

## 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 Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100].

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.

Meal breaks are paid and count as time worked for employees who have to have a meal with a client as part of the normal work routine or program.

An employee gets the following number of breaks, depending on the ordinary 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 hours - less than 8 hours	1	1
8 or more hours - less than 12 hours	2	1

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

Check the Social and Community Services Award for information about different break entitlements in certain situations.

### Taking breaks

An employer and employee need to agree on when the meal break is to be taken after they start work each day.

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 when they are supposed to they have to be paid the relevant overtime payment for the time of the scheduled break and all time worked until they get a meal break or the end of their shift.

### Breaks between shifts

Employees have to get a minimum break of 10 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 8 and 10 hours when the break is:

- at the end or at the start of a shift connected to the start of a sleepover or
- a shift starts at the end of a shift connected with a sleepover.

### **Breaks between shifts after working overtime**

Employees (other than casuals) 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.

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

When employees (other than casuals) don't get a 10 hour break between shifts when working overtime 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 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) get a 10 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 (other than 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 [Social and Community Services Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000100-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000100-summary) .

Source reference: [Social, Community, Home Care and Disability Services Industry Award 2010 \[MA000100\] clause 25.4, 27, 28.3 and 28.5 \(http://awardviewer.fwo.gov.au/award/show/MA000100\)](http://awardviewer.fwo.gov.au/award/show/MA000100) 

### **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

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