87864 - Ruling on representative taking gifts and tips

the question

I work in a store and every day I drive more than twenty kilometers in my own car to buy goods for the store. The owner of the store does not give me enough for my work even though I have been working for him for more than 15 years and there are no benefits either. He has deducted from my salary more than once with no right. He thinks that the money is his and he can dispose of it however he wants. Knowing all this, is it permissible for me to take what the owners of the stores from whom I buy offer me, such as when he says: “Take this to cover the cost of gas,” after I buy from him at a price lower than the market price?.

Detailed answer

Praise be to Allah.

Firstly:

It is not permissible for the store owner to deduct from salary of his employee with no legitimate reason, because this is wrongdoing and consuming people’s wealth unlawfully.

The worker has to ask for his rights and strive to ward off wrongdoing by legitimate means.

The Scholars of the Standing Committee for Issuing Fatwas was asked: I did some work for someone and he did not give me my wages in full, rather some of the money is still with him. Is it permissible for me to take something from him without his knowledge, commensurate with the work I did?

They replied: It is not permissible for you to take something from the boss commensurate with your work without his knowledge, but you have the right to demand the remaining wages from him in the ways prescribed in sharee’ah, even if that means referring to the courts. End quote. Fataawa al-Lajnah al-Daa’imah (15/144).

Secondly:

The basic principle with regard to the gifts that are offered to workers is that they are not permissible, as the bad consequences that result from them are many, as has been explained in the answer to question no. 82497.

These gifts that are given to workers who sell and distribute goods, or who import them and buy them, take several forms, including the following:

1 – Reducing the price of the product or giving free samples. It is not permissible for the worker to benefit from this, rather he must give them to the owner of the store, because the worker is acting on his behalf in doing business, so any gifts or discounts must be given to the one who appointed him, unless he gives him permission to take them for himself.

2 – Small amounts of money that are given to the worker, which are known as tips, and it may be said to him, "This is to cover the cost of gas" etc. The worker has no right to take these tips, and they come under the heading of gifts to workers that are not allowed, as they usually lead to the worker neglecting his work and that which has been entrusted to him, so he does not try to do that which is best for the store, rather he buys or sell to those who will give him gifts and tips. Even if we assume that the worker does not commit this transgression and neglect the interests of the business, he is still not allowed to accept gifts, because Islam pays attention to what is usually the case, and it has forbidden this so as to ward off the means that may lead to haraam things.

The Standing Committee was asked: An agent works for a company and has a regular salary from this company. He works as a broker between this company and others, buying machines for them, and he receives commission from the company that sells the machines. He does not ask for this commission himself, rather the company owner is the one who gives it to him without the agent asking him for it. Is this commission regarded as acceptable in Islam?

They replied: So long as this agent has a monthly salary from the company for which he works, then it is not permissible to take commission from the second company in return for dealing with them to sell things needed by the company for which he works, because there is the suspicion that

he may be wronging the company for which he works with regard to the price he accepts, so he does not shop around (to find the best price) and he may also compromise with regard to the quality of the goods that he is buying for them. End quote from Fataawa al-Lajnah al-Daa'imah (15/147)

Thirdly:

If the worker has accepted any of these gifts, he must return them. If he is unable to do so, then he must give them to the organization or company because of which the gift was given to him. See: al-Hawaafiz al-Tijaariyyah al-Tasweeqiyyah, p. 120. by Dr. Khaalid ibn 'Abd-Allaah al-Muslih.

Conclusion: You have to refuse to accept gifts and tips, and if you do accept them you must tell your boss and give them to him, unless he gives you permission to keep them.

And Allaah knows best.