

《休息時段指引》

(徵詢稿)

引言

休息時段對僱員、僱主和自僱人士同樣重要。要工作做得好，必須有充足的精神和體能。連續長時間工作而沒有休息，容易產生疲勞，引起安全與健康問題。疲勞不但削弱思考及一般工作能力，亦會影響判斷和生產力，以致工作效率下降，影響對顧客的服務質素，甚至引起嚴重工傷意外，殃及無辜，招致財物損失，影響公司業務。工業意外並會令保險費上升，增加營運成本，損害僱主、僱員或自僱人士的利益。

2. 僱員及自僱人士能有適當的休息時段，對他們的工作安全與健康，至為重要。某些職業如司機，假如休息不足，可能導致嚴重的交通意外，不但影響個人安全，更對他人構成威脅。一般白領人士，鮮有關注自己的休息時間，例如整日使用電腦進行快速和重複的按鍵動作，可能患上腱鞘炎。

僱主和僱員的責任

3. 連續長時間工作後，能有短暫的休息，可讓僱員有機會鬆弛一下，恢復精神，有助他們改善工作表現及服務質素，並可促進勞資關

係，激勵僱員熱誠工作。任何人士在長時間工作後，都需要自覺地安排休息時段，僱主應採取開明態度，通過討論協商，作出適當安排。

4. 職業安全及健康條例（香港法例第 509 章）第 6 節明確規定，僱主須在合理及可行範圍內，確保僱員的工作安全及健康。除少數例外如自僱人士、職業司機等，該條例適用於所有僱主。由於適當的休息時段對僱員的工作安全與健康有密切的關係，僱主應與僱員磋商，達成共識，定出適當的休息時段安排，一方面配合工作上的需要同時可以提供優質服務。如機構本身設有勞資協商機制（包括安全委員會），僱主可以透過這個機制，諮詢僱員對休息時段安排的意見。

5. 自僱人士往往因為工作繁重，或純粹為了賺取更多收入而忽略了休息時段的重要性。其實，在筋疲力竭的時候，絕不可能提供優質服務，而且容易產生種種意外。所以，適當的休息時段對他們的業務、健康和安​​全都有裨益。

休息時段

6. 休息時段是指僱員可於工作時間內暫停工作的一段時間，以備用膳或休息。根據附屬於《僱傭條例》（香港法例第 57 章）的《僱用兒童規例》與《僱用青年(工業)規例》，兒童^{註一}及青年^{註二}在連續工作五小時後，必須分別享有一小時及半小時的休息時間。

^{註一} “兒童”(child) 指不足 15 歲的人士

^{註二} “青年”(young person) 指年滿 15 歲但未滿 18 歲的人士

7. 在香港，僱員在工作日普遍享有休息時段。一般而言，香港的全職僱員都享有一小時的用膳時段。有些行業，例如建造業，因屬體力勞動的工作，上下午都有休息時間的行規。又例如飲食業，也在非繁忙時段安排僱員休息，以便應付緊隨的繁忙工作。而物業管理行業，也有安排僱員輪流作適量的休息，這都是值得借鑑的例子。

8. 不過，有小部分職業或行業，由於業務性質或規模的關係，可能沒有指定的休息時段。在這情況下，僱主及僱員應自行商討，作出適當安排，使僱員仍然可以在不影響工作的情況下，獲得適當休息。

9. 從事一些危險或艱辛工序的人員，例如涉及暴露於高溫、蒸氣或震動的工作，或需消耗大量體能（如人力搬運重物）的工作，可能需要安排較頻密，但不影響自己及他人安全情況下的短暫休息時段。

10. 休息時段對在酷熱環境中工作的僱員更為重要。例如，在酒樓、餐廳或食堂的廚房內，食物製造工場靠近火爐的地方，以及漂染廠內靠近鍋爐工作的僱員，更需要較頻密的短暫休息時間。

11. 另外，僱員如需要操作震動式機器（如震動式壓土機、鏈鋸、混凝土震動棒等），或從事體力消耗量大的工作（如扎鐵、吊運），會特別容易感覺疲累。僱主應安排他們在連續工作一段時間後，作適量的休息。

12. 一人經營的店主或只有一名僱員的店鋪，可以在店鋪當眼的位置展示上、下午的營業時間。店主應和僱員就有關休息時段作出適當和較富彈性的安排。

勞資協商

13. 不過，沒有單一的休息時段模式可適用於各行各業的不同情況。適當的休息時段安排，對僱員的需要及有關行業業務的發展，甚至公眾利益，均為有利。為達致這目標，由僱主及僱員自動自覺地議定休息時段安排，是最適當的做法。請謹記：

精神好，服務質素高，按時休息可做到。

查詢

14. 如在安排適當休息時段上有任何疑問，或需尋求協助，可致電勞工處職業安全及健康部。

查詢電話：2559 2297（在辦公時間外，設錄音留言服務）

職業安全及健康委員會
勞工顧問委員會
二零零二年十二月

Guide on Rest Breaks

(Draft for consultation)

Introduction

Rest breaks are important for employees, employers and the self-employed. One must have energy to perform a job well. Working long hours continuously without any break, causes fatigue as well as safety and health problems. Fatigue impairs an employee's ability to perform. It also affects one's judgment, productivity, work efficiency and quality of services provided to customers. Fatigue may even lead to serious occupational accidents resulting in injury to persons, loss of properties and also affecting the business operation. Industrial accidents would bring about higher insurance premium and increase operating costs, thus undermining the interests of employers, employees, and the self-employed.

