

## 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 Children's Services Award 2010 [MA000120].

### Rest breaks

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

An employee gets:

- 1 paid break if they work 4 hours or more
- 2 paid breaks if they work 7 hours or more

An employee can choose to have 1 rest break only.

### Meal breaks

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

An employee gets 1 meal break if they work more than 5 hours.

An employee can choose to not have a meal break if they are working less than 6 hours.

Check the [Children's Services Award \(http://awardviewer.fwo.gov.au/award/show/MA000120#P753\\_61821\)](http://awardviewer.fwo.gov.au/award/show/MA000120#P753_61821) for information about different break entitlements, including when an employee is required to remain on the premises for their break.

### Taking breaks

Employees can't be asked to work more than 5 hours without a meal break.

### When a meal break is interrupted

If an employee has their meal break interrupted by their employer they have to be paid the relevant overtime payment for the time they work until an uninterrupted meal break is taken. The minimum overtime payment is 15 minutes.

### Breaks between work periods

All employees should get a minimum break of 10 hours between finishing work on one day and starting work the next day. Work includes any reasonable additional hours or overtime.

An employer and employee can agree to reduce the break to between 8 and 10 hours.

### 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:

- overtime rates 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.

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

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

- 9.30am - 6.30pm 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 2 and half hours 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 overtime rates for all hours worked on Friday.

To find out more about who this award applies to, go to the [Children's Services Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000120-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000120-summary) .

Source reference: [Children's Services Award 2010 \[MA000120\] clause 22 ☐<sup>1</sup> \(http://awardviewer.fwo.gov.au/award/show/MA000120\)](http://awardviewer.fwo.gov.au/award/show/MA000120)

### 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

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

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