

## Customs and Laws from the Parsha: Ki Teitzei

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*On that day you shall pay his hire; the sun shall not set upon him...* (Deuteronomy 25:15)

The Torah commands that hired labourers must be paid on the same day that they complete their work (known as lo talin – lit. do not leave over). According to the Shulchan Aruch (Code of Jewish law, written in 1563), if the work of the employee is completed in the daytime, payment must be made by the employer by sunset that day (Choshen Mishpat 339:2). Similarly, if the work is completed at night, payment must be made before sunrise. The same law also applies to rental fees due at the end of the rental period (ibid. 339:1).

Exceptions to this law include a case where the employee agrees to defer payment before undertaking the job. Similarly, employees who are hired on a frequent basis could be paid monthly. Those hired occasionally would require immediate payment as the employee's expectation is to be paid without delay. In the case of a babysitter, unless they agree to be paid at a later date it is incumbent on the family to pay them before they leave.

An employer must also pay their employee in a way that is both legal and accessible. It is not permitted to substitute other items for payment as compensation.

Rabbi Yaakov Yeshaya Blau (d. 2013) addresses whether it is permissible to pay an employee with a cheque, rather than cash at a time when the banks are shut. This is especially pertinent when paying babysitters as most babysitting is done at night. Given that the money cannot be transferred into the babysitter's account until the banks open in the morning, does this constitute an inevitable act of lo talin?

Rabbi Blau answers that while it is not ideal, provided the cheque is not post-dated and the babysitter agrees, it acts as a pikadon – collateral, which essentially constitutes payment even though the money is not accessible immediately (Pitchei Choshen, Sechirut 9 note 36).

This law is one of many given to protect worker's rights and make employers responsible for treating casual hired labourers properly.

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