

## Workers Wages

### Ref: *Sefer Mishpatim, Hilchot Sechirut, Chapter 11*



To pay a worker when his wage is due.<sup>2</sup> Not to delay payment of a worker's wage after it falls due.<sup>3</sup>

This also applies to fees due for hiring animals or utensils.

#### MEASURE

Wages / day – Must be paid that night.

Wages / night – Must be paid next day.

Wages / week – Must be paid the last day of week. (If he left before the end of the day. If left at night must be paid next day.)

Wages / month – Same as per week.

Work given to a contractor e.g. tailor, wage only comes due when work collected (in same way as a worker).

If worker does not demand wages then owner may delay. (Additionally, if the employer does not have finances, he hasn't transgressed.)



The *Rabanim* introduced measures to make it easier for a worker to claim the wages due to him.

There are levels of 'upper hand' of the worker.

- Worker hired in presence of witnesses and claims payment from employer at the right time.
- Worker hired without witnesses.
- Worker demands wages after the day that they are due.

#### Reminder

Pack on Oaths



	Worker claims wage and employer denies	Employer and worker differ on wage amount
Worker hired with witnesses and worker demands wages at right time	Worker takes oath while holding sacred object. (normally it would be the employer who would have to take either a <i>shvuat hesset</i> or Scriptural oath) so this makes it better for the worker.	Worker must prove claim but <i>Rabanim</i> strengthened the position of the worker i.e. if he cannot prove claim, employer must take oath on sacred object even if he already paid the amount he admits to
Worker hired without witnesses	Here we accept claim of employer and employer takes <i>shvuat hesset</i> (if he denies claim completely) or Scriptural oath (if partial denial) because employer could have said 'I never hired you at all'	Employer takes <i>shvuat hesset</i> (if he claims he already paid completely) or Scriptural oath (if admits that something is owing)

Worker demands wages after due date	<p>Here we go to principle of 'if a person wishes to get money from his colleague, he has to prove his claim.'</p> <p>If worker cannot prove his claim and then employer takes <i>shvuat hesset</i> that he does not owe, then employer is not liable.</p>	Employer takes <i>shvuat hesset</i> (if he claims he already paid completely) or Scriptural oath (if admits that something is owing)
Worker continually demands wages	<p> Here worker is still entitled to take oath while holding sacred object and collect his due.</p>	<p> Worker must prove claim but <i>Rabanim</i> strengthened the position of the worker i.e. if he cannot prove claim, employer must take oath on sacred object even if he already paid the amount he admits to.</p>

Workers are the only people where *Rabanim* allowed leniency to be able to collect with oath.

- He can take oath and collect due (as mentioned above).
- *Gilgal shvuah* does not apply to him. (I.e. when one oath taken, usually other items of contention can be included in the oath).
- Even if wage is only **1 prutah**, worker can use oath to collect wage.