

PAYING ON TIME PART 8

by Rabbi Yehonasan Gefen

Previously, we saw that if the employer hires the worker through an intermediary then there is no bal tolin.

If the employer is unable to hire the worker through the intermediary, and there is a chance that the worker will not be paid on time, then one should do the following: At the time of hiring the worker, the employer should ask him to agree to be paid at a later time. If the worker agrees, then there will be no transgression of bal tolin. However, the employer should still make every possible effort to pay the worker on time.

One other issue to be aware of with regard to paying the worker, is when there is a dispute at the end of the work as to how much the worker should be paid: It is a common occurrence that a price is not agreed upon at the start of the work. Then, after the work has been completed, there is a dispute as to how much the worker should be paid. This is a very difficult situation, because, on the one hand, if the employers pays less than the amount that the worker truly deserves, he will transgress the six Mitzvot that relate to bal tolin. On the other hand, if he pays more than he feels he owes, he will feel cheated, and there will be obvious negative feelings. Therefore, the authorities strongly advise that the parties involved agree upon a price before starting the job - it can be a fixed price or an hourly rate. In this way, there will be no basis for dispute as to the price to be paid at the end[2].

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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 the event that the worker claims that the work took longer than he expected, or he faced unforeseen difficulties, an Orthodox Rabbi should be consulted.

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