

Can a Camp Withhold Payment from a Worker If His Father Owes Them Money?

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Question: A *bochur* spent a summer working in a camp. At the end of the summer, he goes over to the director and asks for his pay. The director informs the boy that his father still owes the camp money, so he is withholding his paycheck to cover the balance, and he should feel free to ask his father to pay him directly. Can the camp do that?

Answer: First of all, it is definitely not a good way to be *mechanech*. The camp's justification may be based on *Shibudah d'Rebbi Nosson*. The director could be saying we owe you money and your father owes us money, so you can get your payment from him.

That is clearly wrong. *Shibudah d'Rebbi Nosson* means that if someone owes you money and that person doesn't have money to pay, the creditor can go to a person who owes the debtor money to collect from him instead. It does not mean that a debtor who does have money to pay can tell his creditor that he isn't going to pay him because someone else owes him money and he should go collect from that person instead.

If the camp's argument is that the son's wages actually belong to his father, that might be a better claim. There is a big *machlokes* amongst the Rishonim regarding whether a father has the right to the wages of his adult child who are being supported by him. The Rema rules that he does. Accordingly, the camp may claim that since the son's wages really belong to his father, and his father owes the camp money, they are keeping those wages as payment for the money they are owed.

The counterclaim to that would be that the father's right to the son's wages is not a *din d'ohraysa*. Rather, it is a *takanas chochomim* that was put in place to prevent *eivah*, i.e. if the father is supporting his son, and the son is making money and keeping it for himself, this could lead to enmity from the father towards the son. Therefore, the *chochomim* decreed that the son's earnings can be claimed by the father.

Since this is a *takanas chochomim* for the father's benefit, so long as he is not interested in taking possession of the son's wages, they rightfully belong to the son. Thus, it would seem that the boy would have the right to take the camp to a *din Torah* to demand his paycheck.