

The Hekhsher Tzedek Initiative



TZEDEK

Kashrut and Righteousness
Magen Tzedek

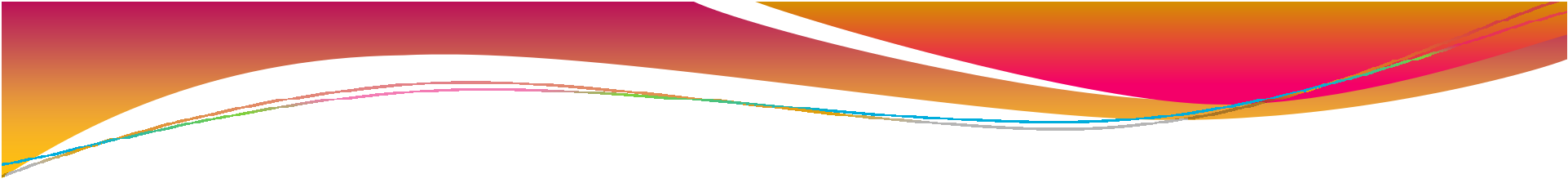
Rabbinical Assembly
of Conservative Judaism

United Synagogue
of Conservative Judaism



Torah Teaches – The Worker

- **Leviticus 19:13** -- You shall not oppress your neighbor... The wages of a laborer shall not remain with you until morning.
- **Deuteronomy 24: 14-18** – You shall not abuse a needy and destitute laborer, whether a fellow-citizen or an alien, you must pay his wages on the same day... else he will cry to the Lord against you and you will be guilty... You shall not subvert the rights of the stranger... Recall that you were slaves in the land of Egypt... which is why I enjoin you to observe this commandment.

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- **Genesis 31:41-42** -- I have spent twenty years in your house... and you have changed my wages time and again. Had not the God of my father... been with me, you would have sent me away empty handed.



-- The business

- **Deuteronomy 25:14-16** – You shall not have in your house alternate measures, larger and smaller. You must have completely honest weights... For everyone ... who deals dishonestly is abhorrent to the Lord.
- **Deuteronomy 22:10** – You shall not plow with an ox and an ass together.
Deuteronomy 25:4 – You shall not muzzle an ox while it is threshing.
- **Deuteronomy 20:19** – [When in your war against a city...] you must not destroy its trees, wielding the ax against them.



-- The Customer

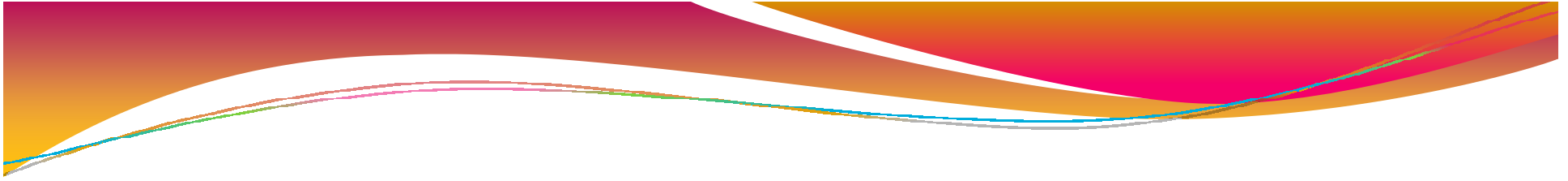
- **Amos 8:4-8** – Listen, you who devour the needy and annihilate the poor. You who say: “If only Shabbat were over so that we could sell our grain, using a measure that is too small at a price that is too large, tilting a dishonest scale, and selling refuse as grain...”

The Lord swears: “I will never forget their deeds. Shall not the earth be shaken over this?”



Policy Overview -- The Worker

- **Wages and Benefits** – fair wages and benefits to all employees.
 - Wages: industry average or above
 - Comprehensive health insurance
 - Paid vacation, sick leave, maternity leave



