

Patient Safety Related to Hours of Work and Fatigue

In the changing environment of healthcare in Saskatchewan, Licensed Practical Nurses are frequently faced with increased requests and requirements to work extra shifts and overtime. Fatigue has been identified as a contributing factor to medical errors which can impact patient safety.

The SALPN has the mandate of public protection through regulation as supported by:

- The Licensed Practical Nurses Act, 2000
- SALPN Regulatory Bylaws
- Mission Statement, Philosophy & Objectives, Code of Ethics (April 2004)
- Education Preparation and Standards of Practice (April 2004)
- Licensed Practical Nurse Scope of Practice (April 2004)
- Competency Profile for Licensed Practical Nurses in Saskatchewan (July 11 2005)
- SALPN Policies
- SALPN Position Statements
- Saskatchewan Labour Standards Act (1978)

LPNs have a professional obligation and legal duty to provide their clients with nursing care that utilizes knowledge, skill and judgment. The SALPN Regulatory Bylaws states, all members shall conduct themselves in an honorable and ethical manner, upholding the values of truth, honesty and trustworthiness, and shall observe standards of conduct as set out in the Code of Ethics

LPNs have a duty to provide safe, ethical nursing care and if they are aware that they do not have the necessary physical, mental or emotional capacity to practice safely and competently, they must consult with their employer or supervisor and withdraw care.

Fatigue can lead to the risk of incompetence or professional misconduct in nursing practice. The Licensed Practical Nurses Act, 2000 states:

Professional incompetence

23 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession; is professional incompetence within the meaning of this Act.

2000, c.L-14.2, s.23.

Professional misconduct

24 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonorable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the counseling and investigation committee, the discipline committee or the council.

2000, c.L-14.2, s.24.

LPNs are responsible for:

- Recognizing, reporting and taking action in situations that are potentially or actually unsafe to themselves, co-workers or patients.
- Judging their individual capacity to practice safely in overtime situations.
- Being attentive to signs that a colleague is unable, for whatever reason, to perform his or her duties and take the necessary steps to protect the safety of persons receiving care
- Considering the impact that multiple jobs may have on their level of fatigue and ability to practice safely.
- LPNs have a legal, ethical and personal obligation to schedule reasonable work hours and workload.
- LPNs take responsibility for mitigating and managing fatigue while at work, including using professional approaches to decline work assignments. When deciding to work extra shifts or when planning work or non-work related activities, nurses act on their ethical obligation to maintain fitness to practice.

Managers, Employers and Unions are responsible for:

- Advocating for and provide adequate staffing to meet the nursing requirements for safe patient care.
- Ensuring LPNs have a balance between work and time off to ensure safe, ethical practice.
- Instituting scheduling practices and working conditions that minimize fatigue to prevent risk to patients, co-workers and employees
- Intervening if they have reason to believe that a LPN is unfit to practice or too fatigued to work.
- Develop and support processes to document fatigue in the workplace and its relationship to overtime, hours worked per day and or per week, on-call hours, and data related to patient error, staff retention levels and recruitment results.
- Managers, supervisors and co-workers of LPNs have an obligation to report to the SALPN situations which patient care and safety is, has or could have been jeopardized by professional incompetence, or misconduct related or unrelated to fatigue.

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