

PROTECTION OF MIGRANT WORKERS UNDER ISLAMIC PRINCIPLES: A SOCIO-LEGAL ANALYSIS ON EMPLOYER-EMPLOYEE RELATIONSHIP

MD. TUHIN MIA¹

The Qur'an and the Sunnah of the Prophet (PBUH) promote human dignity. Because Islam is more than just a religion. Numerous Muslim scholars agreed and recognised humans as the most significant aspect. However, the price of human services does not adhere to the same as the pricing of commodities. Though, human beings are valued as more than a commodity in Islam. The purpose of this research is to study the concept of migration in Islam. The research focuses on Islamic law and teachings related to labour and worker rights, while keeping contemporary labour and worker regulations in mind. Using qualitative data collection method, the study investigates how foreign employees are treated in terms of Islamic values, ethics, and culture. It is astonishing that very little Islamic interpretations have given on migrants conditions. As a result, employers abuse migrant labour. However, the employer-employee relationship should be based on brotherhood and employers should treat employees with dignity, fairness, and love.

Introduction

In Islam, work is considered a noble act and a compulsory course for all healthy people in public places. People have many necessities to satisfy: food, water, clothing, medicine, training, etc., because he must meet these requirements for himself and his family through legal means. He must work. From this understanding, the work of pinning himself and his family is seen as a manifestation of love (worship to God). Islam regards employment as a form of Ibadah, as evidenced by Allah (SWT) in the Qur'an: "When the prayer is finished, then may ye disperse through the land, and seek of the bounty of Allah: and celebrate the praises of Allah often (and

¹ PhD Candidate, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia, and Lecturer, Department of Law, European University of Bangladesh, Dhaka, Bangladesh. Email: tuhin@eub.edu.my

without stint) that ye may prosper.”¹ This verse is a universal signal of Allah (SWT) that Muslims must pray in obedience and urge them to work hard to get paid from Allah (SWT). Given that Muslims must be eligible for monetary stability. The Qur’an also shows Muslims the concept of wealth, that is, *rezeki* with Allah (SWT): “Verily, Allah is the all provider, owner of power, and the most strong.”² Through this verse, it is encouraged Muslims to work wholeheartedly to make a living and to dedicate the consequences of hard work to Allah (SWT).

However, Islam respects, thinks and lofty to workers who are at the forefront of all societies in systematising the rights of workers, and in many different societies and developments. The secondary importance of work is synonymous with slavery and dependence. In other words, people feel embarrassed to express that Islam gives clear rights to workers as residents and individuals. It maintains many rules to ensure their rights as workers to establish social justice for workers and their families in it to testify for life and after demise.³ Moreover, the wealth of the poor must obey the rich, and the work of the rich depends on the poor. The surplus of the rich is not to abuse the needs of the poor, but to facilitate the workers. This dependence encourages the smooth development of life. This does not mean that Islam advocates two parallel social floods of “over-feeding” and “sustaining shortfalls.”⁴

Some employers abuse migrant workers, especially those who are called blue color workers, because most of them came from poor families and they left their country to find money in a foreign land.⁵ Using their own commanding heights, some companies stimulated their work under terrible conditions, some companies were enslaved with working without pay and were later assigned to leave, some companies relied on regrettable living conditions.⁶ To add, some women migrant workers were forced to commit illegal works by their employers in order to maintain their validity in foreign land where they are helpless.⁷ They expect to find a decent job. The scenario can fill the story of how rich countries and billion-dollar organisations abuse migrant workers. In some countries, workers have not received wages for a long time while the Prophet

Muhammad (PBUH) warned that *“you should pay the labourer his wages before his sweat dries.”*⁸ This holy hadith is very clear and remarkable that workers should be paid on time. If a person performs his or her duties, he or she should be paid immediately. There is an authoritative understanding that wages should be paid daily, weekly or monthly basis.⁹ In this regard, the Prophet Muhammad (PBUH) said that *the procrastination of the rich is a form of oppression.* He (PBUH) further declared that *whoever mistreated someone for a hand span measure of land will have a collar of seven lands fastened around his neck on the Day of Judgment.*

