

PAYING ON TIME PART 4

by Rabbi Yehonasan Gefen

In the previous article, we discussed to whom the Mitzvos of paying on time^[2] applied. In the coming weeks we will discuss how the payment must be made.

1. CASH: Obviously, payment by cash fulfils the criteria necessary to fulfil the Mitzvos relating to paying on time. The principle behind 'bal tolin' is that a worker depends upon his wages to cover his immediate expenses. Cash is the form of money which can most easily be used as soon as the worker receives his payment.^[3]
2. CHECK: The validity of using a check for payment as a way of fulfilling the Mitzvos of bal tolin, is dependent on the place in which the payment is taking place: In some countries (such as Eretz Yisroel), checks are regularly used in place of cash. Many storekeepers will accept third party checks in place of cash payments. In such a place, payment by check fulfils bal tolin. This is because the worker can easily use the check as soon as he receives it.^[4]

However, in countries such as USA, workers cannot generally use the check in place of cash. Rather, they must deposit the check or cash it in a bank. In such a place, a check is not considered cash and the Mitzvos to pay on time are not fulfilled. This is because the worker cannot use the money immediately on receipt of payment. However, if the worker receives the check when the banks are open, then he could cash it before the bal tolin deadline^[5]. In such a case the employer can fulfil the Mitzvo. Moreover, it should be noted that if the worker genuinely does not mind not receiving immediate payment, then bal tolin does not apply. In such a case, paying by check does not constitute a transgression of bal tolin. However, the employer has not fulfilled the Mitzvo either, rather he is exempt from it because of the worker's mechila^[6].

In the next article we will discuss other forms of payment.

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1. Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.
 2. In this and future articles we will refer to these Mitzvos in the generic term of 'bal tolin'.
 3. It should be noted that when if the worker does not need the money immediately, the Mitzvos relating to paying workers still applies, if the worker demands immediate payment. The Mitzvos do not apply, only if the worker is totally willing to accept a delay in payment - this will be discussed in

more detail in the future.

4. It should be noted that sometimes people write on checks 'mutav bilvad'. This makes it impossible to use the check in place of cash. In such a case, the above does not apply, rather it is more similar to the law in USA, as will be explained above.

5. Which is the end of the day for someone who worked in the daytime, or the end of the night for someone who worked in the night.

6. The word, 'Mechila' literally means, 'foregiveness' - in this context it means that the worker 'forgoes the employer's obligation to pay him on time.

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