

## Does a Child Worker Have to be Paid on Time?

Rav Baruch Fried

**Question:** A young boy from my neighborhood who is below the age of bar mitzvah did some work helping me in my office and left before I had a chance to pay him. Can I wait until I see him tomorrow to pay him?

**Answer:** This is not a simple *shailoh*. A child worker has the status of a *po'el m'dohraysa*, and all of the halachos of a worker, including the prohibition of *bal talin*, apply to him. That means that if he worked today, he has to be paid today.

There is a rule in regards to *bal talin* that if a worker does not arrive to ask for his pay, there is no prohibition to delay paying him that day; however, that may not apply to a child who is embarrassed to ask for money. The Chofetz Chaim says that if a worker is embarrassed to ask for his payment, *bal talin* applies even if he does not request his money, and that might be true for this child.

Even if we assume the child is *mochel* the delay, the question is not so simple.

There is a rule that a *katan* who is of the age known as "*pe'utos*", which means that he is capable of understanding the basics of commerce, can be *mochel*; however, the rule of *pe'utos* is a Rabbinic enactment, and it is not clear that a *mechillah* that is only valid *m'drabanan* can negate the *d'ohraysa* prohibition of *bal talin*.

In addition, we have to consider that income earned by a child may actually belong to the father. A father has rights to certain things owned by a child; according to many Rishonim, one of his rights is owning a child's wages. Accordingly, even if the child was okay with being paid tomorrow, the father may not agree.

Having said all of this, you should definitely make the effort to pay your worker on time. This is a serious question of a *d'ohraysa*, so it would be appropriate for you to do your best to track the child down and pay him today.