

REST PERIODS: DEFINITIONS AND DIMENSIONS



Different forms of rest and annual leave are important for a workers physical and mental well-being. If structured properly, they can all have a positive impact on occupational health and safety as well as improve productivity in the workplace. This fact sheet provides definitions of different rest periods and annual leave, as well as examples of how they can be organised at the national level and in work places.

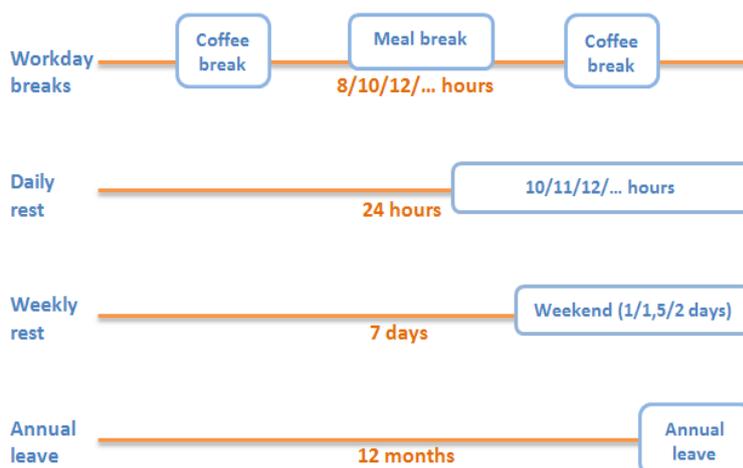
BRIEF DEFINITIONS

Workday breaks are breaks organised during the working day by pausing the work for the purpose of resting, eating or other needs.

Daily rest is provided after the end of the working day. This is the uninterrupted rest period between two shifts within a twenty-four hour period.

Weekly rest refers to a minimum break of 24 consecutive hours (1 day) from work within a seven day period.

Annual leave is a yearly vacation or holiday, consisting of consecutive days or weeks off work, which may be paid.



WORKDAY BREAKS

Breaks during the work shift allow employees to rest during the working day. Normally they take the form of rest breaks, coffee- or tea breaks and meal breaks. They can also be taken for toilet breaks, prayer breaks or breaks to address other personal needs.

Most national legislation and EU regulations¹ require a break when the workday is longer than six hours and after a maximum of six consecutive hours of work. In practice, coffee and tea breaks can be given for 10-30 minutes and are organised in the middle of each half of the work shift. Meal breaks are organised around the middle of the full shift and they last from 30 minutes to 2 hours. In situations where the workday is extended to overtime, work is particularly heavy or done during the night, additional breaks may be organised.²

The rest breaks can be included as working time and thus paid, as in Argentina³, or they can be unpaid. Workday breaks can also be partially included as working time. For example, in

Iceland⁴ coffee breaks are considered part of working hours, while meal breaks are excluded from working hours, unless the employee is working overtime or during the weekend.

Appropriate rest facilities, such as hygienic canteens and break rooms, are crucial for workday breaks. This is particularly important in workplaces where hygiene may be compromised because of chemicals, dirt, noise, or other pollutants, and where workers cannot leave the workplace during breaks. Break rooms can be guaranteed in collective bargaining agreements and in some national legislation. In Norway⁵, rest breaks must be considered as working time if workers cannot leave the work place during breaks or no satisfactory break room is provided.

¹ Working Time Directive 2003/88/EC

² Conventions No. 67 and No. 153

³ Act No. 20.744 on Employment Contracts Art.197

⁴ Act on Working Environment, Health and Safety in Workplaces Art.52.2

⁵ Working Environment Act S.10.9 (1)

WORKDAY BREAKS IN COLLECTIVE AGREEMENTS

New Zealand: Company agreement at care home facilities

Bupa services' collective agreement with New Zealand nurses' organisation and Service and Food Workers Union Nga Ringa Tota for 2014-15 guarantees frequent workday breaks for concerned employees. A 10-minute break is provided for each four hours of work and for workers' who work only from two to four hours. Additionally, those working over four hours during day have an unpaid 30-minute meal break. Night workers have a paid meal break, in addition to free tea and coffee, but they are not allowed to leave the workplace or to sleep during the breaks.

<http://www.nzno.org.nz/Portals/0/Files/Documents/Support/CA/BUPA%20July%202014-June%202015.pdf>

Finland: Sectoral agreement in paper industry

The Finnish paper industry agreement of 2014-2016 provides workday breaks and guarantees a break room to be organised by the employer. The regular daytime work breaks include two 10-minute breaks and a 1-hour rest period, during which workers may leave the premises. Shift workers have 20-minute lunch break instead of the 1-hour break. During Saturdays and holiday eves, the employees enjoy an additional 10- minute break.

https://paperiliitto.sivuvuodakko.fi/media/liiton-sivut/edunvalvonta/tessit/raskas/tes_pap_tyontekija2014-16.pdf

South-Africa: Sectoral agreement in food and catering

The agreement established by the Statutory Council for the Fast Food, Restaurant, Catering, and allied trades of 2013-2016 ensures meal breaks during the working day. A minimum of 1-hour meal break is guaranteed for employees working over five hours. This break must be uninterrupted, unless no other employee can be called to service. In case the employee is required to work during meal break, it must be paid. Also, the break can be unpaid only up to 75-minutes, after which workers must be paid.

