479866 - He adds the tip to the customer’s bill when he pays electronically, without the customer’s knowledge and without him realising that

the question

I work for a company that has contracts with some organisations, and it only accepts payment by electronic means, by passing the cell phone over a magnetic card. When the customer pays the bill, 2% or more of the total amount is added, and this is regarded as a tip for the workers. The customer may pay more as a tip, or he has the option of cancelling the tip and paying the value of the invoice only. But often the customers do not notice that they are paying an additional amount on the invoice. Is doing this haram or halal? What is the ruling on me doing that to them?

Detailed answer

Praise be to Allah.

Firstly:

Giving tips to workers is permissible, subject to two conditions:

1. That it is done with the consent of the customer.

2. That it is done with the consent of the company for whom the workers are working. If it is not done with the knowledge and consent of the company, then it comes under the heading of gifts to workers, which is haram.

Please see the answer to question no. 143737 .

Secondly:

It is not permissible to collect tips in a way that is not noticed by the customer, because this is

consuming their wealth unlawfully. Allah, may He be exalted, says (interpretation of the meaning):

{O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent} [an-Nisa’ 4:29].

The Prophet (blessings and peace of Allah be upon him) said: “It is not permissible to take someone’s wealth except with his willing consent.” Narrated by Ahmad (20172); classed as sahih by al-Albani in *Sahih Ahmad* (7662).

Tips are to be regarded as a gift that is given willingly, and they are not valid unless they are given with the consent of the giver who is an adult of sound mind.

It says in *Nayl al-Ma’arib bi Sharh Dalil at-Talib* (2/28) in the chapter on gifts:

There are eight conditions [for giving of gifts]:

1. The gift should be given by someone who is permitted to dispose of his wealth, meaning that he should be free [not a slave], accountable and of sound mind.

2. It should be given voluntarily, of his own free will. A gift is not valid if it is given by one who is forced and is not joking. In that case, it is not valid…

In *Majallat al-Ahkam al-‘Adliyyah* (no.860) it says: It is stipulated, with regard to gifts, that the giver should be giving it willingly; a gift is not valid if the giver is forced to give it.

It says in *Durar al-Hukkam Sharh Majallat al-Ahkam* (2/399):

In order for a gift or charity to be valid, it is stipulated that the giver should give willingly. There are two scenarios in which the giver is not giving willingly:

The first scenario is when he is forced and compelled. Based on that, the gift is not valid if the giver is forced to give it and gives it unwillingly…

The second scenario is when the giver is prompted to say words indicative of giving in a language

that he does not know. If the recipient prompts the giver to say “Wahabtu minka ma li ‘alayka min al-alf [What you owe me of one thousand is a gift for you],” and he says it, but the giver does not understand Arabic and there is no one to explain to him what this sentence means, this gift and waiving of the debt is not valid, if it is done in this way. That is because, even if there is no compulsion in this scenario, there is no consent to this giving. End quote.

If the customer does not notice the tip, it is haram for the worker to accept it and it is haram for the credit card company to make this addition subtle and not alert the customer to it, because that is helping in consuming wealth unlawfully, which is haram. Allah, may He be exalted, says (interpretation of the meaning):

{And cooperate in righteousness and piety, but do not cooperate in sin and transgression. And fear Allah; indeed, Allah is severe in penalty} [al-Ma’idah 5:2].

If the company makes the paying of tips unclear so that the customer does not notice it, then they must be advised to make the matter very clear to the customer. If they insist on hiding it, then you should not carry on working for them. Whoever gives up something for the sake of Allah, Allah will compensate him with something better than it.

And Allah knows best.