

Night Working in the Care Sector Know Your Rights



What is a night shift?

If you regularly work at least 3 hours during the 'night period' you are a night worker.

The night period is classed as between 11pm to 6am unless a different period is agreed.

Does National Minimum Wage Apply?

Yes.

The National Minimum Wage rates apply to night working but there isn't a legally defined higher night working rate.

UNIONLINE
YOUR TRADE UNION LAW FIRM
0300 333 0303
www.unionline.co.uk

Sleep Shifts

It is common practice in the care sector for workers to be paid a fixed allowance for "sleep-in" shifts. Recent case law has established that sleep ins are covered by the National Minimum Wage regulations. Your hourly average rate (including sleep in hours cannot fall below this rate)
If you think you are affected by this get in touch with your GMB representative or officer.



Health Risks of Shift Working

The main complaint for people with **shift work sleep disorder** is excessive sleepiness. Other symptoms include:

- Insomnia
- Disrupted sleep schedules
- Reduced performance
- Difficulties with personal relationships
- Irritability/depressed mood
- IBS
- Reduced lifespan (if working nights all working life)

Tips to help you sleep in the daytime:

- Wear dark glasses to block out the sunlight on your way home.
- Keep to the same bedtime and wake time schedule, even on weekends.
- Eliminate noise and light from your sleep environment (use eye masks and ear plugs).
- Avoid caffeinated beverages and foods close to bedtime.
- Avoid alcohol; although it may seem to improve sleep initially, tolerance develops quickly and it will soon disturb sleep



Risk Assessments

When you begin working nights you should be offered a health assessment (you can refuse this).

It could be in the form of a questionnaire but has to be written by a health professional.

Repeat assessments must be offered regularly.

If health problems make night working unsuitable, alternate shift patterns should be considered.

Employers must keep confidential records of:

When the assessment took place (and keep the record for two years)

***If applicable:*
The date the assessment was declined.**

GMB call for:

Workers to have sufficient notice of shift patterns so they can make arrangements well in advance.

Workers to have some control over their rota where possible (some shift working is not possible due to childcare etc.)

Where possible, for rapidly rotating shift patterns to be avoided. (these are difficult to adapt to physically and can cause problems with work life balance)

For all those who work nights to be given a risk assessment/health assessment so that issues can be highlighted and addressed.