

Being on call

'On-call' or 'standby' workers are those expected to be available for work outside of their regular hours, sometimes at short notice.

What counts as working time when on call

Time spent on call can count as working time if the worker is doing work that their employer requires them to do under their employment contract.

This might be at the workplace or at a different location, such as working from their own home or at a client's property.

It does not usually count as working time if the worker is away from the workplace and can spend the time in any way they choose.

It's more likely to count as working time the more control the employer has over the worker's:

- activities
- location
- time

Example of working time when someone's on call

Jay is an IT technician and did an on-call shift. They were at home and could do what they wanted, but an urgent call from a client came through and Jay had to spend 2 hours working on the client's issue.

Jay's employer needs to add the time Jay spent working on the client's issue when adding up Jay's maximum working hours and rest breaks for that week.

Rest breaks when on call

On-call workers are entitled to the same [rest breaks](#) as everyone else if they need to be available for work during this time. For example, they're checking emails or responding to phone calls.

A worker might not be entitled to the legal rest breaks if they're free to spend the on-call time as they choose.

Staying or sleeping in the workplace

In some jobs, employers might need workers to stay or sleep at the workplace. This is called 'sleep-in time'.

Sleep-in time usually counts as working time, even if the person spends it asleep. This is because the worker is required by their employer to be at the workplace.

It can also be working time when a worker is not required to sleep at the workplace, but still has significant restrictions on where they must be and when.

Example of sleep-in time and working time rights

Kris is a care worker at a large residential care home. Their employer provides rooms in the care home for workers to sleep in during their sleep-in shifts.

It's in Kris's contract that during their sleep-in shifts they must:

- stay in the care home at all times
- do 3-hourly checks throughout the shift
- respond to anything that residents need

When not doing their assigned tasks, Kris can sleep, watch TV, and use the kitchen facilities.

For these reasons, Kris's sleep-in shift is likely to count as working time. This means they need to get the right breaks, rest periods and maximum weekly working hours.

Sleeping-in and rest breaks

Workers who have sleep-in time are still entitled to take their legal rest breaks.

If there's a genuine reason why someone cannot take a break, such as an emergency at work, the employer must provide another way for the worker to take the break.

Pay for being on call or sleeping at the workplace

It should be written in the employment contract whether the worker gets paid for time they spend:

- on call and at home
- staying or sleeping at their workplace

They must be paid at least the [National Minimum Wage](#) on average during their pay reference period for any hours they work. This includes time they spend awake and working.

The pay reference period is the period of time someone's pay covers. For example, if someone is paid monthly, their pay reference period is 1 month.

If someone is not getting the right rest or pay

If someone is not getting the rest or pay they're entitled to, they can:

- [talk with their employer](#)
- [raise a grievance](#) – make a formal complaint to their employer

Contact the Acas helpline

If you have any questions about working time rules for workers who are on call or sleep in, [contact the Acas helpline](#).