

Can One Avoid Problems of Non-Jewish Workers Working on Shabbos by Selling His Company to a Non-Jew?

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Question: Can a business owner avoid all problems of non-Jewish employees working for him on Shabbos by selling his company to a non-Jew for each Shabbos, in the same way that we sell our chometz to a non-Jew over Pesach?

Answer: While there are some people who do this, it is not advisable. Selling one's business over Shabbos to a non-Jew is not brought down by the Shulchan Aruch as an option, although he does speak about selling chometz. Doing so is highly problematic for a simple reason. Basically, the difference between selling chometz and selling a business to avoid problems of employees working on Shabbos is that with chometz, it is the ownership that is forbidden. By Shabbos, the prohibition is that work is being done on your behalf, irrespective of the ownership. Since it is forbidden to own chometz, one can get around the problem by selling it to a non-Jew and relinquishing his ownership. When one has employees working for his business, however, even if he technically sells it to a non-Jew, if there is no change in the structure of the business the employees still know who is really in charge and they do their work for the Jew. Rav Moshe Feinstein discusses this in a teshuva and concludes that such a sale is questionable *hashkafically* as well as technically. As a practical matter, he says that it would not work for the reason explained above.