Concept of Migration in Islam

The migration of the Prophet Muhammad (PBUH) also known as *hijrah*, has no uncertainty, indicating an important beginning in the early prolonged period of spreading Islam.¹⁰ This migration refers to the situation in which the Prophet Muhammad (PBUH), his companions and early Muslims went to Medina to search for protection from the arcane Mecca. The first migration idea of Islam is the way to a country to settle elsewhere. In Islam, this self-slight problem is not just a matter of starting from one location and then moving to another. This kind of migration is not for any material benefit, but an implicit attempt to God for some higher reason. Although the possibility of Islam is deeply related to the spread of religion itself, it is comparable to the current immigration consequences. These days, Muslims all over the world often move to other places to find information or work, and seek asylum. Through this new concept of immigration, Islamic teachings can continue to develop.

During spreading Islam through *hijrah*, the Prophet Muhammad (PBUH) was full of justice, love and pride to everyone around him. He spreads a fraternal brotherhood and requires owners to consider their servants on the basis of a balanced fellowship. He was both an employee and an employer. As a worker, his first few years were shepherds and later became an effective businessman. He fulfilled every obligation to the highest expectations of teaching and faith. He (PBUH) finished the work

and said that all of this happened sometime before his prediction. When doing business, he often sat on the floor and ate with his servant. Anas Ibn Malik, who served him for a long time reported that the Prophet (PBUH) never reproached him for anything. He said that *"when I did something, he never questioned my manner of doing it; and when I did not do something, he never questioned my failure to do it. He was the most good-natured of all men."*

Moreover, Islam is the first in history to have confirmed slavery rights before fourteen centuries. The Prophet Muhammad (PBUH) gave them human rights, overhauled their situation in public, and called on individuals to treat them with kindness. Slaves were usually outsiders because they were prisoners of war in conquered countries and were taken to serve and work for the victorious country. Islam has elevated the status of prisoners to the status of a free agent. The deliberate liberation of slaves is a compensation or atonement for various crimes. In addition, Islam also receives so much care and grace from slaves. Followers are accused of expressing love to everyone in slavery. This designated law applies to everyone, regardless of whether the labour is a Muslim or a non-Muslim, or immigrants nearby.

Treatment Towards Workers in Islam

Working in as an employee is a preferred method of obtaining better livelihood. Islam believes that 'work is worship'. We are obliged to go out to work for employment and good livelihood. A worker is profited from living in this world and in the future (hereafter). Allah (SWT) Says: "Then when the prayer is ended, you may disperse through the land and seek the bounty of Allah (by working) and remember Allah much, that you may be successful."¹¹ Relatively, in the Islamic law period, some people put forward similar ideas that the work has been promoted to the status of 'Ibadah'.¹² Islam also insists on the importance in terms of the safety of workers. Since people regard work as 'Ibadah', they are required to concentrate, be honest and trustworthy, and fulfill their promises. The responsibility of the employer is to ensure that the welfare of workers is guaranteed. Workers should be

respected and appreciated. Our Prophet (PBUH) came to the hands of a worker who gave him a harsh hand because of his hard work. He (PBUH) called to God for him and talked profoundly about those who struggled with the people who sat down or went begging and asked. Islam teaches to treat workers generously.¹³ It provides workers the comprehensive assurance to prevent them from being subjected to various forms of abuse and oppression in the workplace. Furthermore, Islam recognises the treatment of migrant workers that they should be conducted with a spirit of kindness, courtesy, friendliness and mutual cooperation. Islam treats workers with the following manner.

