

Mandatory Breaks In Ontario: What You Need To Know



Running a business in Ontario? You've got enough on your plate. Let's make sure you're up to speed on mandatory breaks under the Employment Standards Act, 2000 ("ESA").

Rest and Meal Breaks

The ESA is clear: If your employees work more than five consecutive hours, they are entitled to a 30-minute break. You can't skip it unless you want to risk non-compliance. The break is unpaid unless you require the employee to do any form of work during that time. For example, if an employee remains "on call" or at their desk during their break, they must be compensated for it.

Want to split that 30-minute break into smaller chunks? You can do that, but only if you and the employee agree. It's a common practice to break the 30 minutes into two 15-minute breaks but remember that the full 30 minutes must still be provided within that same five-hour window.

Rest Between Shifts

The ESA mandates that employees must have at least 11 consecutive hours off between shifts. This rule ensures employees have adequate rest and aren't overworked, which can lead to burnout and decreased productivity.

In addition to the 11-hour break, employees are entitled to either 24 consecutive hours off each week or 48 consecutive hours off every two weeks. This is especially important for businesses that operate seven days a week, such as retail or hospitality, where shifts can sometimes bleed into the next day.

Working Extra Hours? Meet the Excess Hours Agreement

While the standard workweek in Ontario is capped at 48 hours, some businesses may require employees to work more. If this is the case, you can set up an Excess Hours Agreement to exceed the 48-hour limit, but this comes with conditions. The employee must agree to the additional hours in writing, and you must also receive approval from the Ministry of Labour.

Even with this agreement, the employee's rights to breaks and rest periods don't

change. You can't bypass these rules just because someone has agreed to work longer hours. Employees have the right to cancel their agreement with two weeks' notice if they decide they no longer wish to work the excess hours.

Can You Skip Breaks? There are some narrow exemptions to these rules. Managers, certain professionals, and employees in high-responsibility roles may be exempt from some of these break requirements. However, these exceptions are limited and should be carefully considered. Emergency situations may also provide a degree of flexibility, but only in truly urgent scenarios.

Taking breaks isn't optional—it's the law. Under the ESA, it's on the employer to make sure everyone gets their downtime. So, even if your employee begs to skip their break to clock out early on an 8-hour shift, the answer's still a hard no. You can't let them trade their break time for an earlier exit, no matter how tempting it might be.

Skipping breaks isn't just bending the rules—it's breaking them. If employees keep dodging their breaks without permission, it could lead to discipline. Bottom line: make sure everyone knows the deal, and that breaks happen when they're supposed to.

What Happens if You Don't Play by the Rules? Failing to provide proper breaks and rest periods can get you in hot water with the Ministry of Labour. Non-compliance might trigger investigations, fines, and even lawsuits from employees who feel they were treated unfairly. Beyond legal trouble, failing to respect break rules can hurt employee morale and productivity. Bottom line: Stay compliant and avoid the mess.

Pro Tip for Employers Want to avoid trouble? Keep it simple—have a clear, written break policy. Make sure your managers and employees know the rules. Track breaks properly – whether it's fancy software or just a simple system – as long as it works, you're good. These steps will keep you compliant and make sure everyone's on the same page.

Remember, breaks aren't just about ticking a legal box—they're what keep your team fired up and ready to work hard. So, set those policies, follow the ESA, and keep things running smoothly!

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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