

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 Horticulture Award 2010 [MA000028].

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.

An employee gets 1 rest break and 1 meal break each day. They can agree with their employer to take an extra unpaid rest break each day.

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

Taking breaks

The rest break has to be taken each morning.

The meal break has to be taken no later than five hours after starting work or at a time agreed to between the employer and employee.

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 is told to work during their meal break they have to be paid double time for the time they work until they get a meal break.

Breaks between shifts

Employees have to get a minimum break of 10 hours between finishing work on 1 day and starting work the next day. Work includes any reasonable additional hours or overtime.

This minimum break between shifts applies after the additional hours or overtime finish on that day.

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 the relevant overtime pay rate for the hours they work, until they are released from duty to have a 10 hour break between shifts.

To find out more about who this award applies to, go to the [Horticulture Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000028-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000028-summary) .

Source reference: [Horticulture Award 2010 \[MA000028\] clause 23 \(http://awardviewer.fwo.gov.au/award/show/MA000028\)](http://awardviewer.fwo.gov.au/award/show/MA000028) 

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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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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

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