<http://www.restaurant.org.za/pdf/statutorycouncil.pdf>

Canada: Company agreement in steel industry

The 2011-2016 agreement between Highland Valley Copper and United Steel Workers (local 7619) guarantees different workday breaks according to the length of the working day. 8-hour-day workers are entitled to a reasonable coffee break in the morning and in the afternoon, and to a 30-minute lunch break between the fourth and fifth hour of work. 10-hour-day workers have a 15-minute break in the third or the fourth hour and in the seventh or eighth hour, added by a 30-minute lunch break in the fifth or sixth hour. 12-hour day workers will have a 10-minute break during each half of the shift, and a 30-minute lunch breaks in the fourth or fifth and in the eighth or ninth hours.

<http://www.lrb.bc.ca/cas/WVG14.pdf>

DAILY REST

Daily rest is an interval between two shifts, made up of a period of continuous non-working hours (e.g. 10, 11, 12 ...) within a 24-hour period. All workers, whether working during a morning, an evening, day or night, need a daily rest period. The ILO Utilisation of Spare Time Recommendation, 1924 (R21) provides that daily rest must be sufficiently long including time for both sleep and spare time, which shall be spent freely according to the workers' individual interests.

The legislative standard length of daily rest is generally between 10-12 consecutive hours in national legislation. Within the EU⁶, the daily rest is set at a minimum of 11 hours. When daily rest is not specifically addressed in law, it can be organised through daily working time and overtime caps. In this case, daily rest is a block of continuous non-working hours remaining after maximum daily working hours. The ILO promotes an international standard of maximum 8 daily working hours.⁷ Additionally, the Committee of Experts notes that overtime must be limited reasonably "in order to provide protection against undue fatigue and to ensure reasonable leisure and opportunities for recreation and social life."⁸

Previous research has highlighted that rest during the night is the most beneficial for health⁹. Daily rest during the evening and night is the norm in most parts of the world and usually set in national law. In Sweden¹⁰, for instance, the national legislation sets the daily rest at 11 uninterrupted hours minimum, including the hours from midnight to 5 am.

⁶ Working Time Directive 2003/88/EC

⁷ ILO Forty-Hour Week Convention, 1935 (No. 47); Reduction of Hours of Work Recommendation, 1962 (R116)

⁸ Paragraph 144 from Hours of work: From fixed to flexible? Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22, and 35 of the ILO Constitution), Report 93 III (Part 1B) (Geneva).

⁹ - Folkard, S.; Tucker, P. (2003): "Shift work, safety and productivity", in *Occup. Med.* 53, 95-101.

- Keller, S.M.; Berryman, P.; Lukes, E. (2009): "Effects of Extended Work Shifts and Shift Work on Patient Safety, Productivity, and Employee Health", in *AAOHN J.*, 57, 497-502.

- Rajaratnam, S.M.; Arendt, J. (2001): "Health in a 24-h society" in *The Lancet*, 358, 999-1005.

- Spurgeon, A. (2003): "Working Time: Its Impact on Safety and Health", International Labour Office.

¹⁰ Working Hours Act S.13

WEEKLY REST

Weekly rest is a minimum one day long break within a 7-day period. Usually, weekly rest is defined in days or hours. One weekly rest day equals to 24 consecutive hours and two days to 48 hours. Some national legislation or collective bargaining agreements may also refer to 36 hours, which equals into one and half days.

The ILO Weekly Rest Convention of 1921 (No. 14) provides for a 24 consecutive hour weekly rest period. One day weekly rest is the minimum standard in the EU and in national legislation in many countries (see figure). In practice, weekly rest days can be provided

on consecutive days depending on the legislation or agreement, but workers should get at least one full day or 24 hour period per week. Weekly rest can be guaranteed with specific starting and ending times. In Chile¹¹, for example, the national legislation guarantees weekly rest from Saturday 9 pm to Monday 6 am. In most national legislation the weekly rest period is organised according to the local customs, meaning the rest day is either on Friday, Saturday, or Sunday (or a combination of consecutive days if the worker gets more than 1 rest day).

