

PAYING ON TIME PART 10

by Rabbi Yehonasan Gefen

Last week, we began discussion of cases in which there is no obligation of bal tolin (paying a worker on time). We saw that if the worker did not request payment, or agreed to payment being delayed, then bal tolin no longer applies.

Another situation where the Mitzvo does not apply is when the employer has the reputation of not paying on time. By agreeing to work for such a person, it is as if the worker tacitly agreed beforehand to accept late payment. Therefore, there is no bal tolin.

If the employer truly does not have the money to pay the worker when payment is due, there is no bal tolin. The definition of 'not having money' is that he has no cash or funds available in accounts, or funds that he can withdraw from a cash machine. The employer is not obligated to sell his personal assets in order to pay the worker on time. However, if he has marketable assets such as merchandise that he can sell immediately without incurring a loss, then he must do so and pay the worker.

If the employer has the necessary money, but only has a large bill, and does not have the change, then he must make the effort to change the bill^[2].

If the worker is able to pay some of the money due, then he is obligated to do so. If he does not, then he transgresses bal tolin.

The authorities advise that if it is not too difficult, the employer should borrow the money in order to pay the worker on time, in order to fulfill the positive Mitzvo of paying on time.

It is important to note, that if the employer knows that he will not have the money to pay the worker when payment is due, then it is forbidden to hire him. Accordingly, the above discussion should only be relevant in cases where for some unforeseen reason, the employer was unable to pay the worker on time.

1. Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.

2. If that is not practical, it would seem to be advisable to pay the worker the full bill and the worker must later pay back the change, rather than paying nothing to the worker. Certainly, if the worker does not

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