421095 - If the employee leaves the job of his own accord, does he have the right to do that, and does he have the right to demand compensation?

the question

I have a worker who has been working for me for two years in textile printing. Two months ago, he started to act very confused, and in one day he spoiled work worth two hundred dollars, and he left work and went away by himself then he got in touch with me and said “It was my fault.” That was via a voice message. I said to him: Come and take the rest of your salary. But when he came, he said: I want my salary in full, otherwise I will take you to court. Then he went and lodged a complaint with the court, and he said: I want twenty thousand Turkish lira as compensation, and I will pursue the matter in court and take the money by force. I do not want to go to court. Does he have the right to do this according to Islamic teachings?

Detailed answer

Praise be to Allah.

Firstly:

A contract of hire is a binding contract and cannot be nullified except with the consent of both parties. So if it is for one month, it is binding until the end of the month. If it is for one or two years, the employee should stay until the end of the stipulated period; the worker has no right to leave the job before that and the boss has no right to sack him before the end of that period. If the boss sacked him, he must give him his wages until the end of the contract period. There are two exceptions to that:

1.

If the contract allows the employee to leave the job if he gives notice as stipulated, such as three months’ notice. In that case there is nothing wrong with the employee leaving the job before the

end of his contract and without the consent of the company, if he gives sufficient notice to his company that he is resigning.

The same applies if the contract allows the boss to dismiss him.

In this case, the required notice period is what is mentioned in the contract, such as three months.

2.

Cancellation of the contract due to some unforeseen emergency, such as if the shop or factory is closed down, or if the worker has to leave the country.

Please see the answer to question no. 334215 .

Secondly:

If the employee leaves the job during the month, he is only entitled to payment for the days he worked.

It says in *Durar al-Hukkam Sharh Majallat al-Ahkam* (1/4589): As for the employee who works for part of the period, he is entitled to wages as appropriate to this period. (See clause no. 470).

For example: if he is employed by someone else to work for one year for certain wages, then he works for him for six months, after which he leaves the job and travels to another country, then he returns after the end of the year and asks his former boss for payment for the six months for which he worked, hee is entitled to that, and the employer has no right to withhold it from him on the grounds that he did not complete the period for which he hired him. End quote.

Based on that, this worker who gave up the job broke the contract and did wrong, and he has to complete the contract until the end of the stipulated period, because Allah, may He be exalted says (interpretation of the meaning): {O you who have believed, fulfill [all] contracts} [al-Ma'idah 5:1]. And the Prophet (blessings and peace of Allah be upon him) said: "The Muslims are bound by their conditions." Narrated by Abu Dawud (3594); classed as sahih by al-Albani in *Sahih Abi Dawud*. So he is entitled to wages for the days of the month on which he worked.

But he has no right to compensation or to wages for the rest of the month, let alone the rest of the contract period.

If he took something that he was not entitled to by going to court, it is haram for him, because the ruling of the judge does not make permissible what is prohibited. The Prophet (blessings and peace of Allah be upon him) said: “I am only human. You refer your disputes to me, but one of you may be more eloquent in presenting his case than the other, and I judge in his favour because of what I hear from him. So if I err in judgement and grant him something that rightfully belongs to his brother, let him not take it, for I have only allocated to him a piece of Fire.” Narrated by al-Bukhari (6967) and Muslim (1713).

Perhaps you can find someone to advise him and explain to him the consequences of wrongdoing and of consuming people’s wealth unlawfully.

With regard to what the worker damaged, please see the answer to question no. 84956 .

And Allah knows best.