

INTERPRETATION BULLETIN
Employee Services, Employee Relations

Canadian Union of Public Employees Local 30 (CUPE 30)
Breaks – Article 6.01.01.01

Breaks for employees who work full time hours are outlined in Article 6.01.01.01 of the current CUPE 30 Collective Agreement.

Rest Breaks

Employees shall be permitted a rest break in each shift. The rest period can be taken in 15 minute increments if operationally feasible. The duration of such rest breaks (excluding the meal break) shall be:

- For shifts that are 8 hours or longer - 30 minutes
- For shifts that are 10 hours or longer - 40 minutes

Meal Break

Employees shall be provided with a meal break that is either:

- unpaid, with adequate time off (30 to 60 minutes); or
- paid (20 minutes) when the:
 - employee is required to remain on site; and/or
 - majority of the shift falls between 16:00 and 06:00.

Examples:

8 hour shift

* 07:00 to 15:00 8 hour shift with a paid meal break	First rest period – 15 minute break Meal break – 20 minutes of paid time Second rest period – 15 minute break Total break time – 50 minutes (all paid)
07:00 to 15:30 8 hour shift with 30 minute unpaid meal break	First rest period – 15 minute break Meal break – 30 minute unpaid, uninterrupted meal break Second rest period – 15 minute break Total break time – 60 minutes (30 minutes paid and 30 minutes unpaid)

10 hour shift

* 07:00 to 17:00 10 hour shift with a paid meal break	First rest period – 20 minute break Meal break – 20 minutes of paid time Second rest period – 20 minute break Total break time – 60 minutes (all paid)
7:00 to 17:30 10 hour shift with 30 minute unpaid meal break	First rest period – 20 minute break Meal break – 30 minute unpaid, uninterrupted meal break Second rest period – 20 minute break Total break time – 70 minutes (40 minutes paid and 30 minutes unpaid)

*NOTE: There are valid health & safety reasons for providing a meal break so that the employee is able to rest and recuperate from the physical demands of their work duties. In the majority of situations, the employee's shift should allow for a 30 minute unpaid, and uninterrupted meal break. ONLY where the conditions of service are such that employees are required to remain in attendance at their worksite for their shift or the majority of the shift falls between 16:00 and 06:00, such employees may be scheduled to work a "straight 8" or "straight 10" which would include 20 minutes of paid time for a meal break.

Where paid time for a meal break is included within the working hours of their shift, the employee is expected to remain 'in service', available to tend to work requirements at all times.

Frequently Asked Questions

1. Is combining breaks permitted?

Yes. Sometimes employees will take only one rest break in a day – totaling no more than 30 minutes (8 hours) or 40 minutes (10 or more hours). If operationally feasible, operational areas can combine a meal and rest breaks so the employee has a long mid shift break. For employees who work a shift that is 10 hours or more in length and they want to combine breaks, it is recommended that employees have at least 2 breaks during their shift.

Scheduling breaks is subject to the operational requirements of the particular work unit. All break options must be discussed with and approved by the employee's supervisor.

Examples - 8 hour shift and combining breaks

* 07:00 to 15:00 8 hour shift with a paid meal break	First rest period and paid meal break – 35 minute break (15 + 20) Second rest period – 15 minute break Total break time – 50 minutes (all paid)
07:00 to 15:30 8 hour shift with a unpaid meal break	Meal break – 30 minute unpaid, uninterrupted meal break First and second rest period – 30 minute break (15 + 15) Total break time – 60 minutes (30 minutes paid and 30 minutes unpaid)

2. Smoke break guidelines:

Numerous smoke breaks over a shift could lead to a situation where excessive break time becomes a concern. In order to ensure required hours are worked in a shift and to be fair to all employees, smoke breaks must not exceed the break provisions in the collective agreement. This means that smokers can either:

- Restrict smoke breaks to coincide with rest and meal breaks – ie the employee takes two 15 minute rest/smoke breaks in the shift in addition to their meal/smoke break; or
- Split rest/smoke breaks so that the total time totals the maximum allowable breaks in a shift. For example, the employee could take their meal/smoke break plus 4 rest/smoke breaks in a shift, each of which is no more than 7.5 minutes in duration. Splitting rest/smoke breaks should be approved by the employee's supervisor and should not disrupt the efficient operation of work in the business unit.

The intent is that all employees (smokers and non-smokers) do not exceed 30 minutes of paid rest break time for the purpose of rest/coffee/smoke breaks in any one 8 hour shift.