

# When mini breaks just don't cut it

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## Tribunal says twenty-minute rest periods for workers should be given in one run, not as a series of mini-breaks

The mini break may have made the perfect date for Bridget Jones, but when it comes to employee rights, companies need to make sure they do everything to enable workers to take a full, uninterrupted 20-minute rest break.

The warning comes after Network Rail was found to have failed to take the necessary steps to facilitate full 20-minute rest breaks, despite the employee being in a role that has special provision for alternative arrangements.

The [case](#) was brought by a railway signalman who was responsible for running single-manned signal boxes on eight-hour shifts. Due to train timetables, he could not take an uninterrupted break and had to be on-call when he did take a break. As a result, he argued that he had been denied his legal entitlement under the Working Time Regulations 1998 ([WTR](#)).

All workers are entitled to an uninterrupted 20-minute rest break away from their usual working location after six hours of working under the WTR. It must be known to be a rest break before it starts, so if someone has had an unexpected 20-minute gap in their day, this can't be treated as the rest break retrospectively.

If a worker is on call during a break, then it will not count as a rest break, but Regulation 24 of the WTR says that some workers will be excluded from these provisions as it may not be feasible to schedule the rest break in the usual way, but they must be allowed an equivalent period of compensatory rest. This applies to railway workers and others such as paramedics, or lone workers such as those in a security role.

Although Network Rail provided a relief signaller in some regions, they did not do so in Mr Crawford's region and instead told him that he could take shorter breaks during his shifts "between periods of operational demand" and that these shorter breaks would add up to more than 20 minutes.

At the first hearing the Employment Tribunal held that Network Rail had acted correctly and that when added together the short breaks were compliant with the requirements of compensatory rest. But Mr Crawford appealed, and the Employment Appeal Tribunal (EAT) ruled against Network Rail. The EAT said that if it were possible to provide workers with a full uninterrupted 20-minute break, then that should be what happens. As Network Rail were providing the relief signalman in other regions, they must have been able to take steps to provide the same option in Mr Crawford's region.

Employment lawyer, Karen Cole, said:

*"Minimum rest periods are there for the protection of health and safety and this ruling demonstrates, once again, that tribunals will not allow employers to duck out of their responsibility."*

*"As with all terms of employment, the starting point should be a clear policy that everyone knows and understands, especially where workers are involved in environments in which pre-scheduled breaks are hard to operate, or they are working alone. It's important to re-evaluate regularly to see if problems are arising and take steps to ensure that breaks are being taken. You also need to be proactive about it, as arguing that a worker never asked for a break is not going to let you off the hook."*

Karen added:

*"If you have a situation where it is difficult to give workers an uninterrupted break, away from their work station, then it's worth reviewing the position with some specialist guidance, as the alternative may be an expensive tribunal claim."*

[Crawford v Network Rail Infrastructure Limited](#)

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