Employees on call

On-call (or ‘standby’) employees are those expected to be available for work outside of their regular hours, sometimes at short notice.

The employee is entitled to the same 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.

There are some jobs with different rules on rest breaks. The employee also might not be entitled to the legal rest breaks if they’re free to spend the on-call time as they choose.

If an employee feels they’re not getting the right rest breaks, they should raise the issue with their employer. They can also speak to an Acas adviser to explore their options.

Staying or sleeping in the workplace

In some jobs an employer might need the employee to stay or sleep at the workplace, or nearby. This time is often known as ‘sleep-in’ time.

Sleep-ins are common in care work and in hospitals.

An employee who has sleep-in time is still entitled to take their legal rest breaks as well. If there’s a genuine reason why a break cannot be taken, such as an emergency at work, the employer must still provide a way for the employee to take the break in another way.

There are some jobs with different rules for rest breaks.

Pay

It depends on the employee’s contract whether they get 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 for any time they spend awake and working.

Find out more about National Minimum Wage rates.

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