95294 - His company is late in giving him his salary; what should he do?

the question

I work for a company that has not given me my salary for two months – September and October. When I spoke to the owner of the company, he said: When we make a sale I will give you your salary, but if you do not achieve any sales, you will not get anything. I am married and have financial commitments and debts that have broken my back and my heart.

Detailed answer

Praise be to Allah.

Firstly:

What is required of the business owner is to fear Allah, may He be exalted, with regard to his employees, and to pay them their salaries without deducting anything or delaying it. This is the requirement of the contract between him and them.

We have explained the prohibition on what some company owners do, who mistreat their employees by delaying their salaries, in the answer to question no. 60407.

We should also point out that if this refusal to pay the salaries is – indeed – because the company is unable to pay the salaries due to a lack of funds, then the company is excused, because Allah, may He be exalted, says (interpretation of the meaning): “And if someone is in hardship, then [let there be] postponement until [a time of] ease. But if you give [from your right as] charity, then it is better for you, if you only knew” [al-Baqarah 2:280]. But if the owner of the company is being heedless or taking too long to pay, then he is doing wrong, because the Prophet (blessings and peace of Allah be upon him) said: “For a rich man to delay payment is wrongdoing.” Narrated by al-Bukhaari (2400) and Muslim (1564).

What is meant by delaying payment here is delaying payment of what is due with no excuse.

This hadith indicates that if the delay in payment is on the part of a rich man, then this is wrongdoing and is haraam; if it is on the part of one who is poor and unable to pay, then it is not wrongdoing and it is not haraam.

Sharh Muslim by an-Nawawi.

Secondly:

With regard to your situation, if the company owners are deliberately taking too long to pay, and it is not because they are unable to pay, then you have a number of possible solutions, including the following:

1. You can advise the company owner, using gentle and soft words, in the hope that Allah may soften his heart and guide him to give people their rights. If the company owner is accept for his employees to be heedless and neglectful in their work, then he should treat the people as he would like them to treat him, so he should not wrong them or be careless about giving them their dues.
2. You can bear this mistreatment with patience until Allah makes things easy for you and you are able to take your rights in full.
3. You can refer your case to the shari‘ah court or to the work tribunal so they can help you to get your dues in full.
4. You can submit your resignation to this company, and look for another job.
5. Over and above all of that, you should call upon Allah, may He be exalted, and ask Him to make things easy for you, and to guide the company owner and soften his heart.

And Allah is the source of strength.