

## When is an Employee More Lenient Than a Standard Non-Jew Regarding Work on Shabbos?

Rav Yosef Kushner

**Question:** You previously said that a non-Jewish employee is sometimes more lenient halachically than other non-Jews regarding work done on Shabbos. When is this the case?

**Answer:** We previously spoke about a *sechir yom* and said that it is forbidden to have this type of employee do any prohibited work for you on Shabbos. It should be noted that a *sechir yom* is not necessarily a worker who receives his pay by the hour. If someone is hired to work 40 hours a week and is paid a set amount per week, he would also be a *sechir yom* if he must work 40 hours and would have his pay deducted if he works less. In essence, he is paid for his hours of work, even if his pay is not structured that way.

The other extreme, in terms of non-Jewish employees, is an "*arus*". An *arus* is literally a sharecropper who works a landowner's field and takes a percentage of the crops as his payment. Such a worker is essentially working for himself, and, therefore, has much more lenient halachos regarding working on Shabbos. Many Poskim hold that it is even permitted to ask an *arus* to work on Shabbos. While the Mishnah Berurah does not accept this contention, the Avnei Nezer and others do. According to these Poskim, an *arus* is more lenient even than a standard non-Jew, as one may not explicitly ask a regular non-Jew to do work for him on Shabbos but he may ask an *arus* to work on his field on Shabbos because the *arus* is always considered to be working for himself.

Contemporary examples of an *arus* would be a salesman who takes a percentage of the sales as his payment or a leasing agency that finds tenants for a property owner and takes the first month of rent as their payment.