

Is a Worker Culpable For Causing Missed Deadlines by Hanging an Clock With The Incorrect Time?

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Question: A man owns a factory which doesn't allow employees to bring cell phones onto the floor. He has a big clock - the only clock on the floor - which everything runs in accordance to. He hired someone to put up the clock and that worker didn't set the time correctly. As a result of the clock being half an hour slow, deadlines were missed and earnings were lost. Does the worker who hung the clock have any culpability for the damages?

Answer: What basically happened here was that the person hired to put up the clock provided false information to people in the factory, and a loss resulted based on that information. This is a case of *gamri*.

The Gemara discusses a case where someone goes to a professional coin dealer and asks if a specific coin is good. The professional confirms that it is good and, based on that information, the man accepts the coin. In the end, the coin turns out to have no value. The Gemara says that in certain cases the professional is culpable because the false information he provided caused the loss.

The Gemara says that if the client tells the professional that he is relying on him, the person is liable because he knows that his opinion is being relied upon. The Nesivos Hamishpot adds that this is only true if the information is being provided free of charge. If the client is paying the professional for his evaluation, it is always understood that his opinion is being relied upon, and the professional does not have to be informed of this.

Accordingly, if someone is facing a deadline and asks his friend what time it is, clearly telling him that he is relying on him to give him the correct time so that he can meet his deadline, and the friend answers that it is 4 o'clock, when it is actually 4:45, the friend is *chayav* to pay if the false information he provided leads to a monetary loss.

In the case in question, the worker is being paid to put up the clock and setting it properly seems to be part of his job. If his job included taking care of the entire "clock project", he is liable. If, however, he was only hired to put up the clock and setting it was not part of his job, he would be *potur*.