

Breaks

Your employees need downtime to rest, eat and take care of personal tasks.

They get paid during rest breaks, but not during meal breaks.

Time out helps your people stay focused during their working day, and prevents overtiredness.



From 6 May 2019, employees must get paid and unpaid breaks. This page sets out the new rules.

What you need to know

All employees must have paid 10-minute rest breaks and unpaid meal breaks, based on the number of hours worked. This is set out in the Employment Relations Act.

The only exceptions are for a few essential services and only in certain circumstances. For example, if public safety will be put at risk and no-one suitable to provide cover is available.

You must:

- give your workers at least the minimum number and length of breaks, eg 10-minute paid rest break
- pay employees for their 10-minute rest breaks — if you agree to longer rest breaks, you only have to pay for the first 10 minutes
- make sure employees doing physically hard work get enough breaks to avoid overtiredness
- factor in enough breaks for employees doing shifts, overtime or working on commission
- Be fair when working out times and number of breaks — it helps to spread breaks evenly across the work period
- try to agree with employees when to take breaks.

If you employ truck drivers or pilots, follow any other laws that affect when and how these workers take breaks.

You can also:

- use break times set out in the law if you and your employees can't agree on timing, as long as it's reasonable for someone to stop work then.
- include details of breaks in your employment agreements.

You must not:

- refuse to let people take breaks
- give compensation for untaken breaks — it's not OK to pay someone extra or let them leave early if they don't take breaks
- ignore the risks posed by overtired employees — these risks will vary from business to business.

[Rest and meal breaks](#) — Employment New Zealand

If too few breaks leads to injury or illness, you could be held responsible under health and safety laws. [How to assess health and safety](#)

How to calculate break times

Rest breaks must be at least 10 minutes and must be paid for. Meal breaks must be at least 30 minutes, and are unpaid. When scheduling breaks, it's a good idea to work out meal times first, then rest times.

- Add up how many hours the employee will work on the day. If they work overtime — or you think they might — make sure you include these hours.
- Check the minimum number and types of breaks the employee must receive: You can give more and/or longer breaks, especially if this helps meet your health and safety obligations.
- Think about workflows as you plan break times. When makes sense for people to take time out? Would staggered breaks work for your business and your people?
- Talk with your employee(s) about when to take breaks. If you both agree, use those times. If possible, record the timing and length of breaks in the employment agreement. If you cannot agree, use the timings set out in By law: [Break times if you can't agree for guidance](#).

**Don't pay employees extra instead of taking a break.
This is now illegal. The only exceptions are for workers providing a few essential services**