

Unions and Strikes in Halacha

Rabbi Baruch Fried

Case: I am a school bus driver in a large Jewish community. The other bus drivers are planning a walk-out as a push for higher wages and better benefits. I'm not interested, do I have to play along?

Question: Does a worker have to go along with a strike?

Answer: Surprisingly, yes. In general, Halacha recognizes freedom of contract, and people can usually choose to obligate themselves as they wish. If the worker is happy with the wages and working conditions, no one can force them not to enter into that agreement.

An exception is found in the Halachos of *takanah* and *minhag*. The *Gemara* in Bava Basra [9b] teaches that members of a city, or members of a specific trade, can enact regulations that are binding on all the members. They can even penalize those who don't go along. The only qualification is in a city that has an appointed *Talmid Chacham* to oversee the regulations; in those cities no regulation is binding without his consent.

Rav Moshe [CHM 1:59] takes for granted that our cities do not have such a *Talmid Chacham*. Although the Rama [CHM 231:28] requires the agreement of all the members to create regulations, Rav Moshe understands that to mean a majority. Therefore, if most of the bus drivers in your city agree to strike, they can insist that all bus drivers do so as well.