
Meal and Rest Break Requirements for Agriculture

Background: The Washington State Department of Labor & Industries has adopted separate regulations applicable to agricultural and non-agricultural labor. Regulations related to agricultural labor are in [WAC 296-131](#), while regulations for non-agricultural labor are in [WAC 296-126](#). L&I has compiled pertinent rules for agriculture at <http://www.lni.wa.gov/WorkplaceRights/Agriculture/Breaks/default.asp>.

Meal Breaks: Employees employed more than five hours must receive a meal break of at least 30 minutes. Employees working 11 or more hours in a day must be allowed at least one additional 30-minute meal break. Meal breaks are on the employee's time and do not need to be paid by the employer.

Unlike non-agricultural employees, agricultural employees cannot waive their rights to the standard meal break. This stipulation is due to the differing language in the non-agricultural regulation. The meal break during the overtime period (for agricultural employees working 11 or more hours in a day) must be allowed by the employer, but the employee could waive this meal break in writing. The best practice is to require all ag employees to take and record meal breaks.

Rest Breaks: Employees are entitled to a 10-minute rest break, on the employer's time, for each four hours of work time. "On the employer's time" means that the employee must be paid for the 10-minute rest break. Rest break requirements apply to overtime periods as well.

The agricultural regulations do not specify when the rest break must be scheduled, as long as it occurs in each four-hour period of work. A full 10-minute rest period is required.

The regulations governing non-agricultural employment allow several shorter, intermittent breaks to be substituted for the designated 10-minute break period. However, this provision is not provided for agricultural employment and must not be applied in an agricultural setting.

Rest periods cannot be waived by employees and cannot be combined into one 20-minute break. The law does not allow for combining rest and/or meal periods.

Employers cannot require employees to use the restroom only during the rest periods. The Washington Industrial Safety & Health Act ([RCW 49.17](#)) requires that employers provide employees with reasonable access to restroom facilities. Such restroom breaks are for safety and health reasons. Restricting restroom access to meal and/or rest periods would be viewed as interfering with both access to restrooms and the right to meal and rest periods. Though not required by law, we recommend scheduling a 10-minute rest break toward the middle of the 4-hour work period for worker health and safety reasons.

What consequences do I face if I don't follow the law? Costly wage claims are possible if missed meal periods or rest breaks result in unpaid work time. Washington farmers have faced administrative enforcement actions and lawsuits in recent years for failing to keep records of employee meal and rest periods, failing to ensure employees are taking their breaks, and/or for failing to pay for rest periods.



What practices should I follow? The difficulty that all employers face is documenting that employees received the rest breaks to which they are entitled. Employers need to collect and retain documentation that is sufficient to defend themselves in an investigation or litigation.

Employers must ensure meal and rest breaks are taken. Have a written policy on this topic and train your supervisors to follow this policy. Communicate clearly to employees that breaks are mandatory. This means no adding breaks to lunch and no forfeiting breaks or lunch to arrive late or leave early.

Employers should document meal and rest breaks. Record the rest breaks on the time cards or, at the very least, add language to the time card above the signature of the employee that says, "I certify that I have received all rest breaks to which I am entitled during this period." Keep time cards, signed weekly or monthly statements, and supervisor logs. If an employee misses a break or meal period, document it and the reason why.

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