

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 Vehicle Repair, Services and Retail Award [MA000089].

The following breaks don't apply to employees who mainly do vehicle sales related work. For these employees, check [Safework Australia \(http://www.safeworkaustralia.gov.au/doc/guide-managing-risk-fatigue-work\)](http://www.safeworkaustralia.gov.au/doc/guide-managing-risk-fatigue-work) for guidance on taking breaks to manage the risk of fatigue at work.

Rest and meal breaks

A rest break is a break of up to 15 minutes.

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

An employee gets 1 meal break each day and can be provided with either a morning or afternoon rest break. If an employee gets both rest breaks, at least one of them will be a paid break.

Driveway attendants, console operators and roadhouse attendants, who work at least 5 hours, are entitled to:

- a meal break and rest break at the discretion of the employer or
- a 20 minute paid break while still maintaining customer service that counts as time worked.

Check the Vehicle Award for information about different break entitlements in certain situations.

Taking breaks

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 work more than 5 hours without a meal break.

When a meal break isn't given

If an employee doesn't get their meal break within the first 5 hours, they have to be paid time and a half from the time from that time until they get a meal break.

If an employee has to work during their meal break they have to be paid time and half for the time they work during the meal break until they get a meal break.

Maintenance workers who are instructed to work through the meal break to fix breakdowns or for routine maintenance that can only be done when the plant is idle are paid at ordinary time rates.

Breaks between shifts after working overtime

All employees who work overtime should get a minimum break of 10 hours between finishing work on one day and starting work the next day.

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

For breaks when working overtime, see [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) .

If an employee doesn't get a break between shifts

When employees don't get a 10 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 10 hour break between shifts
- when a full-time or part-time employee 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 full-time or part-time employees get a 10 hour break between shifts but start work later than their normal shift the next day, so they get a break, 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 (not a shiftworker) who works ordinary hours:

- 11am – 8pm on Monday – Thursday
- 6am – 2pm on Friday.

She is entitled to a 10 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 6am she will only get a 9 hour break.

If Alice starts work at:

- 6am on Friday, then she will be paid double the ordinary hourly pay rate for all hours worked on Friday
- 7am on Friday, then she will be paid the ordinary pay rate for the hours she:
 - didn't work from 6am – 7am (because this hour is part of her ordinary hours)
 - worked from 7am – 2pm.

To find out more about who this award applies to, go to the [Vehicle Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000089-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000089-summary) .

Source reference: [Vehicle Repair, Services and Retail Award \[MA000089\] clause 24.12 and 27.1 \(http://awardviewer.fwo.gov.au/award/show/MA000089\)](http://awardviewer.fwo.gov.au/award/show/MA000089) ²³

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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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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