Equality in Respect and Wellbeing

Islam values the way everyone sees Allah (SWT) equally. Allah (SWT) says in the Quran: "O Mankind! We have created you from a male and female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you in the sight of Allah is he who has most *taqwa* among of you. Verily, Allah is All-Knowing, All-Aware."¹⁴ Therefore in Islam, discrimination between individuals based on class, social or financial status is not allowed. Employers must not develop biased work guidelines, such as paying less salary amount for similar jobs. In short, Islam does not recognise the relationship like two races, two individual gatherings or two tones, but carefully implements fair thinking. There are sunnah of the Prophet (PBUH) on this issue: "Those who serve you have been made by God subservient to you. It therefore, behoves that the person who employs a brother should give the latter to eat from his own food and to clothe him from own wardrobe. And they should not be burdened with tasks beyond their power and if such a burden has been thrown on their shoulders then you should help them."¹⁵

A Hadith was taken from Al-Bukhari that "you should treat your servants well and should be considerate to them. You should not hurt them, for you should realise that they too have sensitive hearts like you. If hurt, their hearts get sore and grieved, and, if you treat them well, their faces glow to pleasure. Why, therefore,

should you not be decent and kind with them”. He (PBUH) further added that “be careful about those who depend on you. Treat them mildly. An owner, who mistreats his servant, shall never enter the portals of paradise”. The Prophet (PBUH) is a commendable example of providing workers treatment with humane. The servant of the Prophet (PBUH), Anas bin Malik, explained in detail that he has served the messenger of Allah for a long time, but He (PBUH) did not let Anas know “uff”, why?¹⁶ Anas bin Malik was a little boy when he first started working in the family of the Prophet (PBUH). Anas worked for the Prophet (PBUH) for a long time, and the Prophet did not strike or even condemn him. The prophet (PBUH) was so gentle and caring about Anas that he had visited Anas’ mother and had dinner with them.¹⁷

It was reported by Abu Bakr as-Siddique that Allah’s Messenger (PBUH) said that the One who treats with those under (his) authority badly will not enter paradise. From the Hadith quoted, Islam has a compulsory treatment with kindness to consider workers. This can be seen in ways that urge Muslims to respect them and treat them with proper support, food and clothing. Failure to do so will negate the business of heaven.

The wages of workers are the responsibility of employers, and therefore, Islam has given up special considerations for this. We have just realised how Islam sees filling as a kind of love, placing it at the top of its strict obligations, and insisting that people who accommodate brothers are better than to brothers in terms of love, worship and close toward God. It is based on this heavenly view that Islam blesses the reasonable remuneration that workers should have and urges that every worker should be given the due rights as the final result of his work. In addition, there are 150 places in the Qur’an that mention the word *ajr* (which means various wages), including Shu’ayb and Musa (Moses) (peace be upon them) stories.¹⁸ Therefore, the employer should pay the optimal amount as agreed. In Islam, illegal deduction of wages cannot be passed. Allah (SWT) Says: “Do not withhold from the people the things that are their due.”¹⁹ Moreover, the Prophet Mohammed (PBUH)

said that “I am the adversary of a man who employs a worker but does not pay him rightful wages.”²⁰ Also Almighty Allah says in the Quran that “**And do not deprive the people of their due and do not commit abuse on the earth, spreading corruption.**”²¹

The focus of Islam is that workers are entitled to wages once they have completed their work. Abu Hurairah narrated that the Prophet (PBUH) said, “Allah says, ‘I will be an opponent to three types of people on the Day of Resurrection: One who makes a covenant in My Name, but proves treacherous; one who sells a free person and eats his price; and one who employs a labourer and takes full work from him but does not pay him for his labour.’”²² If causing disease due to work or maturity weakens the worker’s ability to deliver, it should not be driven out of work. Moreover, the general rule is that if an employer agrees that someone is engaged in a particular job, he will stay with him until he grows up. When he grows up, the employer will not let him lose his job.²³

