

RESOURCE SHEET:

## DAILY BREAKS

### **Child Care (SA) Award**

From time to time we get calls from employers asking how long employees are permitted to work before they are required to have a break. Some awards stipulate that a break must be taken after 5 hours work whereas other awards don't mention specific periods.

The Child Care (SA) Award doesn't mention the length of time a person may work without a break, but stipulates that a midday lunch break of at least 30 minutes, with a maximum of one hour must be taken. It doesn't strictly define the hours between which it must be taken but it should be allowed so that the employee can take a break in the middle of the day and have a meal.

This award also stipulates that there must be a paid morning tea break of 10 minutes duration and a similar paid break in the afternoon at a time agreed between the employer and the employee.

For an employee under this award, bearing in mind these three breaks, an employee should be having a break about every two hours. These breaks are an award entitlement and should be provided.

It should be borne in mind that Section 224 of the Industrial and Employee Relations Act states the following:

"If a person who is bound by an award or enterprise agreement contravenes or fails to comply with a provision of the award or agreement, the person is guilty of an offence.  
Maximum penalty: \$2 500."

*Uldis Bruns  
Legal/Industrial Consultant  
November 2002*

**network sa**

Resource, Advisory and Management Services Inc. ©  
PO Box 2440, Regency Park, South Australia 5942  
Ph:(08) 8445 8128 Fax:(08) 8268 8065 Toll Free (SA) 1800 673 714  
[www.networksa.org.au](http://www.networksa.org.au)