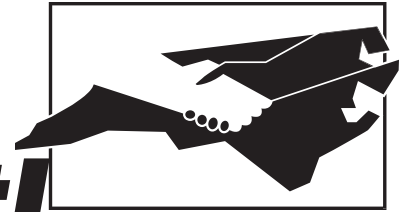


Give Us a Break: We've Worked For It!



NC STATE AFL-CIO

2019-2020 Legislative Session

Everyone - whether they sit at a desk, work in a factory, or drive a truck - needs a break during the workday. That's why many are surprised to learn that most employees are not entitled to work breaks under law, even if they have been working for hours on end.

Growing Number of States Require Employee Rest Breaks

The Fair Labor Standards Act, a federal law passed in 1938, generally does not mandate rest breaks for employees.¹ However, it does require that any employer-provided breaks lasting 20 minutes or less be considered paid work time.² Employers must also provide reasonable breaks for nursing mothers to express milk.³ Separate safety regulations require work breaks for pilots and long-haul truck drivers.⁴

Many states have passed legislation requiring breaks for employees.⁵ In North Carolina, however, only employees under 16 years of age are entitled a 30-minute break after every five hours worked.⁶ Breaks are also provided for state employees who are nursing mothers.⁷ Otherwise, most North Carolina workers can be forced to work several hours consecutively without a break.⁸

Regular Breaks Benefit All

The benefits of taking breaks at work are well-documented. Breaks help employees stay energized, improve focus, enhance attentiveness, and promote a healthier workforce.⁹

- **Breaks improve focus and productivity.**¹⁰ Our brains have a limited capacity to focus on tasks for prolonged periods of time - eventually, our awareness and attention span decrease. Research shows that taking breaks at work can vastly improve employees' abilities to focus at work.
- **Breaks help us problem solve and make connections.**¹¹ Breaks allow employees to take a step back and refocus on an objective. Science also tells us that taking breaks from work helps us with decision-making and problem-solving.¹²
- **Breaks increase job satisfaction.**¹³ A recent survey showed that regular breaks can help improve overall job satisfaction.¹⁴
- **Breaks are good for mental well-being.**¹⁵ Employees who take lunch breaks are less likely to experience fatigue and burnout.

N.C. Workers Deserve a Break!

Most union employees enjoy collectively negotiated meal and rest breaks. However, we believe that ALL employees deserve a break to use the restroom, grab a bite to eat, or simply rest.

- To bring our state in line with the growing trend towards requiring work breaks, we offer a modest proposal based on legislation in other Southern States.¹⁶
- The proposal will require that employees be provided at least a 20-minute paid break in the middle of any six consecutive hours worked.
- This straightforward, common-sense proposal will benefit both employees and employers.
- It's time for North Carolina workers to get a break!

Endnotes:

1. 29 U.S.C §§ 201 et seq.
2. 29 C.F.R. § 785.18.
3. 29 U.S.C. § 207(r).
4. 49 C.F.R. §§ 395.1 et seq. (Federal Motor Carrier Safety Regulations); 14 CFR §§ 117.1 et seq. (Federal Aviation Administration Regulations). Intrastate truck drivers in North Carolina are entitled to breaks under Department of Public Safety regulations. See 14b N.C. Admin. Code 7C.0101.
5. Department of Labor, Wage and Hour Division, Minimum Paid Rest Period Requirements Under State Law for Adult Employees in Private Sector, (Jan. 1, 2019), <https://www.dol.gov/whd/state/rest.htm>.
6. N.C. Gen. Stat. § 95.25.5(e).
7. 25 N.C. Admin. Code 1N.0602.
8. Note that employers are required to provide toilet facilities and time to use those facilities under Occupational Health and Safety Administration Standards. See 29 C.F.R. § 1910.141(c) (1)(i).
9. Ferris Jabr, Why Your Brain Needs More Downtime, *Scientific American* (Oct. 15, 2013), <https://www.scientificamerican.com/article/mental-downtime/>.
10. Atsunori Ariga & Alejandro Lleras, Brief and rare mental “breaks” keep you focused: Deactivation and reactivation of task goals preempt vigilance decrements, *Cognition* (2011), <https://www.ncbi.nlm.nih.gov/pubmed/21211793>.
11. Ron Friedman, Schedule a 15-Minute Break Before You Burn Out, *Harvard Business Review*, (Aug. 4, 2014), <https://hbr.org/2014/08/schedule-a-15-minute-break-before-you-burn-out>.
12. Chris Mooney, Science Says You Should Leave Work at 2p.m. and Go For a Walk, *Mother Jones* (Aug. 1, 2014), <https://www.motherjones.com/environment/2014/08/inquiring-minds-barbara-oakley-learning-neuroscience/>.
13. Alan Kohll, New Study Shows Correlation Between Employee Engagement and the Long-Lost Lunch Break, *Forbes* (May 29, 2018), <https://www.forbes.com/sites/alankohll/2018/05/29/new-study-shows-correlation-between-employee-engagement-and-the-long-lost-lunch-break/#6a062e934efc>.
14. Tork, Take Back the Lunch Break: Survey Findings, <https://cdntorkprod.blob.core.windows.net/docs-c5/763/185763/original/tork-takes-back-survey.pdf>.
15. Charlotte Fritz, Allison M. Ellis, Caitlin A. Demsky, Bing C. Lin, Frankie Guros, Embracing Work Breaks: Recovering From Work Stress, *Organizational Dynamics* (2013) 42, 274-280. <http://thriving.berkeley.edu/sites/default/files/Embracing%20Work%20Breaks%20%28Eschleman%20Lecture%29.pdf>.
16. See e.g., W. Va. Code § 21-3-10(a), Tenn. Code § 50-2-103(h), Ky. Stat. § 337.355.