

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 Road Transport and Distribution Award [MA000038].

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. This break is instead of the 30 - 60 minute unpaid meal break.

An employee must get at least 1 meal break if they are a:

- non-shiftworker and work for 5 ½ hours or more
- shiftworker and work for 5 hours or more.

Taking breaks

A meal break has to be taken (where reasonable and practical) at a time to coincide with any requirements to take a break under fatigue management rules or regulations.

Employees can't be asked to take their unpaid break within 3 ½ hours of the fixed starting time or later than 5 ½ hours after starting.

When a meal break isn't given

If an employee isn't allowed their meal break when they're supposed to they have to be paid double time for the time they work until they get a meal break.

Breaks between shifts after working overtime

Employees who work overtime have to get a minimum break of 10 hours between finishing work on 1 day and starting work the next day.

This minimum break between shifts applies:

- after an employee works overtime
- when it's reasonable practicable.

For meal 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) .

If an employee doesn't get a break between shifts

If the employer instruct an employee (other than casuals) to work so that they 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
- 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 who works ordinary hours:

- 9am - 6pm on Monday - Thursday
- 6am - 2pm on Friday.

She is entitled to an 10 hour break between shifts.

Alice's employer asks her to work an extra 3 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 9 hours 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 [Road Transport Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000038-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000038-summary) .

Source reference: [Road Transport and Distribution Award \[MA000038\] clauses 22.9, 16.1 and 27.3 \(http://awardviewer.fwo.gov.au/award/show/MA000038\)](http://awardviewer.fwo.gov.au/award/show/MA000038) ²

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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