2. Appropriate rest breaks are important to the safety and health of employees and self-employed persons. For some occupations, such as full-time drivers, fatigue may cause serious traffic accidents endangering not only the drivers themselves but also other people as well. Office staff seldom pay attention to the need for taking a rest after performing prolonged office work. Some may suffer as a result from tenosynovitis due to repetitive high speed keying process for computer operation without taking suitable rest breaks.

Duties of Employers and Employees

3. A short break after a long period of continuous work provides a chance for employees to relax and recuperate. It helps to improve their performance and quality of service, foster better employer-employee relationship and motivate employees to give their best performance. Every person shall arrange himself a rest break after a long period of work. Employers should take an enlightened view and work out, in consultation with their employees, an appropriate rest break arrangement.

4. Section 6 of the Occupational Safety and Health Ordinance (Chapter 509) requires that an employer shall ensure, so far as reasonably practicable, the safety and health of their employees at work. With a few exceptions, such as self-employed persons and drivers, the Ordinance applies to all employers. Since appropriate rest breaks are closely related to the safety and health of employees, employers should work out with their employees the most suitable rest break arrangement to cope with the business operation and to provide quality service. For establishments with workplace communication mechanism (including safety committees), employers should make use of such mechanism to seek views of employees on the rest break arrangement.

5. Self-employed persons may overlook the importance of rest breaks because of heavy workload or simply for the desire to earn more. A burnt-out and worn-out person would hardly be able to provide quality service, but instead would be prone to accidents. Suitable rest breaks are

beneficial to one's business as well as to one's safety and health.

Rest Break

6. A rest break is a break from work, during which period an employee can have a meal or take a rest. The Employment of Children Regulations and the Employment of Young Persons (Industry) Regulations made under the Employment Ordinance, Chapter 57, govern working hours of children¹ and young person² who are entitled to have one-hour and half-hour rest breaks respectively after 5 hours continuous work.

7. The practice of having rest breaks in a working day is common in Hong Kong. Usually, one-hour meal break is available for full-time employees. For manual work requiring a lot of physical energy, e.g. in construction, there is usually a trade practice of taking short breaks in morning and afternoon sessions. The catering trade allows employees to take rest breaks during non-peak business hours so as to prepare them for the next wave of heavy workload. In estate management, rest breaks are often arranged by rotation. These are all good examples for our reference.

8. Some occupations and trades, however, may not have specified rest breaks because of unique business nature or the size of operation. Under those circumstances, employers should work out in consultation with their employees a suitable rest break arrangement that would allow

¹ Child means a person under the age of 15 years

² Young person means a person who had attained the age of 15 years but not the age of 18 years

employees to take appropriate rest without affecting the business operation.

9. Workers who are engaged in hazardous or strenuous work processes, such as work involving exposure to high temperature, steam or vibration, or work expending a lot of energy as in manual handling of heavy objects, more frequent short rest breaks may be required provided that the safety of the workers and other persons is not affected.

10. Rest breaks are much more important to employees working in hot environment, for example: working close to hot stoves in kitchens of restaurants, canteens or food factories; and close to boilers in dyeing factories. Frequent short breaks are even more important for these workers.

11. Furthermore, employees operating vibratory machines (such as soil compressor, chain saw, cement vibrator etc.), or who are engaged in processes expending a lot of physical strength (such as bar bending, rigging work), are easier to become tired. Employers should arrange suitable rest breaks for these workers after they have worked continuously for a period of time.

12. For a shop operated by the owner himself or by one employee only, a notice showing the business hours in the day can be displayed at a prominent place. The shop owner should discuss with the employee to work out a suitable and flexible rest break arrangement.

Consultation between Employers and Employees

13. No single pattern of rest break arrangement can suit the divergent needs of a wide variety of trades and business. A suitable rest break arrangement is beneficial to the employer, the employee or in some cases even members of the public. Rest break arrangements worked out voluntarily between employers and employees through consultation will be the most appropriate measure to achieve this goal.

Work hard, work smart, with suitable rest breaks!

Help Desk

14. If you have any enquiry on rest break arrangement, or if you need any assistance, please contact the Occupational Safety and Health Branch of the Labour Department through:

Telephone : 2559 2297 (auto recording after office hour)

Committee on Occupational Safety and Health

Labour Advisory Board

December 2002