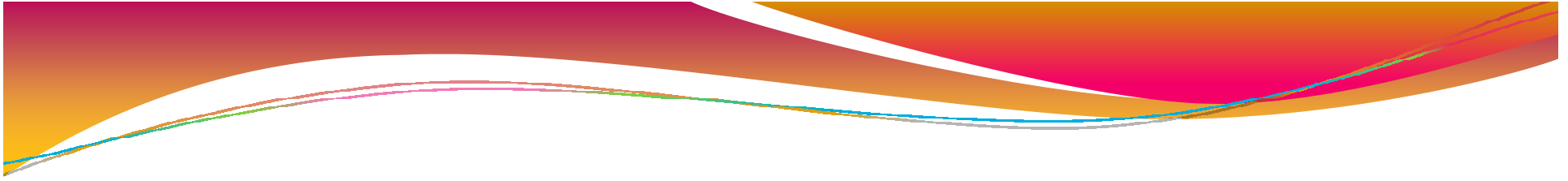
- **Employee Health and Safety / Training**
Employee Relations
 - Safe workplace / Safety Programs
 - Adequate training re occupational hazards
 - Satisfactory workplace environment

 - Hospitable relationship with employees / labor organizations
 - Appropriate dispute resolution mechanisms



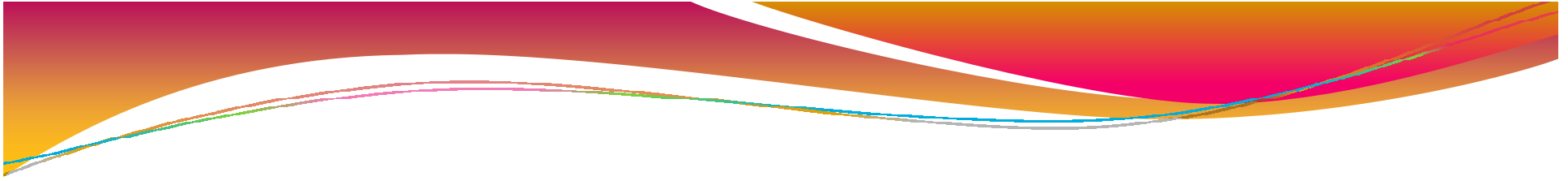
-- The business

- **Product Development / Animal Welfare**
 - Quality products / Quality assurance
 - Responsible (truthful) marketing
 - Foods: Nutritional quality / claims
- Humane Treatment at all points
- Effort to discriminate re suppliers



- **Environmental Impact**
 - Emissions and waste control / pollution prevention
 - Recycling / Resource management
 - EPA violations?

 - Carbon Footprint / Alternative Fuels



- **Corporate Transparency and Integrity**
 - Ethical standards re corporate governance / conduct
 - Willingness to dialogue openly with HT
 - Disqualifications: serious or widespread ongoing controversies re corporate governance / accounting practices



-- The consumer



TZEDEK



Hekhsher Tzedek Al Pi Din

- **Wages and Benefits – as per custom**
- **Mishnah Bava Metzia 7:1**

One who hired laborers, asking them to begin work early and leave late – if it was the custom not to do so, he may not require it of them.

If it was the custom to feed them – feed them.

If it was the custom to provide snacks – provide snacks.

All follows the custom of the state.



- **But contract overrides custom**

- **Shulchan Arukh, Choshen Mishpat 331:1**

One who hired laborers, asking them to begin work early and leave late – if it was the custom not to do so, he may not require it of them, even if he added to their wages, *since he did not so stipulate when he hired them*

- **Bava Batra 87a**

Rava says: Is it forbidden to pay an unseemly wage?

[*Rashbam explains: A laborer commonly hires himself for any amount when he hasn't what to eat. Whatever he gets is profit*]

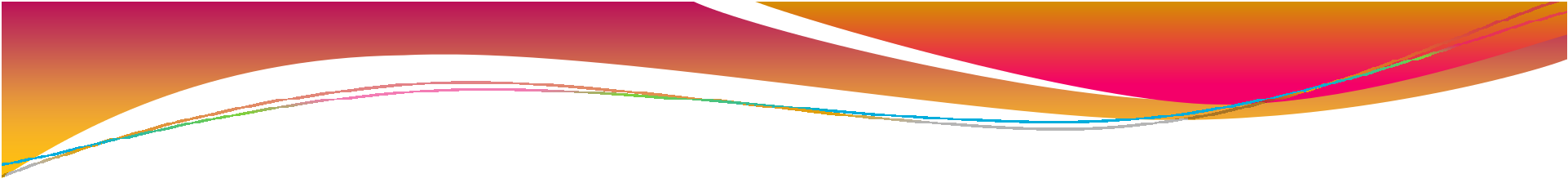
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- **Flagrant Custom**
 - **Tosafot Bava Batra 2a**

There are customs one ought not depend on even where it is taught that: All follows the custom of the state.

Responsa of Isaac b. Sheshet Perfet [N. Afr. 14th c.]

