

Can a Babysitter Back Out of a Job Commitment?

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Question: A young couple wants to attend a family wedding and hires a high-school girl to babysit their children for the evening. After making the commitment, she realizes that she has a big test the next day and needs to study. Is she permitted to back out of her commitment?

Answer: While we said that a worker is usually allowed to back out of a commitment, an exception to that rule is that of a "*dovor ha'avud*", an instance where the employer relied on them and will suffer a loss if they leave. This loss could either be a financial one or a non-financial one. The Gemara gives an example of a non-financial loss when someone is hired to transport musical instruments to a wedding. If he doesn't complete the job, there will be no music at the wedding, which will be a big loss, albeit not a financial one. Similarly, the couple who will be missing the wedding that they really wanted to attend would be a case of a non-financial *dovor ha'avud*, which would mean that the babysitter would not be allowed to back out of the commitment.

There is another rule that even in cases of *dovor ha'avud*, if the worker is struck with an *oness*, an unforeseen emergency, he is allowed to leave the job. An example of this would be a death in the family or if he or a member of his immediate family falls ill. Whether not doing well on a test is considered an *oness* is debatable. Furthermore, the halacha is that if the *oness* was foreseeable for the worker but unforeseeable for the employer, the worker cannot back out because he should have foreseen this before making the commitment; therefore, it could be argued that the babysitter should have foreseen the need to study for her test, which would forfeit her claim to *oness*.