

# Working without breaks – Violation of the regulations on breaks and rest periods for young employed persons

## 19 baa: Facts

Social occupational safety comprises working time safeguards and the protection of the life and health of persons needing particular protection such as young employed persons. This fact sheet provides information on violations of the form of breaks and rest periods for young employed persons of ages between 15 and 24 years. The data was collected within the framework of the BIBB/BAuA survey of young employed persons (2011/2012) and shows that the majority of the persons questioned attribute the loss of breaks to the high quantity of work and the organization of the work.

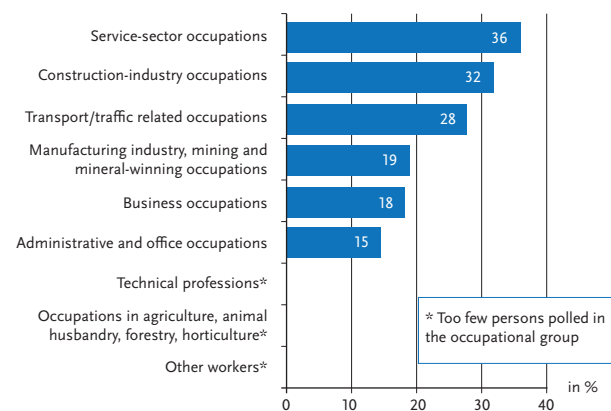
### Breaks and rest periods

Regulations on the duration, timing and distribution of work breaks are fundamental components of social occupational safety. Work breaks are times during which work is interrupted and serve for recuperation. They have the objective of protecting employees against overexertion and ensuring their safety and health. From a legal point of view, there is a difference between „breaks“ during the daily working hours and „rest periods“ being the time without work between the individual working days (BMAS 2012 [German Federal Ministry of Labour and Social Affairs]). In the BIBB/BAuA survey of young employed persons (2011/2012) 3,105 employees aged between 15 and 24 years were asked how matters were in respect of the adherence to and also of weekend work (in contrast of the BIBB/BAuA Employment Survey the persons polled also included apprentices and trainees). By reason of the different legal fundamentals for different age-groups in respect of occupational safety, it was appropriate to have separate analysis of the results for work breaks for the group of 18 to 24 year-olds (91%) and for the group of 15 to 17 year-olds (9%).

### Breaks for employed persons aged 18 to 24 years

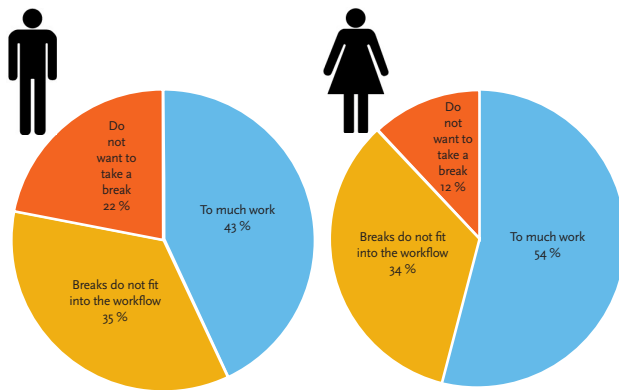
Breaks for employed persons over the age of 18 are regulated in the ArbZG (Working Hours Act). § 4 of this act lays down that with a working time in excess of six hours work is to be interrupted for at least 30 minutes and for at least 45 minutes with a working time in excess of nine hours. 23% of the employees polled reported that in respect of workdays with more than six hours of work breaks (in excess of 15 minutes) were frequently absent. Women and men reported absence of breaks to more or less the same extent. Whereas this also holds good for women and men employed full-time, with the part-time employees (weekly working hours less than 35 hours) more women (26%) than part-time employed men

(21%) reported that they had to work non-stop (i.e. without a break). Differences in absence of breaks also are evident between the occupational groups (see Fig. 1): Employees in service-sector jobs (including above all occupations in the hotel and restaurant as well as social and education sector) miss breaks most frequently (36%), followed by employees in construction-industry occupations (32%). Breaks are absent least in administrative and office occupations (15%).



