

Minnesota Employers Face New Rest and Meal Break Rules in 2026

Alert

10.27.2025

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WHAT YOU NEED TO KNOW

Minnesota is tightening its [rest and meal break rules](#) effective January 1, 2026, and the changes carry serious wage-and-hour penalties for noncompliance. Now is a good time for employers to review their policies and collective bargaining agreements.

WHAT'S CHANGING?

Paid Rest Breaks

- **Current Rule:** Employers must give employees "adequate time" each four-hour work period to use the nearest restroom.
- **New Rule (2026):** Employers must provide at least 15 minutes every four hours — longer depending on the actual amount of time required for an employee to use the nearest restroom. These breaks must be paid, and employees can take them even if they don't need the restroom.

Meal Breaks

- **Current Rule:** Employers must provide "sufficient time" for a meal when an employee works eight or more consecutive hours; 30 minutes is ordinarily sufficient.
- **New Rule (2026):** Employers must provide a 30-minute meal break whenever an employee works six or more consecutive hours. The break can be unpaid only if the employee is fully relieved of duty.

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PENALTIES

- Employers who fail to provide required breaks will owe employees double the amount of pay that would have been earned during the missed break. The potential exposure can be significant in class or collective actions.

ENFORCEMENT GUIDANCE

The Minnesota Department of Labor and Industry (MNDLI) has indicated it will look at whether employers:

- Have clear, written break policies.
- Communicate the policies to employees.
- Actually make it possible for employees to take breaks.

MNDLI has not yet issued detailed rules on how break waivers will be treated or whether additional rulemaking is coming, so employers should expect further guidance before the 2026 effective date.

IMPACT OF COLLECTIVE BARGAINING AGREEMENTS

Employers with unionized workforces should pay close attention to how these new requirements interact with existing collective bargaining agreements (CBAs). For example, whereas Minnesota's earned sick and safe time (ESST) law allows employers to negotiate different terms through collective bargaining only if the CBA provides greater benefits than the statute, the new rest and meal break laws are less restrictive. Unlike ESST, this new statute does not expressly require that negotiated terms meet or exceed the statutory minimums. This nuanced distinction provides employers more options at the bargaining table.

WHAT EMPLOYERS SHOULD DO NOW

1. Review and update all rest and meal break policies to align with the 2026 standards and ensure a documented method of communicating the policy to all affected employees.
2. Train managers and supervisors to ensure breaks are consistently allowed and tracked.
3. Document voluntary waivers (ideally in writing) when employees choose to skip breaks (unless MNDLI issues guidance providing for a different procedure).
4. Audit CBAs to confirm they specifically address rest and meal breaks or revise to address if necessary.
5. Plan ahead for compliance to avoid disruptions once the law takes effect (e.g., will time clock records provide sufficient documentation of break compliance in the event of a MNDLI audit?).

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For more information on developing a compliance strategy or reviewing your collective bargaining agreements, please contact [Nicole Faulkner](#), [Matthew Tews](#), [Patrick Busch](#), [Daniel Sparacino](#), or the Stinson LLP contact with whom you regularly work.

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