

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 General Retail Industry Award 2010 [MA000004].

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

A meal break is a 30 - 60 minute unpaid break that doesn't count as time worked, except for shiftworkers.

Meal breaks for shiftworkers are paid and count as time worked.

An employee gets the following number of breaks, depending on the hours they actually work (not their rostered hours).

Number of hours worked	Rest breaks	Meal breaks
Less than 4 hours	0	0
4 or more hours - 5 hours	1	0
More than 5 - less than 7 hours	1	1
7 or more hours - less than 10 hours	2	1
10 or more hours	2	2

An employee who works for more than 5 hours must get at least 1 meal break.

Taking breaks

The time to take breaks and the length of breaks form part of an employee's roster. This means an employee has to be told about when to take their breaks and how long they are.

An employee who gets 2 rest breaks has to take 1 break in the first half of their shift, and the other break in the second half of their shift.

Employees can't be asked to:

- take a rest or meal break within 1 hour of starting or finishing work
- take a rest break combined with a meal break
- work more than 5 hours without a meal break.

When a meal break isn't given

There is no extra payment (eg. penalty rate) for not getting a meal break.

Breaks between shifts

Employees have to get a minimum break of 12 hours between finishing work on one day and starting work the next day.

An employer and employee can agree to reduce the break to between 10 and 12 hours.

If an employee doesn't get a break between shifts

When employees don't get a 12 hour break 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 12 hour break between shifts 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 get a 12 hour break 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:

- 11am - 8pm on Monday - Thursday
- 8am - 4pm on Friday.

She is entitled to a 12 hour break between shifts.

Alice's employer asks her to work an extra hour on Thursday so that she finishes at 9pm. If she starts work on Friday at her normal time of 8am she will only get an 11 hour break.

If Alice starts work at:

- 8am on Friday, then she will be paid double the ordinary hourly pay rate for all hours worked on Friday
- 9am on Friday, then she will be paid the ordinary pay rate for the hours she:
 - didn't work from 8am - 9am (because this hour is part of her ordinary hours)
 - worked from 9am - 4pm.

To find out more about who this award applies to, go to the [Retail Award summary \(https://www.fairwork.gov.au/awards-and-agreements/Awards/Award-summary/ma000004-summary\)](https://www.fairwork.gov.au/awards-and-agreements/Awards/Award-summary/ma000004-summary) .

Source reference: [General Retail Industry Award 2010 \[MA000004\] clauses 30.5 and 31](http://awardviewer.fwo.gov.au/award/show/MA000004) [↗ \(http://awardviewer.fwo.gov.au/award/show/MA000004\)](http://awardviewer.fwo.gov.au/award/show/MA000004)

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)

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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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