

## Rest and breaks at work

### 1 . The right to rest

By law (The Working Time Regulations 1998), workers have the right to the following rest:

- during the working day – 20-minute rest break if they're expected to work more than 6 hours during the day
- between working days – 11 hours' rest between finishing work and starting work
- between working weeks – 24 hours every 7 working days or 48 hours every 14 working days
- each year – [holiday entitlement](#)

They have the same rights to rest wherever they're working, for example in a workplace or at home.

The right to rest includes:

- agency workers
- apprentices
- casual and seasonal workers
- doctors in training
- zero-hours workers

There are some different rules on rest for:

- [night workers](#)
- [young workers](#)
- [people doing jobs with different working time rules](#)

### Why rest is important

Rest is important not only to follow the law but because it protects the organisation and its staff and customers.

If staff do not get enough rest it could lead to:

- negative effects on their physical and mental health
- mistakes or accidents
- reputational damage or financial cost to the organisation
- legal action, such as an employment tribunal or enforcement proceedings by the Health and Safety Executive (HSE) or local authority

### Rest breaks during the working day

If someone works more than 6 hours in a day, they have the right to a rest break of at least 20 minutes.

These rest breaks should be:

- planned in advance
- taken during the working day, not at the start or end of the day

If they work more than 6 hours, there's no automatic right to more breaks. For example, a 12-hour shift does not mean they're entitled to a 40-minute break, but the employer should consider it.

## Extra breaks

An employer can offer longer or extra breaks in the working day, such as:

- a lunch hour
- breaks for smokers

Employers must also consider any need for extra breaks for the health and safety of everyone, depending on the type of work their organisation does. For example, people doing repetitive or very heavy work may need more rest breaks.

Someone might ask for extra rest breaks due to a disability. The employer must agree to this if it's a [reasonable adjustment](#).

Any rules on extra breaks should be [written in the employment contract](#).

The worker has the right to take their rest break:

- uninterrupted
- away from where they work, for example away from their desk
- at a time that's not the very start or end of their working day

There is no entitlement to pay for this break unless either:

- it's written in the employment contract that it's paid
- the employer has agreed with the worker that it's paid

## If there needs to be a change to how this break is taken

In rare circumstances, someone might have to take their break in a different way. This could be if something happens at work that's unexpected and outside of the employer's control, for example an accident or emergency.

In this situation the right to rest stays the same, so they should still find a way to rest but this could be in a different way. For example, they could still have their 20-minute break but take it later in the day.

## Rest between working days

Workers must get at least 11 hours' uninterrupted rest between finishing work and starting work the next day.

If this is not possible, the employer must [make sure the person still gets their rest](#). For example, because of the way shifts are arranged or because there's an emergency at work.

## Rest during the working week

Workers are entitled a minimum amount of rest depending on how long they have worked:

- in a 7-day period – at least 24 hours of rest
- in a 14-day period – at least 48 hours of rest, which they can take as 1 block of 48 hours or 2 blocks of 24 hours

## Shift workers

Someone might not be able to take their full 11 hours uninterrupted rest when their shifts change. For example, when they change from doing 3pm to 11pm shifts to doing 6am to 3pm shifts.

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

People working shifts, including split shifts, have the same right as other workers to [compensatory rest](#). This is the right to make up for any missed rest during the working day.

Employers should still do all they can to provide enough rest for the worker. This is to:

- protect everyone's health, safety and wellbeing
- reduce risk of tiredness that can cause mistakes, accidents and high rates of sickness

## If someone thinks they're not getting the right rest

If someone thinks they're not getting the rest they're entitled to, they can first try resolving it by:

- [talking with their employer](#)
- [raising a grievance – making a formal complaint to their employer](#)

If the employer still does not resolve it, depending on the issue the worker might be able to:

- make a claim to an employment tribunal
- report it to the Health and Safety Executive (HSE) or their local authority

[Find out more about how an employer must follow the working time rules](#)

## Contact the Acas helpline

If you have any questions about rest breaks, [contact the Acas helpline](#).

## 2. Missed rest and compensatory rest

A worker might need to work through their rest entitlement. This should not happen regularly and the employer must have a valid reason for it.

If a worker has to work when they're supposed to be resting, the employer must still make sure they get 'compensatory rest'. This means they take their rest later or in a different way.

This applies to workers in jobs:

- that need 'continuity of service or production' – where they need to keep working for a longer period of time, for example in agriculture, hospitals and the media
- with seasonal rushes, such as tourism and agriculture

- in security, caretaking or similar
- who work shifts and are changing their shift pattern
- who have to travel regularly between different workplaces, for example travelling salespeople
- where emergencies, unusual or unforeseen things can happen
- where they live a long way from where they work – including offshore workers

The worker and employer should agree together how the compensatory rest is taken. This rest should be for an 'equivalent period'. This means the same length and type as the missed rest.

[Find out more about jobs with different rules for working hours and rest](#)

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

If the employer cannot find a way to provide compensatory rest, they must find another way to protect the worker's health and safety.

For example, they could:

- offer the worker a health assessment – they do not have to accept it
- put them on lighter duties for a while
- give them extra support, such as help from a manager or supervision

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