

May an Employer Terminate an Employee Whenever He Wants?

Rav Yitzchak Grossman

Question: Reuven has an employee named Shimon who is doing a very competent job. One day, Reuven hears that his good friend Levi lost his job. He really wants to work with Levi and decides to fire Shimon and give Levi his job. Does he have an obligation to keep Shimon as his employee or can he terminate him even though he is a good employee and did nothing wrong?

Answer: It is a little surprising but the classic sources in halacha are pretty ambiguous regarding whether an employer can terminate an employee at any time when no commitment exists that obligates him to keep him on or if he must retain his services indefinitely, as long as the job still exists and the employee is competent.

Rav Moshe Feinstein argues at length that even when there is no explicit contract, an employee cannot be terminated from his position as long as the job is available and he is doing competent work. Many other Poskim disagree and argue that if no official commitment exists, an employer is not obligated to keep his employee at his job indefinitely. Some contemporary Poskim follow Rav Moshe's view, while others disagree and rule that an employer cannot be forced to keep an employee forever.