93579 - Should she take her salary without working?

the question

I am a mother. I worked as a teacher in a school near our house, then I was appointed to work in another school that is far away, which is mixed as well as being far from my house. I refused to go, but my salary continued and was not stopped. What is the ruling on the money that is in my account? Can I give it to my husband – knowing that he is not working for security reasons, because his brother belongs to an Islamic party – and we, praise be to Allaah, are in genuine need, and this money as is well known will not go back to the state but to those whoa re working in the bank?.

Detailed answer

We appreciate your keenness to adhere to the sacred limits of Allaah, and we ask Allaah to increase the numbers of Muslim women who are like you and to reward you greatly for your refusal to work in a mixed school, because working there would involve transgressions against sharee'ah and falling into sin.

With regard to the salary that has come into your account without you working, you should note that one of two scenarios must apply to it.

Either that has happened with their knowledge until the matter is sorted out, or it has happened without their knowledge. If it is the former, then the money that is coming to you is halaal and there is no doubt that it is permissible. But if it is the latter, then it is not permissible for you to take it, whether it is for yourself or your husband, rather you must return it to the place that transferred it to you.

It should be understood that between you and the state that appointed you to this job there is a work contract, and this is what you must adhere to so long as it does not involve going against the laws of Allaah, may He be exalted. One of the implications of such contracts is that the worker takes a salary in return for his work. If he refuses to work then his salary ceases, unless

the reason is an action on the part of the department, ministry or boss. It may be that the clauses of the contract state that the salary will continue to be deposited in the employee's account until matters are sorted out. If that is the case, then you are entitled to the salary and there is nothing wrong with taking it.

It may say in the contract between you and the state – for example – that you have to stay in the place which they think is suitable for you to work in, and that if you refuse to work there, then you are not entitled to the salary. If that is the case, then this salary is not permissible for you, and you have the choice of trying to stay in the place where it is Islamically acceptable for you to teach, or leaving this job.

Shaykh Muhammad ibn Saalih al-'Uthaymeen (may Allaah have mercy on him) was asked:

The regular hours of work are the opening hours of the government department, but there are some people who come half an hour late, or they leave half an hour early, and sometimes they are an hour or more late. What is the ruling on that?

He replied:

It seems that there is no need for an answer to this, because the payment should be given in return for something. Just as the employee would not be happy if the state deducted something from his salary, he should not detract from the rights of the state. It is not permissible for a person to come to work late, or to leave early.

The questioner said:

But some of them say that they don't have any work at all because there is not much work.

The Shaykh said:

What matters is the time, not the work, i.e. you are told that this salary is in return for being present from this time until this time, whether there is any work or not. So long as the salary is connected to the time, then you must give them this time, otherwise taking money for hours when we were not present is wrong.

Al-Baab al-Maftooh (9/ question no. 3).

The Shaykh was also asked:

I am a government employee, and I am sometimes asked to do extra work. The department where I work has asked me and some of my colleagues to do some work outside of regular hours for 45 days, and I was keen to attend with my colleagues at work, but they did not tell me about that. When I asked one of them he said to me: Your turn has not come yet. Then when that period ended, my colleagues and I were paid for that work. I am confused – is this money halaal or haraam? Please note that my boss and the head of the department were pleased with my work and they regard me as a good employee, and this money may be a reward for my keenness and good work, because my salary is low. If this money is not halaal, what should I do with it?

He replied:

This question comes up often. I ask you now: is this true or false? i.e., if a person got paid for a certain task, did he do the job or not? If he did not do the job, then he has taken this money unlawfully, and taking money unlawfully comes under the heading of consuming wealth unlawfully, as well as being a betrayal of the trust, and if the boss agreed to this action then he is also betraying the trust. The money is not his, even if he disposes of it as he wishes; the money belongs to the state and I think that the one who is asking this question has repented from what he has done.

Al-Baab al-Maftooh (114/ question no. 15).

The Shaykh (may Allaah have mercy on him) was also asked:

I was working in the administration of a town that is 75 km from my home via a desert road. When I commuted this distance I found it hard, so I said to the boss: Let me come two days a week. He gave me permission some days but not on other days, and that went on for two years. What is the ruling on the days when I was absent without the permission of the boss?

He replied:

With regard to the days on which you were absent from work without permission, it is not permissible for you to take the salary you got for them, because the salary is given in return for work. If you did the work in full then you are entitled to payment in full, but if you fell short then you are not entitled to full payment. If you have taken the salary in full without any deduction, then you must return it to the one from whom you took it, if you can. If you are afraid of being asked questions, then give it in charity in order to get rid of it, or give it to the mosque, or to repair roads, so that you will be free of sin.

The questioner said:

I asked for permission from the same official. What is the ruling?

The Shaykh replied:

If you asked him – i.e., the official who is in charge of you – for permission when you knew that the work required you to be present, then you should not accept his permission and you must attend even if he gives you permission to be absent. But if the work does not require you to be present and your boss gives you permission, then we hope that there is nothing wrong with that.

Al-Baab al-Maftooh (14/ question no. 17).

And Allaah knows best.