This custom is unfair and illegal... One does not follow it.

This custom is beneath the dignity of those who have enacted it. It is perverse... not built on upright principles. One should not rule thereby.



- **A higher bar: Justified anger**

- **Shulchan Arukh, Choshen Mishpat 332:2**

If the employer told his agent, hire at 4 [per diem], and the agent hired for 3 ... they get only 3, for they agreed.

However, they are justified in their anger [at the agent].

- **Bava Metzia 76a**

How is this justified anger? They considered & agreed!

-- They say: Don't you know the verse "Do not withhold a person's benefit." (Proverbs 3:27)



- **Beyond the bounds of the law**

- **Bava Metzia 83b**

Some porters broke a cask of Rabbah b.b. Chanan's wine. He confiscated their cloaks. They went to Rav.

Rav said to Rabbah: Return their cloaks.

Rabbah said: is that the law? Rav said: Yes, as it says: "You should walk in the way of the worthy." (Proverbs 2:20)

They said: we are poor, we have nothing.

Rav said to Rabbah: pay them their wages.

Rabbah said: is that the law? Rav said: Yes, as it says: "follow in the paths of the righteous." (Proverbs 2:20)



- **Joel Sirkes, Bayit Chadash**
to Tur, Choshen Mishpat 12

It seems that Rav forced Rabbah to pay.... Therefore Mordecai concluded that we force even beyond the bounds of the law if he is able.

This is the practice in all Jewish courts. We force a rich person where it is right and just even though the law is not that way... and if there is no out of pocket cost, we do so even to those who are not rich, for it would be unjust [to refuse]... Everyone agrees that we so judge...

Go out and see what people say.



- **Sick pay**

- **Responsa of Shimon b. Tzemach Duran** [N. Afr. 15th c.]

Your contract calling for pay when you are sick is valid, even without such a condition...

Even though with regard to a day laborer, if he suffers an accident he is paid only for what he has done, nonetheless, a contract worker is more like a Hebrew slave. A slave works for six years, and everyone knows that it is normal for a person to take sick in such a long time. So with a contract worker, even if he is sick, he should receive his full wages.



- **Retirement & Disability**

- **Eliezer Waldenberg, Tzitz Eliezer CM 1:72**

This is an ancient and sensible custom, that one does not accept someone to work... exploit him as long as he is able, then cast him aside in his old age or disability without a means of making a living when he is no longer able to work.

The ways of the Torah are pleasant and all its paths grant peace.



- **Unions**

- **Ben Zion Uzziel, Mishp'tei Uzziel 3, CM 42**

The sages recognized workers' organizations... in order to protect himself, the law gave [the worker] a legal right to organize.

Abraham Joshua Kook (in an article)

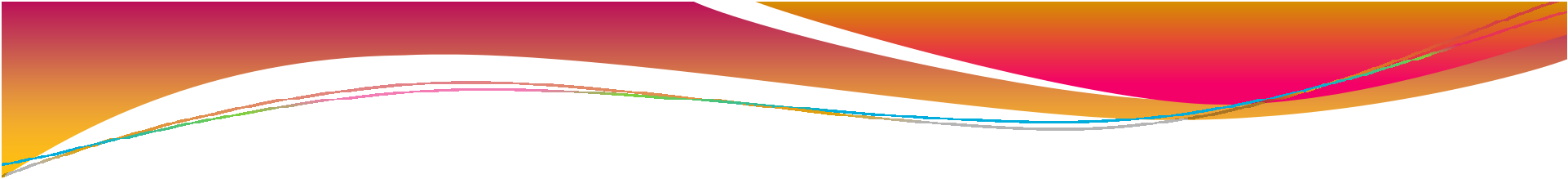
A workers' organization for defense and protection of the work environment is just and righteous, and participates in the precept *Tikkun Olam*.



- **Sefer HaChinnukh, Mitzvah 482**

It is one of the foundations of *mitzvah* that we should acquire thereby exemplary character traits, dear and desirable ones...

It is our glory and our grandeur that we care about those who work for us, and give him of our own willingly, above and beyond what we had contracted to do in his wages.

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- **Worker safety / Product safety**
 - **Shulchan Arukh, Choshen Mishpat 427**

It is a positive commandment to remove any obstacle that might pose a hazard to human life.

Ben Zion Uzziel, Mishp'tei Uzziel 4, CM 43

It is common, today, that the unions require employers to carry workers compensation insurance. Is this just and righteous and consistent with the Torah?