It was reported by Abu Umamah (may Allah be pleased with him) that the Prophet Muhammad (PBUH) said: “Allah decrees the (Hell) Fire and debars paradise for the one who usurps the rights of a believer by taking a false oath.” One man asked: O Messenger of Allah! even if it should be for an insignificant thing? He (PBUH) said, “Even if it be a stick of the Arak tree (i.e., the tree from which Miswak sticks are taken).”²⁴ Relating to that, all of us know the story that while three persons were traveling, they were overtaken by rain and they took shelter in a cave in a mountain. A big rock fell from the mountain over the mouth of the cave and blocked it. They said to each other to think of such righteous deeds which you did for Allah’s sake only, and invoke Allah by mentioning those deeds so that Allah may relieve you from your difficulty.’ One of them said, ‘O Allah! I employed a labourer for wages equal to a *faraq* (a certain measure) of rice, and when he had finished his job he demanded his wages, but when I presented his due to him, he gave it up and refused to take it. Then I kept on sowing that rice for him (several times) until I managed to buy, with the price of the yield, some cows and their shepherd. Later on the labourer came back to me and said: ‘Be afraid

*of Allah, and do not be unjust to me and give me my due.' I said to him: Go and take those cows and their shepherd. So he took them and went away. If You consider that I had done that for seeking Your pleasure, then please remove the remaining part of the rock. And the rock was shifted.*²⁵

In terms of well-being in the workplace, *Shariah* (Islamic law) ensures employees by forcing companies to assume the same obligations as workers themselves. In Islam, safety and well-being are fundamental issues employers should worry about because they include the life of the employee. Both also affect the support, responsibility and achievements of the delegates. By following these principles, employers must ensure that their employees work successfully and profitably, with a sense of shelter and good feelings. They have the ability to identify high concerns from this perspective, as this will affect the employers profitability and legitimacy. The holy Qur'an and the Prophet (PBUH) Hadith have joined the initiative to maintain security and well-being. As stated by Islamic-based security (IBS), establishing a protected or dangerous work environment is by far the best option. Therefore, if a Muslim instructs his organisation to go astray from Islamic rule, then he/she will receive a short duration reward and, most importantly, there is no worship (Ibadah) in his work.²⁶

Relationship between Master and Slave

When a brother sees that his brother is in trouble, he cannot find happiness in the world. The employee-employer relationship is also very similar. The goal of *Shari'a* is to maintain fair and reasonable participation in every feature of human life.²⁷ It should be noted that the basic source of work or workers privileges and commitments can be found in management or work agreements. The basic source of employers rights will be the archive of working terms and conditions. Employers are not allowed to exploit or abuse workers, and if this happens, they should be held accountable. It was narrated that the Prophet's wife 'Aishah said: "The Messenger of Allah never beat any of his servants, or wives, and his hand never hit anything".²⁸

Employment is a trust that must be fully responsible. Reliability and ability are two basic prerequisites for releasing this trust. The Qur'an implies these features in the accompanying text: "One of the two daughters (of Shoa'ib) said: O my father, employ him; surely the best of men for you to employ are those who are strong and trustworthy."²⁹ The messenger of Allah (PBUH) stated: "Good treatment of those under you brings fortune, whilst bad treatment brings misfortune."³⁰ In this regard, the second caliphate regime of Umar (R.A.) took care of slaves (servants) and visit them as one of the duties of government officials when they were ill.³¹

Islam concerns about the working environment have been plagued by people. Employers are ordered to treat their employees as family members or relatives and to give them better treatment on this basis. Furthermore, family ties between employers and employees consider a decent phase in communicating about the issues that employees see. Furthermore, it was motivated by Islam that the burden of employees and servants to ease by masters or owners. From Amr Ibn Huwairits, the Prophet (PBUH) said, "The ease that you give to your slave, will be a reward on your scale of deed."³² Hence, Islam inspires the masters or employers to be humble yet definitive toward their workers and servants. From Abu Huraira, the Prophet Muhammad (PBUH) said: "Not an arrogant one, a master who are willing to eat with his slave, willing to ride on the donkey at the market, willing to tie the goat and milk it."³³