**Fig. 1** Percentage share of 18 to 24 year-old employed persons by occupational group reporting a frequent absence of breaks

In total, 48% of the employees aged between 18 and 24 stated that too much work was the reason for the absence of breaks. Around one third (35%) stated that breaks do not fit into the workflow while 17% did not want any breaks. Women (54%) stated more frequently than men (43%) that they do not take breaks because of the quantity of work. On the other hand men (22%) stated almost twice as often as women (12%) that they do not take breaks because they do not want to (see Fig. 2).



**Fig. 2** Reasons for absence of breaks with men and women in comparison in percent

The pattern for the reasons for the absence of breaks was also confirmed in the occupational group comparison: In nearly all occupational groups the main reason stated for absence of breaks was too much work followed by a lack of compatibility of breaks with the workflow. The reason stated most rarely was that the persons themselves did not want to take a break.

### Breaks for employed persons aged 15 to 17 years

The particular need for protection of young persons is reflected in specific regulations of the JArbSchG (Youth Health and Safety at Work Act). § 11 of this act lays down that young persons have a right to a break of at least 30 minutes with a working time of more than four and a half hours and at least 60 minutes with a working time of more than six hours. 20% of the young persons polled (males and females to almost the same degree) stated that breaks were frequently absent. Nearly half stated the reason to be too much work. The number of persons polled was too small to permit an occupational group comparison.

### Weekend work of young employed persons

Repose on Sundays and public holidays is fundamentally to be guaranteed for employees (§ 9 of the ArbZG). Around one third (34% of the employed persons aged between 18 and 24 years stated that they worked on Sundays and public holidays. 8% stated that they worked on average on more than two Sundays a month. By reason of the manifold legal exception rules no statement can be made on violations on the basis of the underlying data.

In principle the weekend repose is to be guaranteed for young persons. According to § 16 Para. 2 and § 17 Para. 2 of the

JArbSchG young persons may be employed on Saturdays and Sundays only in particular areas of work (e.g. in hospitals and restaurants). Whether young persons work at the weekend in areas of work for which there is no exception rule cannot be stated unambiguously on the basis of the data held. However, a number of occupations were named which suggest this (e.g. layers of parquet and floors as well as bricklayers). In addition the law specifies that two Saturdays a month should remain free of work and that two Sundays a month must remain free of work. Exceptions exist here only in agriculture and restaurants during the peak season. A little more than half (51%) of the young persons polled stated that they work on Saturdays. Nearly a quarter (23%) of the young persons polled stated that they work on more than two Saturdays a month. Overall, fewer young persons reported working on Sundays; however a quarter of those polled reported that they also work on Sundays.

### Planning work with times for recovery

The legal regulations on work breaks underline the importance of rest/recovery from work and of the associated ability to participate in social activities. Around one fifth of the employed persons of between 15 and 24 years frequently do not take their breaks. The majority of the persons affected attribute this not to their own decision but to their high workload and the organisation of the work. This can be targeted by appropriate preventive measures for the organisation and arrangement of work because according to the lawmakers, the responsibility for the adherence to rest/recovery times for purposes of protecting the health of employees lies with the employer. The latter is obliged to agree workflows and workloads with the employees in such a way that compliance with breaks and rest periods is actually possible.

#### Further information

- 1 Factsheet 04. Working non-stop? A plea for breaks. [www.baua.de/DE/Angebote/Publikationen/Fakten/BIBB-BAuA-04e.pdf?\\_\\_blob=publicationFile&v=2](http://www.baua.de/DE/Angebote/Publikationen/Fakten/BIBB-BAuA-04e.pdf?__blob=publicationFile&v=2)
- 2 Factsheet 07. Working when others have a day off – Weekend working by employees. [www.baua.de/DE/Angebote/Publikationen/Fakten/BIBB-BAuA-07e.pdf?\\_\\_blob=publicationFile&v=2](http://www.baua.de/DE/Angebote/Publikationen/Fakten/BIBB-BAuA-07e.pdf?__blob=publicationFile&v=2)
- 3 BMAS (2012). Übersicht über das Arbeitsrecht/Arbeitsschutzrecht [Overview of the labor law/work protection law]. 6 Auflage. Nürnberg: BW Bildung und Wissen.