

Employee Meal Break Entitlements – Know The Laws Of Your Province



Roughly 30% of Canadian employees report feeling tired and overworked, according to a recent study. [Employment standards laws impose hours of work restrictions](#) to safeguard employees against fatigue and overwork, including mandatory meal breaks. While requirements vary slightly by jurisdiction, the general rule is that employees get a 30-minute meal break so that nobody has to work 5 continuous hours within a 24-hour period without a bite to eat. Variations:

- Four jurisdictions—Federal, Alberta, Nova Scotia, Saskatchewan—specify that meal breaks aren't required in certain emergencies where it wouldn't be reasonable for an employee to take a break.
- Federal, BC, Ontario, Québec, and Yukon laws include language clarifying that meal breaks are unpaid unless employees are required to be at their workstation or otherwise available to the employer during break time.
- Alberta, Manitoba, Newfoundland, Northwest Territories, Nunavut, and Québec allow for alternative break arrangements via collective agreement and/or government approval.
- New Brunswick is the only province that doesn't expressly provide for meal breaks.

Here's a look at the meal break entitlements and requirements in each part of Canada. Go to the HR Insider website for a [Meal and Rest Breaks Policy template](#) that you can adapt.

FEDERAL

1. Employees get 30 minutes of unpaid breaks for every 5 hours of work (*Canada Labour Code*, Sec. 169.1(1)).
2. Break time must be paid if employer requires employee to be at its disposal during break time (*Canada Labour Code*, Sec. 169.1(2)).
3. Employer may postpone or cancel break if necessary for employee to work to deal with situation that the employer couldn't have reasonably foreseen and that presents or could reasonably be expected to present an imminent or serious threat:
 - to life, health, or safety.

- of damage to or loss of property.
- of serious interference with the ordinary working of the employer's industrial establishment (*Canada Labour Code*, Sec. 169.1(3)).

ALBERTA

1. Employer must provide employee who works a shift that exceeds 5 hours but is less than 10 hours at least one rest period of at least 30 minutes, whether paid or unpaid (*Employment Standards Code*, Sec. 18(1)).
2. Employer must provide employee who works a shift of 10 hours or more with at least 2 rest periods of at least 30 minutes each, whether paid or unpaid (*Employment Standards Code*, Sec. 18(2)).
3. Employer and employee may agree to allow for the above rest period to be taken in 2 periods of at least 15 minutes each (*Employment Standards Code*, Sec. 18(3)).
4. Rest period may be taken at a time agreed to by an employer and employee (*Employment Standards Code*, Sec. 18(4)).
5. If employer and employee don't agree on a rest period schedule for a shift:
 1. employer must provide a rest period of at least 30 minutes, at a time chosen by the employer, within or immediately following the first 5 hours of the shift, and
 2. if required in accordance with Item 2 above because a shift is 10 hours or more, employer must provide a second rest period of at least 30 minutes, at a time chosen by the employer, after the first 5 hours of the shift (*Employment Standards Code*, Sec. 18(5)).
6. **Exception:** The above Item 1 to Item 5 rules don't apply if:
 1. an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur.
 2. different rest provisions are agreed to under a collective agreement.
 3. it's not reasonable for the employee to take a rest period (*Employment Standards Code*, Sec. 18(6)).

BRITISH COLUMBIA

1. Employer must ensure that no employee works more than 5 consecutive hours without a meal break, and that each meal break lasts at least a 1/2 hour (*Employment Standards Act*, Sec. 32(1)).
2. Employer must count meal breaks as time worked if employer requires employee to work or be available for work during the break (*Employment Standards Act*, Sec. 32(2)).

MANITOBA

1. Employer must not require an employee to work for more than 5 consecutive hours without a break of at least 30 minutes (*Employment Standards Code*, Sec. 50(1)).
2. Employer can provide for a break shorter than 30 minutes if a shorter period is provided for in a collective agreement or the Employment Standards director, on application by the employer, by order approves a shorter period (*Employment Standards Code*, Sec. 50(2)).

NEW BRUNSWICK

Employment Standards Act doesn't specifically address daily rest breaks or maximum daily hours, except for children.

NEWFOUNDLAND & LABRADOR

1. Employer must permit an employee to take an unbroken rest period of 1 hour immediately after each 5 consecutive hours employed under the contract of service (*Labour Standards Act*, Sec. 24(1)).
2. **Exception:** A collective agreement or written contract of service between the employer and the employee may provide for a rest period that differs from Item 2 above in terms of both duration and timing (*Labour Standards Act*, Sec. 24(2)).
3. **Exception:** The above rest period rules don't apply to an employee who:
 - is a crew member of a ferry boat.
 - is subject to a collective agreement within the meaning of the *Labour Relations Act or Fishing Industry Collective Bargaining Act*.
 - works alone and in circumstances where it's impracticable to take a rest period (*Labour Standards Regs.*, Sec. 7).

