for a weekday is achieved (8 hours for 24 hour period, 5 continuous between 10pm and 8am, on at least 75% of duty periods), but the total rest does not meet the requirement for the weekend (at least 50% of the out of hours duty period on 75% of occasions), the requirements of the New Deal will still be met if:
(i)	“equivalent paid rest” is built into the rota for each weekend worked, in the form of working days or half days (to count as a day or half day on duty for total hours purposes). This rest should be taken by the end of the Monday of the following week (i.e. within 8 days).
<i>However</i> , in exceptional circumstances, the period of equivalent paid rest built into the rota may be taken at another time in the rota cycle. This must be with the agreement of the individual trainee and apply to no more than 25% of weekends worked.	
<b>and</b>	
(ii)	the trust clearly demonstrates that the post is fully compliant with all the other hours limits and rest requirements of the New Deal, including the limit of an average 56 hours a week of actual work.
Equivalent paid rest will be awarded for each weekend worked where the total rest requirement is not met, on the following basis:	
Total rest achieved per 48 hours weekend	Equivalent paid rest
Greater than 20 hours, less than 24	Half day (4 hours)
Less than/equal to 20 hours	Full day (8 hours)