

## May a Worker Quit a Job to Go Work For Someone Else?

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**Question:** We established that an employee generally has the right to leave his job. Would it be any different if he is leaving to take another job?

**Answer:** That is a major *machlokes* Acharonim.

The discussion begins regarding a case where a *po'el* threatens to leave in order to try to get the employer to pay him more money. According to the Rema, the rule that he is allowed to quit in the middle of the day is because he would look like a slave if he were forced to work against his will.

Whereas, if he says that he will work for the same employer, but only if he pays him a higher wage, he does not have a right to back out of the agreement, as he does not want to be free in any case.

Some Poskim extend that ruling to a case where he wants to leave this employer in order to work for someone else. He also does not want to be free and can be compared to the previous case that the *po'el* cannot back out. Other Acharonim say that it is not like that case, as in this case he wants to be free from this employer, and forcing him to work for this person would be like slavery.

It is important to note that when we say that he is not allowed to leave the job, some Poskim learn that this doesn't mean that he must complete the job; rather, it means that if he does leave, he will be treated with less favorable terms. Others, however, say that he literally is not allowed to leave.

**Question:** What are these "less than favorable terms" that you are referring to?

**Answer:** In a normal case, if a worker leaves halfway through a day, he would be paid half of what he was supposed to earn. For example, if he was promised eight gold coins for a day's work and he worked half of the day, he would be owed four coins. But what if the cost of workers went up in the meantime, and it will now cost the employer six coins to find new workers for the second half of the day? If a worker has the right to leave in the middle of the day, he still can demand his four coins. If the worker is not really supposed to leave in the middle of the day, he will only be paid two coins for his half day of work, as he is not permitted to cause the employer an overall loss.