

Are Employees Subject to The Standard Halachos of Amirah L'Akum?

Rav Yosef Kushner

Question: If a Jew employs a non-Jew on Shabbos, do the standard halachos of Amirah L'akum apply to the employee?

Answer: Not necessarily.

The Gemara says that asking a random non-Jew to do a *melacha* for you on Shabbos is a "*shevus*", meaning that it is forbidden *m'derabanan*. The laws of employment differ in many ways. First and foremost, there is a lengthy discussion in the Rishonim and Poskim if telling an employee to do a *melacha* for you on Shabbos is forbidden *d'rebanan* or *d'ohraysa*. Rashi seems to say that it is a *d'ohraysa*, as do the Bais Yosef and Taz.

It is important for people to realize that if a *shailoh* comes up regarding an employee working on Shabbos, one cannot simply apply the halachos they may be familiar with regarding typical *amirah l'akum*. The status of an employee may be more stringent, or occasionally more lenient, depending on how the employment is structured.