



WORK RESPONSIBILITIES AND DISPUTE RESOLUTION

*Hiring and Firing, Cancelling and Quitting,
When is it allowed and who is liable for ensuing losses?*

Work Responsibilities and Dispute Resolution

REAL CASE SCENARIO #2

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Question:

Reuven, a prospective employee, interviews at an accounting firm. The employer calls him back the next day and offers him the job. Subsequently, the employer meets a relative who mentions that he is looking for an accounting position. Can the employer then withdraw the original offer and give the position to the relative?

Answer:

If this exchange takes place before Reuven actually starts his job, then although the employer is considered to have acted improperly by withdrawing his offer, he would not be held liable to provide any financial compensation. However, Reuven may have tarumos - the legal Halachic right to have a complaint - against the employer.

However, if Reuven turned down other employment opportunities because he had accepted this offer, and now those opportunities are no longer available, the employer is responsible to compensate for Reuven's loss that resulted from the withdrawn offer. This is true even if the offer was rescinded before Reuven actually started working for his new employer.

If Reuven already began his job, the employer does not have the right to fire him in order to hire his own relative. If he does fire him, he is responsible to pay k'poel batel until Reuven finds another job.

"K'poel batel" is a reduced salary rate which is paid to the employee, reflecting the fact that the employee is not actually performing any work. In our case, the employer would have to pay Reuven the reduced amount that is considered an appropriate rate for paid time off.

Once Reuven finds an equivalent job for the same pay, the original employer will no longer be liable to provide any financial compensation.

Disclaimer: This Q&A was written only to raise awareness to the possible angles of this halachah. In all cases, a Rav or Bais Din must be consulted.

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48 hours. *Lifetime impact*