

## Breaks

### Rest breaks and meal breaks

A rest break allows an employee to rest for a short period of time during work hours. Rest breaks are also referred to as 'crib breaks', 'rest pauses' or 'tea breaks'.

A meal break is a longer period of uninterrupted rest that allows the employee to eat a meal.

Awards, enterprise agreements and other [registered agreements \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) provide for paid and unpaid rest breaks and meal breaks, including:

- the length of the breaks
- when they need to be taken
- the rules about payment.

### Breaks between shifts

Awards and registered agreements may provide for a minimum amount of time off between the end of one shift and the start of another.

To find information about the minimum break requirements in your industry, please select from the list below.

Based on what you've told us, it looks like you're covered by the Clerks - Private Sector Award [MA000002].

### Rest breaks

A rest break is a 10 minute paid break that counts as time worked.

Shiftworkers get:

- 1 paid break if they work more than 3 ordinary hours
- 2 paid breaks if they work 8 or more ordinary hours.

All other employees get:

- 1 paid break if they work more than 3 ordinary hours
- 2 paid breaks if they work more than 8 ordinary hours.

### Meal breaks

All employees who work for 5 hours or more are entitled to at least 1 meal break.

Shiftworkers are entitled to a 20 minute paid meal break, which counts as time worked.

Employees other than shiftworkers are entitled to an unpaid meal break that is 30 – 60 minutes long. Unpaid meal breaks don't count as time worked.

### When a meal break isn't given

If an employee doesn't get their meal break they have to be paid double time for the time they work until they get a meal break.

Check the [Clerks Award \(http://awardviewer.fwo.gov.au/award/show/MA000002#P587\\_52579\)](http://awardviewer.fwo.gov.au/award/show/MA000002#P587_52579) for information about different break entitlements in certain situations.

### Breaks between shifts after working overtime

Employees (other than casuals) who work overtime have to get a minimum break of 10 hours (8 hours for shiftworkers) between finishing work on one day and starting work on the next day.

This minimum break between shifts only applies after an employee works overtime.

## Breaks between shifts after working overtime - shiftworkers

The minimum break between shifts only applies when overtime is worked because of:

- changing shift rosters
- another employee replacing a shiftworker who doesn't work their shift, or
- employees agreeing to swap shifts.

A shiftworker who works overtime in these circumstances has to get a minimum break of 8 hours between finishing work on one day and starting work on the next day.

### Going back to work after the normal finishing time

When an employee is called back to work after their normal finishing time, the 10 hour break (8 hours for shiftworkers) starts from when the employee normally finishes work and ends when they start the next day.

Even though the employee is paid overtime rates, the time they work during the call back isn't overtime and doesn't decide the start of the break between shifts.

### If an employee doesn't get a break between shifts

When employees (other than casuals) don't get a 10 hour break (8 hours for shiftworkers) between shifts and they start at their normal shift time the next day they get paid:

- double time for the hours they work, until they are released from duty to have a 10 hour break between shifts (8 hours for shiftworkers) and
- when they eventually get their break between shifts, the ordinary hourly pay rate for any ordinary hours they don't work because they are taking the break.

When employees (other than casuals) don't get a 10 hour break (8 hours for shiftworkers) between shifts but start work later than their normal shift the next day so they get a break, they get paid:

- for all the hours they work
- the ordinary pay rate for the hours between when they were originally rostered to start work and when they actually started work.

### Example: When employees have to start later to get a break between shifts

Alice is a full-time employee who works ordinary hours:

- 10am - 7pm on Monday - Thursday
- 7am - 3pm on Friday.


She is entitled to a 10 hour break between shifts.

Alice's employer asks her to work an extra 3 hours on Thursday so that she finishes at 10pm. If she starts work on Friday at her normal time of 7am she will only get a 9 hour break.

If Alice starts work at:

- 7am on Friday, then she will be paid double the ordinary hourly pay rate for all hours worked on Friday
- 8am on Friday, then she will be paid the ordinary pay rate for the hours she:
  - didn't work from 7am - 8am (because this hour is part of her ordinary hours)
  - worked from 8am - 3pm.

To find out more about who this award applies to, go to the [Clerks Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary) .

Source reference: [Clerks - Private Sector Award \[MA000002\] clause 15, 21.5, 22 and 27.2](http://awardviewer.fwo.gov.au/award/show/MA000002)  (http://awardviewer.fwo.gov.au/award/show/MA000002)

### Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it

- getting help from us if you can't resolve it.

### What to do next

- Check [When overtime applies \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies)
- Check how to include breaks in [Rosters \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rosters\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rosters)

### You might also be interested in

- [Awards \(www.fairwork.gov.au/awards-and-agreements/Awards/default\)](http://www.fairwork.gov.au/awards-and-agreements/Awards/default)

Page reference No: 2192

### Contact us

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Fair Work Infoline: 13 13 94

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Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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