

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 Cleaning Services Award [MA000022].

Rest breaks and meal breaks

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 20 minute paid breaks and count as time worked. This break is instead of the 30 - 60 minute unpaid meal break.

Non-shiftworker breaks

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

An employee other than a shiftworker who works for more than 4.5 hours must get at least 1 meal break.

Number of hours worked by a non-shift worker	Rest breaks	Meal breaks
Less than 4.5 hours	2	0
Over 4.5 hours	2	1

Shiftworker breaks

Number of hours worked by a shiftworker	Rest breaks	Meal breaks
Less than 4 hours	0	None
Over 4 hours	1 (Only full-time shiftworkers)	1

An employee who is a shiftworker who works for more than 4 hours must get at least 1 meal break.

Check the Cleaning 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 (non shiftworkers) can't be asked to work more than 4.5 hours without a meal break, except in emergencies when it can be extended to 5 hours without a meal break.

Shiftworkers have to be given their meal break between 4 and 5 hours after starting their shift.

When a meal break is interrupted

If an employee has their meal break interrupted they have to be paid the relevant overtime payment for the time they work until their meal break is resumed.

For breaks when working overtime, see [When overtime applies \(https://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies\)](https://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies) .

Breaks between shifts

Employees have to get a minimum break of 8 hours between finishing ordinary hours of work on one day and starting work the next day.

If an employee doesn't get a break between shifts

When employees don't get an 8 hour break between shifts and they start at their normal shift time the next day they get paid:

- the relevant overtime payment for the hours they work, until they are released from duty to have a 8 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 8 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:

- 12am – 9pm on Monday – Thursday
- 5am – 1pm on Friday.

She is entitled to an 8 hour break between shifts.

Alice's employer asks her to work an extra hour on Thursday so that she finishes at 10pm. If she starts work on Friday at her normal time of 5am she will only get a 7 hour break.

If Alice starts work at:

- 5am on Friday, then she will be paid double the ordinary hourly pay rate for all hours worked on Friday
- 6am on Friday, then she will be paid the ordinary pay rate for the hours she:
 - didn't work from 5am – 6am (because this hour is part of her ordinary hours)
 - worked from 6am – 1pm.

To find out more about who this award applies to, go to the [Cleaning Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000022-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000022-summary) .

Source reference: [Cleaning Services Award \[MA000022\] clause 14](http://awardviewer.fwo.gov.au/award/show/MA000022)  (<http://awardviewer.fwo.gov.au/award/show/MA000022>)

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

You might also be interested in

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

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