NOVA SCOTIA

1. An employee is entitled to a rest or eating break of at least one-half hour at intervals such that as a result no employee is required to work longer than 5 consecutive hours without a rest or eating break (*Labour Standards Code*, Sec. 66B(1)).
2. Notwithstanding Item 1 above, where an employee that works more than 10 consecutive hours is entitled to at least one rest or eating break of at least one-half hour and other rest or eating breaks totalling at least one-half hour for each 5 consecutive hours of work (*Labour Standards Code*, Sec. 66B(2)).
3. **Exception:** Items 1 and 2 above don't apply:
 - where an accident occurs, urgent work is necessary or unforeseeable or unpreventable circumstances occur.
 - where it's unreasonable for an employee to take a meal break.
 - to an employee whose terms of employment are determined by a collective agreement.
 - in any other case specified in the regulations (*Labour Standards Code*, Sec. 66B(3)).
4. An employee is entitled to a rest or eating break at a time or times other than when provided by Items 1 or 2 above where it's necessary for medical reasons (*Labour Standards Code*, Sec. 66B(4)).
5. An employee who has worked 5 hours without being provided a rest or eating break is entitled to eat while working (*Labour Standards Code*, Sec. 66B(5)).

NORTHWEST TERRITORIES

1. Employer may not require or permit an employee to work, or to be at the employer's disposal, without a meal break, for a period greater than 5 hours (*Employment Standards Regs.*, Sec. 13(1)).
2. Minimum time for a meal break is 30 minutes (*Employment Standards Regs.*, Sec. 13(2)).
3. The above meal break requirements don't apply if either a collective bargaining agreement provides for or the Employment Standards Officer approves a different arrangement (*Employment Standards Regs.*, Sec. 13(3)).
4. Items 1 and 2 above don't apply if the Employment Standards Officer approves a

different arrangement made between an employer and employee regarding the timing and duration of meal breaks (*Employment Standards Regs.*, Sec. 13(4)).

NUNAVUT

1. Every employee is entitled to meal break of at least 30 minutes after each period of 5 continuous hours of work (*Labour Standards Meal Regs.*, Sec. 1).
2. Employee taking a meal break must not work during the meal break (*Labour Standards Meal Regs.*, Sec. 2).
3. Labour Standards Officer may issue a written waiver of exemption (*Labour Standards Meal Regs.*, Sec. 3).

ONTARIO

1. Employer must give employee an eating period of at least 30 minutes at intervals that will result in the employee working no more than 5 consecutive hours without an eating period (*Employment Standards Act*, Sec. 20(1)).
2. **Exception:** The above rule doesn't apply if the employer and the employee agree, whether or not in writing, that the employee is to be given 2 eating periods that together total at least 30 minutes in each consecutive 5-hour period (*Employment Standards Act*, Sec. 20(2)).
3. An employer isn't required to pay an employee for an eating period in which work isn't being performed unless the employment contract requires such payment (*Employment Standards Act*, Sec. 21).

PRINCE EDWARD ISLAND

1. Employer must provide each employee an unpaid rest or eating period of at least one half hour at intervals such that no employee works longer than 5 consecutive hours without an unpaid rest or eating period (*Employment Standards Act*, Sec. 16(2)).
2. Employer must not require an employee to remain at the employee's place of employment during the above provided unpaid rest or eating period (*Employment Standards Act*, Sec. 16(3)).

QUÉBEC

1. Unless otherwise provided in a collective agreement or decree, the employer must grant an employee a rest period of 30 minutes, without pay, for meals, for a period of 5 consecutive hours of work (*Labour Standards Act*, Sec. 79).
2. The above rest period must be paid if the employee isn't authorized to leave their workstation during the period (*Labour Standards Act*, Sec. 79).

SASKATCHEWAN

1. Employer must provide an employee an unpaid meal break of at least 30 minutes' duration within every 5 consecutive hours of work (*Sask Employment Act*, Sec. 2-14(1)).
2. **Exception:** Employer isn't required to grant the above meal break:
 - in unexpected, unusual or emergency circumstances; or
 - if it's not reasonable for an employee to take a meal break (*Sask*

Employment Act, Sec. 2-14(2)).

3. If the employer doesn't grant the meal break required by Item 1 and the employee works 5 or more consecutive hours, the employer must let the employee eat while working (*Sask Employment Act, Sec. 2-14(3)*).
4. Employer must provide an employee an unpaid meal break at a time or times necessary for medical reasons. pay to an employee the total wages to which the employee is entitled up to a day no more than 6 days before the employee's payday (*Sask Employment Act, Sec. 2-14(4)*).

YUKON TERRITORY

1. Employer must ensure that each employee has an eating period of at least one-half hour at intervals that will ensure that:
 - Where the employee works 10 hours or less on the day in question, the employee won't work longer than 5 consecutive hours between eating periods.
 - Where the employee works more than 10 hours on the day in question, then the employee won't work longer than 6 consecutive hours between eating periods (*Employment Standards Act, Sec. 13(1)*).
2. For purposes of computing the hours worked by an employee, the period allowed the employee for eating must not be counted as hours worked unless the employee is required to work during those periods (*Employment Standards Act, Sec. 13(2)*).