¹¹ Labour Code, Art. 35, 36

ANNUAL LEAVE

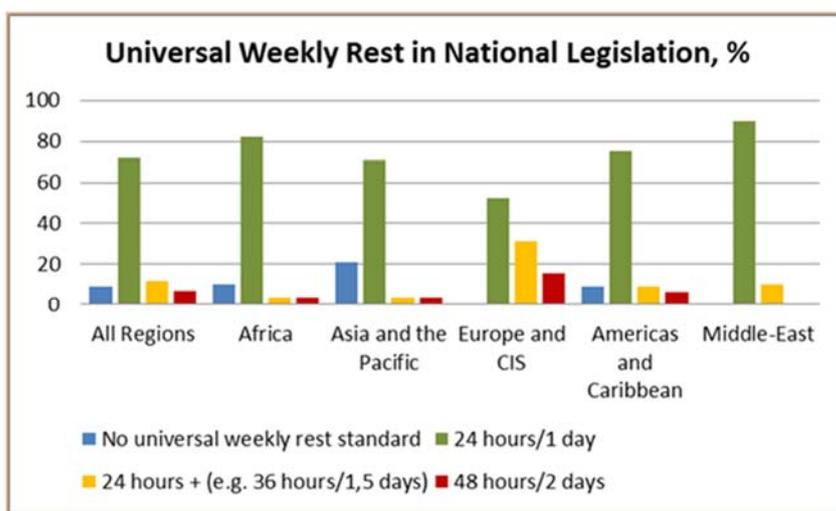
Annual leave is the longest period of rest available to workers. Annual leave can be expressed in working days, calendar days (or weeks), or days excluding paid public holidays. For example, a three-week annual leave can mean twenty-one calendar days, or fifteen working days (based on a 5 day workweek). ILO Convention No. 132 stipulates 3 weeks of annual leave for 1 year of service.¹² The EU Working Time Directive (2008/88/EC) provides a four-week standard. At country level, the legal number of annual leave days or calendar weeks.

In practice, annual leave is accumulated in days per month worked. The laws in many countries provide a fixed minimum number of leave days per month and per year. According to the Holidays with Pay Convention, 1970 (No. 132), the qualifying period before beginning to collect leave days should not be more than six months. In addition, national legislation, collective agreements, and companies can increase the number of annual leave days. Some organisations provide more annual days than the law requires as an employment bonus or incentive.

Annual leave can be taken by days or weeks. ILO standards note that a block of no less than 2 weeks should be available to workers for annual leave. The aim of this period is to allow workers to recover from the mental and physical strain of work and to provide time away from the workplace.

According to ILO Convention No. 132, any wages owed to the worker should be paid in advance of the worker taking their annual leave. Generally, annual

¹² Holidays with Pay Convention, 1970 (No. 132)



Source: Working Conditions Laws database, 2012

leave is paid with normal wages or with additional holiday pay on top of the normal wage (e.g. 13th month).

Annual leave days are not the same as public holidays. Public holidays are set by governments for cultural or historical reasons. Public holidays and annual leave are found in separate parts of the labour law. For this reason public holidays are not counted as part of annual leave days in law and practice. Any agreement that reduce the number of annual leave days below the minimum standard set in law is normally prohibited.

REST IN NATIONAL LEGISLATION: EXAMPLES AROUND THE WORLD

Tunisia

Workday breaks: When the workday is longer than seven hours, one or several breaks totalling 1 hour minimum in length. A 30-minute break must be provided after a maximum of 6 hours of work.

Daily rest: 10 consecutive hours minimum.

Weekly rest: 24 consecutive hours; Friday, Saturday or Sunday

Annual leave: 1 working day per month worked; normal wage and additional benefits. An additional leave day per each 5 years worked up to a total of 18 annual leave days.

Estonia

Workday breaks: Rest break from 30 minutes to 1 hour after four hours of work, excluded of working time.

Daily rest: 11 consecutive hours.

Weekly rest: 48 consecutive hours minimum; Saturday and Sunday. For summarised working time, minimum 36 hours.

Annual leave: 28 calendar days; holiday pay calculated on average wages.

Lebanon

Workday breaks: 1 hour rest break guaranteed at the middle of the shift if the working day is longer than five hours for women and six hours for men.

Daily rest: 9 consecutive hours.

Weekly rest: 36 consecutive hours minimum.

Annual leave: 15 days; full pay.

Brazil

Workday breaks: Rest break of minimum 15-minutes for workdays from four to six hours. 1-2 hours of rest when the workday is longer than six hours.

Daily rest: 11 consecutive hours.

Weekly rest: 24 consecutive hours minimum; primarily Sunday.

Annual leave: From 12 to 30 days, according to the number of absence days from work; normal wage.

Angola

Workday breaks: when the working day is at least five hours, 1 hour of rest with work place eating facilities, 2 hours without.

Daily rest: 10 consecutive hours.

Weekly rest: 1 day; primarily Sunday.

Annual leave: 22 working days; one and half times the normal wage.

Indonesia

Workday breaks: Breaks for rest and prayer must be provided. A minimum of 30 minutes of rest guaranteed after four hours of work.

Daily rest: No universal provision.

Weekly rest: 1 day when the workweek is six days, 2 days for a five day workweek.

Annual leave: 12 working days minimum; full pay.