Showing Humility and Respect

In today's age, caution is the best contempt for employees, which opens the way for human manipulation and abuse. Relying on the labour relations of the brotherhood will attract the best interests of both parties. Employees who are respected and dignified will in most cases accede to hard work and trustworthiness. This is a win-win situation. Although the opposite is equally valid that if the employer does not consider it and is unfaithful to his employees, he will be helpless. In fact, if they try to 'pull through' the employee

will cause harm to both parties. Therefore, the owner should be respectful and very grateful that he was placed in a place where he could tolerate slaves or servants by the will of Allah (SWT). Allah has ordained; "And Allah honoured some of you over others with wealth and properties."³⁴ Master must understand that not all things are for similar reasons, but to ensure that they are all products of Allah (SWT). Because, everyone is made by Allah (SWT). In this way, everyone will be treated so that they may wish to be treated by others, that is generous and humble.³⁵ Allah (SWT) places the servant under the master to facilitate the management of daily needs.

The *Shari'ah* states that workers should be treated with kindness and humanity.³⁶ According to Islamic law, an employee cannot be forced to admit his work or profession. Workers should not worry about the top priority beyond his ability. On the other hand, the employer should not think that the worker is a toy and he must abide by employers will and still be with him. Employers should explain to employees in advance the concept of their obligations and guidance that how the organisations can be benefited from them.³⁷ Moreover, just as Islam emphasises the concept of brotherhood, Muslims must not oppress, insult, humiliate, backbite or scorn each other. It was reported by Abu Huraira that the Prophet (PBUH) as saying: "A Muslim is the brother of a Muslim. He neither oppresses him nor humiliates him nor looks down upon him. It is a serious evil for a Muslim that he should look down upon his brother Muslim. All things of a Muslim are inviolable for his brother in faith: his blood, his wealth and his honour."

Establishing Brotherhood

It was supported by the Hadith that the principle of brotherhood is as follows: "You should treat your servants well and should be considerate to them. You should not hurt them, for you should realise that they too have sensitive hearts like you. If hurt, their hearts get sore and grieved, and, if you treat them well, their faces glow to pleasure. Why, therefore, should you not be decent and

kind with them.”³⁸ It can be inferred from the Hadith that Islam is a harmonious religion that condemns any form of excessive treatment and misuse by employers of workers. Islam requires employees to perform their duties in the most ideal way and to do their best for the welfare of the employer. Employees should be loyal to employers and work hard for the welfare of employers. Employees also need to fulfill their commitment to the employer. In addition, employees must not ignore their work or harm their employer whether or not he sees it. He should really work and secure the employer’s property. Besides, employees should engage in their own activities in the soul of worship to Allah. To be honest, this is the inspirational power of Islam, which also promotes the accomplishments of the community and the people.

Assuring Human Dignity

It is the responsibility of the employer to ensure the respect and dignity of employees, regardless of their position. Allah honors shepherds, peasants, carpenters, blacksmiths by choosing prophets from them. For instance, the Prophet Adam was a farmer, the Prophet Noah was a carpenter, the Prophet Daud was a blacksmith, and the Prophet Musa was a shepherd. Prophet Mohammed (PBUH) also said that He worked as shepherd for small wages. Therefore, employers are responsible for ensuring that their lower-level employees are not abused. Because, the Prophet Mohammed (PBUH) said: “One who mistreat those under him will not enter Paradise.”³⁹ Besides, *Sharia* law allows everyone to enter any legal occupation or profession and lead any legal way of business. No job is modest or mean. The Prophet (PBUH) kissed the hand of a worker who gave him an unpleasant hand because of his hard work. He (PBUH) called to God for him and talked specifically about those who struggled with the people who sat down, went for begging and asked. Additionally, Islam respects the status and pride of employees and promises that Muslims must not only behave workers fairly, but also treat them generously.⁴⁰ Islam also believes that government should have the privilege that everyone can confirm their food, shelter, clothing, education and treatment

considerations.⁴¹ Since Allah (SWT) is popular and vicegerent on Earth, human beings have been regarded as respectful of barbaric conceptions. It is eminent in the Qur'an in *Surah Al Isra*: "We have honoured the sons of Adam."⁴² This verse emphasises the etiquette in particular, only treating the workers and guaranteeing their respect and pride. In this way, the employer should renounce defame or damage to the employee's name, respect and pride.⁴³

