How Much Downtime Is Allowed at the Office?

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Question: What are the halachic parameters for downtime in an office or business setting? Is an employee allowed to take a break, get a cup of coffee, or take personal phone calls during work time, and if so, how much? Do the same rules apply for those working remotely, which was common during the recent lockdown caused by Covid-19? What are the halachic guidelines for what an employee is and is not allowed to do during work hours?

Answer: The Gemara in *Berachos* sets a very rigid schedule for workers during their work time to the extent that they must even omit parts of *Birkas Hamazon* and *Tefilla*. Apparently, Chazal's expectation of a proper work ethic is very high, and even minimal downtime is not permitted.

The Gemara elsewhere also describes Yaakov Avinu, a paradigm of honesty and uprightness, as having a work ethic that went above and beyond what we would think is expected, indicating that the halacha expects a worker to be entirely committed to his job during his work hours.

On the other hand, the Gemara in the seventh *perek* of *Bava Metzia* balances this high standard somewhat by stating that "*hakol k'minhag hamedina*," everything follows the local custom. Although the context there is somewhat specific, this principle is often viewed as a general guideline for employer and employee relationships. Whatever is the common mode of practice among employers and employees at that time and location is *kove'a* (sets the standard for) what the unspoken general rules should be.

If a person has a detailed contract that explicitly states how much of a break an employee has and other similar rules, we follow the contract. But contracts often do not specify all the details regarding this issue, and then the common *minhag* should shape the guidelines.

Based on this, it should certainly be permissible nowadays to speak to one's spouse for a few minutes during work about important matters or take a few minutes to go to the bathroom, get a cup of coffee, and the like, as this is commonly practiced and accepted in the business world. But taking a more significant amount of time to attend to one's personal needs might be problematic without explicit consent from the employer.

The guidelines are a bit more complicated for those working from home or for someone with no work to be done at that moment. There was once a *din torah* at the Bais Havaad against an employee who created a whole business of his own during his work hours as an employee for others. The employer then claimed the rights to all of the profits from the person's business since it was done during his work time.

Although this issue is a bit complex, the general rule is (based on the Gemara in *Bava Metzia*) that the employer may only claim money that relates to the work for which the employee is hired, but not from other work that the person is doing. Therefore, if the employee was lax on his responsibilities to his employer, perhaps money could be deducted from his

salary, but otherwise no money is owed to the employer.

Overall, a good basic guideline with which to operate is as follows: If your boss would examine your overall work performance and how much time you spent on personal matters, would he or she approve or not?

If you think you would receive approval, then you are likely not overstepping the boundaries of the *minhag medina* for downtime (even if you would be embarrassed if your boss sees you on the phone with your wife for a few minutes in the middle). If you would be ashamed at the boss' reaction to the overall performance, then there may be a serious issue of *gezel* to consider of receiving a salary for effort that has not been expended properly.

The bottom line is that each person must use their individual sense of judgment to gauge what is permitted and what is not.