

**FLSA-587**

October 3, 1975

Deputy Under Secretary for Legislative Affairs \*\*\* has asked me to respond to your transmittal of August 20, on behalf \*\*\* of requesting a copy of the Occupational Safety and Health Act of 1970 and information pertaining to workers rights to breaks on the job. Enclosed is a copy of the Williams-Steiger Occupational Safety and Health Act of 1970.

In answer to your constituent's question concerning work breaks, the Fair Labor Standards Act is the Federal law of most general application which establishes minimum wage, overtime pay and other beneficial labor standards. There is no provision in the Act which requires an employer to give the employees work breaks. The granting of work breaks is a matter of agreement between the employer and the employees or their authorized representatives. If an employer does provide rest periods or work breaks, however, such periods must be counted as working time if they do not exceed 20 minutes. (See section 785.18 of the enclosed 29 CFR Part 785.)

In order for your constituent to determine whether work breaks are required by a law of the State of Pennsylvania, you may wish to advise him to contact the Department of Labor and Industry, Bureau of Labor Standards, Labor and Industry Building, Harrisburg, Pennsylvania 17120, Telephone: (717) 787-3157.

Sincerely,

Warren D. Landis  
Acting Administrator