

Is a Worker or Contractor Allowed to Walk Away From a Job?

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Question: May an employee who committed to work for a period of time or a contractor who committed to do a job renege on their commitment for any reason?

Answer: The Gemara clearly says that an employee is allowed to quit in the middle of the day, even if he committed to work for a full day. The Gemara says that this is because Hashem told us that we are His slaves, and we are not slaves to any man. If a worker wouldn't be allowed to leave his job in the middle of the day, he would be akin to a slave to his employer; therefore, he must be allowed to back out any time he wishes.

The Gemara distinguishes between a "*po'el*", daily worker, and a "*kablan*", contractor. A *po'el* who offers a service to an employer must be allowed to quit because, if he were not allowed to, he would look like a slave. A *kablan*, who is independent, does not look like a slave, so he is not included in that halacha.

The exact differentiation between a *po'el* and a *kablan* is not clear. Some say that anyone who is paid by the hour is categorized as a *po'el*, while anyone who is paid by the job is a *kablan*. Others say that the difference is that a *po'el* has to work at specific times, while a *kablan* can work whenever he wants, as long as he gets the job done. Either way, a *kablan* does not have the right to quit in the middle of the day that a *po'el* has.

Some Poskim say that both a *po'el* and a *kablan* actually can leave a job in the middle of the day, the only actual difference is how they are treated if they do so. The *po'el* will be given more favorable terms, while the *kablan* will be given less favorable terms. Others disagree and say that a *kablan* who committed to do a job is not allowed to walk away at all.

Question: What if a *po'el* made some form of *kinyan*? Will that affect his right to walk away from a job?

Answer: The Ritvah is of the opinion that if a *kinyan* was made, even a *po'el* cannot back out, The Shach disagrees and says a *po'el* always has the right to quit a job, even if he made a *kinyan*. Some Poskim say that a *kinyan* will work for a *kablan* and that he will be locked in by this *kinyan* and will not be allowed to back out at all, even for unfavorable terms.