It seems to me that the employer is charged by the Torah to do whatever he can to protect his workers.

Hence we learn that the employer must be scrupulous that the work conditions remain safe... and offer the workers appropriate compensation [in case of an unforeseen accident] lest he sin and require atonement. However, this is not adjudicable in court.

In a place where it is customary to insure workers, however, we follow the well known principle:

All follows the custom of the state.

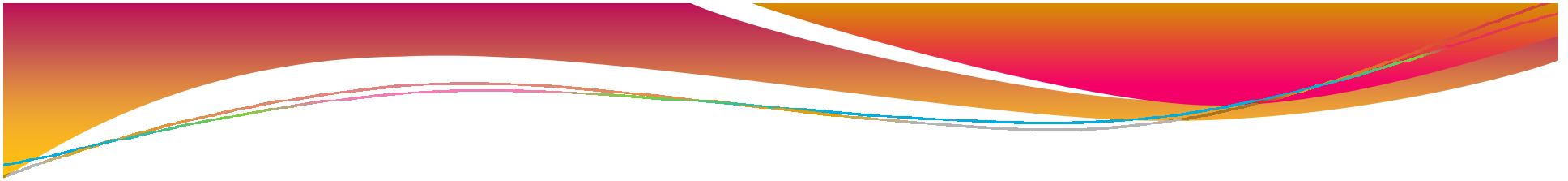


- **Animal welfare**

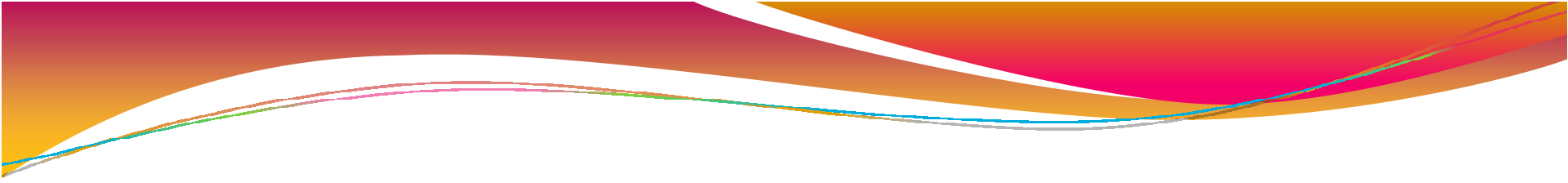
- **Mordecai Jacob Breisch, Chelkat Ya'akov CM 34:6**

Our conclusions: The law does allow harsh treatment of animals for scientific research and medicine, yet it is an act of righteousness to avoid cruelty, which is clearly prohibited...

But for general need it is absolutely forbidden as cruelty.



- **Environmental Impact**
- **Tosefta Bava Metzia 11:31** – It is forbidden to wash one's face, hands and feet in public water sources.
- **Shulchan Arukh, Choshen Mishpat 155:34**
Whoever established [anything] that kicks up dust or anything similar, must distance himself so that the dust not reach his neighbor and cause him harm,... even taking account a reasonable wind.

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- **Environmental stewardship**
 - **Genesis 2:15** – God took Adam and placed him in the Garden of Eden to work it and protect it.
 - **Kohelet Rabbah 7:13** – When the Holy One created the first human, He took him around to all the trees in the Garden of Eden and said to him: See how beautiful and praise-worthy are my works! Everything I have created, I have created for you. Be mindful that you do not ruin and devastate my world, for if you ruin it, there is no one to repair it after you.



The Mission

- **Psalm I, 1 and 6**

Hurray for the one who has not walked in the company of the wicked nor stood in the path of the sinful... for the Lord recognizes the path of the righteous.

- **Israel Salanter (Lipkin)**, [Lithuania, 19th c] is reported to have refused to certify a matzah factory due to workers' complaints. He said: The kashrut of the matzot is not complete with the specialties of the laws of Pesach alone, but only with the details of Choshen Mishpat (labor law) as well.



- **Abraham J. Heschel, Insecurity of Freedom 102-4**

The teaching of Judaism is the *theology of the common deed*... The prophet's field of concern is not the mysteries of heaven... but the blights of society, the affairs of the marketplace. He addresses himself to those who trample upon the needy...

The Biblical pattern of life is unassuming, unheroic, inconspicuous piety... “The wages of the hired servant shall not abide with thee...”, “When you build a new house you shall make a parapet...” The challenge we face is a test of our integrity.