

Fife Discusses Difference Between “Providing” and “Ensuring” Meal Breaks

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Winston & Strawn partner [Joan Fife](#), who serves as head of the firm’s San Francisco labor and employment group, was quoted in the *Associated Press* article titled “Calif high court to decide lunch break lawsuit.” The article was published in *The Wall Street Journal*, *Bloomberg Businessweek*, *Washington Post*, as well as other publications.

On April 12, 2012, the state Supreme Court will decide whether managers must order workers to take rest and meal breaks at regular intervals throughout the workday. The question is whether California labor law requires an employer to simply “provide” meal and rest breaks to employees, or whether it must also “ensure” those breaks are taken at certain times during shifts.

Ms. Fife, a labor lawyer who represents employers, said uncertainty over the law’s requirements have already led many California businesses to implement internal policies designed to make certain that employees take their breaks.

“The argument ... is that the law has always been clear that the employer has to provide a meal break, meaning it cannot stand in the way of it happening,” she said. “But if the employee decides on their own not to take it, that’s not a violation of the law.”

If the court rules that California law requires employers to simply allow meal and rest breaks, it will provide clarity in many current and future legal disputes.

“If the Supreme Court rules that ‘provide’ does not mean ‘ensure,’ the number of meal break, wage-and-hour class actions lawsuits filed in the state, I think, would be reduced,” Ms. Fife said.

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