

## Rest breaks

### 1. Breaks during the working day

An employee has the right to an uninterrupted break of at least 20 minutes if they work more than 6 hours in a day.

The employee has the right to take this break:

- away from their workstation (for example, away from their desk)
- at a time that's not the very start or end of the working day

This break is unpaid unless either:

- the employment contract says it's paid
- both sides agree it's paid

#### Changes to how this break is taken

In some cases, an employee might have to take this break in different ways. This could be if something happens at work that's unexpected and outside of the employer's control, such as an accident. For example, the break could be taken as 2 separate 10-minute breaks.

You can [speak to an Acas adviser](#) if you have questions about how rest breaks should be taken.

#### Extra breaks

It's up to the employer whether they offer longer or extra breaks in the working day, such as:

- a lunch hour
- cigarette breaks for smokers

[Check the employment contract](#) for any rules for these breaks, such as whether they're paid.

### Breaks between working days

An employee should get at least 11 hours' uninterrupted rest between finishing work and starting work the next day. If this is not possible (for example, there's an emergency at work), the employer must [take steps to provide enough rest for the employee](#).

### Breaks during the working week or

## longer

An employee is also entitled to one of these:

- in a 7-day period, 24 hours of rest
- in a 14-day period, 48 hours of rest (this is often taken as one block of time, but can be 2 separate 24-hour breaks if the employer decides)

## Shift workers

Shift workers might not be entitled to the full legal rest breaks for the working day or week if both of these points apply:

- they change shift patterns, for example they move from a night to a day shift
- there is not enough time to take the full rest break, for example there's less than 11 hours between one day's shift and the next

The same applies to employees whose work is split up over the day ('split shifts'). For example, a cleaner who works from 6am to 9am, and again from 3pm to 7pm.

Employers should still do their best so that shift workers get their full legal rest breaks.

## Changes to rest breaks

If an employee needs to miss a rest break for business reasons (for example, there's an emergency at work or they're changing shift pattern), their employer must make sure the [break is taken in a different way](#). This is sometimes known as 'compensatory rest'.

## Zero-hours contracts

Zero hours workers usually have the same rights to rest breaks as other employees.

## Night workers

There are [different rules for night workers](#).

## Young workers

There are [different rules for rest breaks for under-18s](#).

## Jobs with different rules on rest breaks

There are different rules for rest breaks for certain jobs. For example:

- lorry and coach drivers
- air, road and sea transport workers
- the armed forces and emergency services

[Find out more about jobs with different rules.](#)

## If you're not getting the correct rest breaks

If you believe you're not getting the breaks you're entitled to, it's best to first [raise the issue](#) with your employer.

On-call (or 'standby') employees are those expected to be available for work outside of their regular hours, sometimes at short notice.

The employee is entitled to the same breaks as everyone else if they need to be available for work during this time. For example, they're checking emails or responding to phone calls.

There are some jobs with different rules on rest breaks. The employee also might not be entitled to the legal rest breaks if they're free to spend the on-call time as they choose.

If an employee feels they're not getting the right rest breaks, they should raise the issue with their employer. They can also [speak to an Acas adviser](#) to explore their options.

## 2. Staying or sleeping in the workplace

In some jobs an employer might need the employee to stay or sleep at the workplace, or nearby. This time is often known as 'sleep-in' time.

Sleep-ins are common in care work and in hospitals.

An employee who has sleep-in time is still entitled to take their legal rest breaks as well. If there's a genuine reason why a break cannot be taken, such as an emergency at work, the employer must still provide a way for the employee to [take the break in another way](#).

There are some [jobs with different rules for rest breaks](#).

## Pay

It depends on the employee's contract whether they get paid for time they spend:

- on call and at home
- staying or sleeping at their workplace

They must be paid at least the National Minimum Wage for any time they spend awake and working.

[Find out more about National Minimum Wage rates.](#)

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Sometimes an employee might need to work when they're supposed to be resting. The employer must still make sure the employee takes their break later or in a different way (known as 'compensatory rest').

The employer must provide compensatory rest when the employee's job involves providing a service that runs for a long time uninterrupted ('continuity of service or production'). Examples include:

- security work
- agricultural work during harvest times

Other cases when the employer must provide compensatory rest are when:

- the business expects more work than usual (a 'foreseeable surge of activity')
- there's an emergency, or anything else unexpected and outside of the employer's control

It's a good idea for the employee and employer to agree together how the compensatory rest is taken. This break should be the same length and type (an 'equivalent period') as the missed break.

### **3. If the employer cannot provide compensatory rest**

If the employer cannot find a way to provide compensatory rest, they must find another way to keep the employee healthy and safe.

For example, they could:

- offer the employee a health assessment (the employee does not have to accept it)
- put them on lighter duties for a while
- give them extra support, such as help from a manager or supervisor

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