



Mineral



Question of the Week

MARCH 15, 2023

Question

We have a remote employee who is working through their lunch break. Can we require them to take it?

ANSWER

Yes, generally you can and should require an employee to take a lunch break. In many states, employers are required to provide employees with rest breaks, meal breaks, or both, and are sometimes even required to provide them at specific times during an employee's shift. An employee skipping these rest periods could result in noncompliance with those laws. Additionally, an employee who works through their breaks may see negative impacts on their health and well-being, while you may see a drop in their overall productivity. It's in everyone's best interest that the appropriate break time is provided and taken.

Having said that, before taking any adverse action against the employee, try to find out why they're working through their break. Perhaps they would rather take their break at a different time, or maybe their workload is so heavy they feel they have to work through breaks to keep up. We advise approaching the employee with curiosity and looking for a solution that works for both of you. If the employee continues to skip their breaks despite these efforts, you can consider whether discipline is appropriate.

This Q&A does not constitute legal advice and does not address state or local law.