

Managing Workplace Fatigue- Legislation Karen Nabuurs, MScOT student, University of Alberta

Increasing the fatigue-related occupational health and safety knowledge base of regulated occupational therapists in Alberta, Society of Alberta Occupational Therapists in partnership with Alberta Human Services, Occupational Health and Safety Program, Government of Alberta
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The contents of the accompanying video clip - *Workplace fatigue legislation in Alberta*- are summarized in this document.

Fatigue Legislation in Alberta

According to Work Safe Alberta, (2004), fatigue is the state of being tired and can be caused by long hours of work, long hours of physical or mental activity, inadequate rest, excessive stress, environmental factors in the workplace (eg extreme temperatures, sound, air quality) and/or combinations of these factors. Well-rested, alert employees are critical to safe and productive operations (Work Safe Alberta, 2004). Currently Alberta legislation states that an employee's work hours must fall within a twelve-hour period within a workday. Employees are also entitled to a thirty-minute break after five consecutive hours of work. Lastly an employer must give employees one day of rest for each week of work, two consecutive days of rest in each period of two consecutive weeks, three consecutive days of rest in each period of three consecutive weeks, four consecutive days of rest in each period of four consecutive weeks. After twenty-four consecutive days of work, the employer must provide at least 4 consecutive days off (Employment Standard Code, 2014).

Although it is not common practice for publically employed occupational therapists to work shift and/or extended hours the guidelines for what is considered to be safe duration of work are particularly relevant to the growing number of therapists who are self-employed in private practice. The evidence is clear about the negative consequences of extended work hours and therapists have a duty of care to their patients and clients to not work while fatigued.

Many occupational therapists may never be expected or required to work for more than twelve hours consecutively. However occupational therapists can expect to encounter psychosocial fatigue more often than physical fatigue related to working extended hours or doing physically demanding tasks. Psychosocial fatigue occurs when individuals experience mental and emotional distress (Government of Alberta, 2011). Issues regarding psychological fatigue have recently received increasing attention and guidelines and regulations are being developed in response to this, as yet, unmet need.

Psychosocial Fatigue

Psychosocial fatigue is starting to becoming recognized as a workplace hazard by many employers in Alberta. The Government of Alberta has produced documentation to familiarize employers, employees and the general public about fatigue and safety in the workplace. However, currently there are no laws or legislation in Alberta that govern psychosocial fatigue in the workplace (Government of Alberta, 2011). Labor unions have also been active in raising awareness about psychological fatigue and stress in the workplace. Enough Workplace Stress: Organizing for Change (Canadian Union of Public Employees) is one example of the useful documents produced by these organizations to increase members' awareness of the issue and of their rights as employees to safe, healthy workplaces. This document can be downloaded from the resource page of this website or at www.cupe.ca/updir/stress_guideline.pdf.

Canadian Standards Association (CSA) collaborating with the Mental Health Commission Guidelines

The Canadian Standards Association (CSA) has produced a document entitled “**Psychological Health and Safety in the Workplace: Prevention, Promotion and Guidance to Stage Implementation**”. This document is sponsored by the Mental Health Commission of Canada and supported through funding by the Government of Canada (Human resources and Skills Development Canada, Health Canada, Public Health Agency of Canada), Bell Canada, and Great West Life Center. Although voluntary, this document is intended to provide a standard for Canadian employers that will help to develop and improve psychologically safe and healthy work environments for their employees. The goal is to change toxic work environments into functional and productive work sites. It is not a legislated document, and therefore is not mandatory to use within a given workplace, but nevertheless is a starting point in legislating the area of physical and psychosocial fatigue in the workplace (CSA Group, 2013). As workers and management develop fatigue risk management programs within the workplace this document can provide a range of useful information.

Fatigue and Occupational Therapy

Fatigue is an occupational therapy issue. It is important for occupational therapists to understand the impact that fatigue can have on their own health and wellbeing and on their ability to perform effectively and efficiently in their work environments (Safe Work Australia, 2011).

Resources:

- Fatigue and Safety at the Workplace: <http://work.alberta.ca/documents/WHS-PUB-ERG015.pdf>
- Focus on Human Performance Part One: Sleep Inertia: <http://work.alberta.ca/documents/WHS-PUB-erg034.pdf>
- Best Practices for the Safety and Control of Psychological Hazards: <http://work.alberta.ca/documents/bp013-bestpractices-volume5.pdf>
- Province of Alberta Employment Standard Code: <http://www.qp.alberta.ca/documents/Acts/E09.pdf>

References:

- CSA Group. 2013. Psychological health and safety in the workplace Prevention, promotion, and guidance CSA standard CAN/CSA-Z1003-13/BNQ9700- 803/2013. 1-75. Retrieved from http://www.csagroup.org/documents/codes-and-standards/publications/CAN_CSA-Z1003-13_BNQ_9700-803_2013_EN.pdf
- Lerman S, Eskin E, Flower D, George E, Gerson B, Moore-Ede M. (2012). Fatigue risk management in the workplace. *Journal of Occupational Environmental Medicine*, 54, 231-258.
- Safe Work Australia. (2011). Guide for MANAGING THE RISK OF FATIGUE AT WORK. NOVEMBER 2013. Canberra, AU: Safe Work Australia. Retrieved from <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/825/Managing-the-risk-of-fatigue.docx>