Duties of Employer and Employees

Harmony and success in any institution is absurd if there is no fair and reasonable relation between employers and employees. Employers need to ensure equity by fulfilling their commitments to employees, and employees need to ensure equity by fulfilling their commitments to employers. For example, the contract between employee and employer must be made and agreed by both Party in terms of employment before starting the job. Details of salary and duty shall be clearly stated in the contract. In this regard, the messenger of Allah (PBUH) said that "employer must declare the wages to worker before the worker embark on the required work."⁴⁴ After the contract is signed, both the employer and the employee are obliged to comply with the terms of the contract. Allah Says in the Quran that "O you who believe fulfill your contract."⁴⁵ "Fulfill your agreement, surely, you will be questioned about it."⁴⁶ Prophet Mohammed (PBUH) also said that Muslim must abide by their agreement.⁴⁷ Furthermore, employers and employees should sit down time to time to discuss and exchange ideas to promote business growth and to resolve any problems between the two parties.⁴⁸ Allah Says in the Quran: "And their business is conducted through consultation."⁴⁹ "The believers are nothing else than brothers. So make re-conciliation between your brothers and fear Allah, that you may receive mercy."⁵⁰ Moreover, employers must protect employees from hunger by giving them wages and job security, and employees must provide business security for their employers by avoiding misfortune. Allah (SWT) Says in the Quran: "Let them adore the lord of his house who provides them food against hunger and

security against fear (danger).⁵¹ In addition, both employers and employees must be direct to each other. Islam does not allow deception and misleading on both sides. Employees should not cheat at work, but should reduce their workload while receiving full compensation. Then, while employees are fully working, employers should not deceive employees to save money. Allah (SWT) Says: “Woe to those that deal in fraud, those who when they have to receive by measure from men, exact full measure. But when they have to give by measure or weight to men give less than due.”⁵² Also the Prophet Mohammed (PBUH) said that whoever cheats us is not of us.⁵³

Islam is of paramount importance that individuals who have acknowledged the activity must fulfill their duties and obligations with trustworthiness, trust and stubbornness. Hereafter, the commitment must be loyal, true and reliable. Employees must be committed to work and benefit the employer because it is the employer's trust in him, whether or not the employer is a non-Muslim.⁵⁴ Again, “Three kinds of people shall get double rewards. One of them is the worker, who is discharging his responsibilities towards his master and serving God as well”.⁵⁵ To add, the Prophet Mohammed (PBUH) also said that the best earning is what is earned by the labour of hand with sincerity.⁵⁶ With regard to employment relationships, Islam emphasises that the relationship between employers and employees depends on the concept of brotherhood, rather than excessive unparalleled and subordinate.⁵⁷ Employers should be thoughtful, fair and friendly to workers, and they should find excuses and care. This includes the employer's obligation to take care of the solace and prosperity of the employee as a compatriot. The assigned work should be proportional to its ability.

Migrant Workers and their Rights in Islam

Before even imagining the existence of workers' organisations or trade union, Islam clearly led the privilege of workers to satisfy and protect their rights. Significantly, by satisfying these rights one person serves the Creator, because these rights are given to us

by the Creator himself and are revealed to us by His final detachment to Muhammad (PBUH). We see our rights through the instructions of the Almighty Allah (SWT). These rights are only a sign of trust in God. God created people at all levels and tested them through their actions. The Almighty God does not need to abuse or manipulate his creation. Therefore, He educated us through the last messenger of mankind, not to abuse and misuse the form. Also, in Islam, human rights are not an external concept of religion. Islam coexists it as both a religion and a human right. The concept of human rights has been established in the Qur'an. In this way, the basic standards of labour law reflect the Islamic concept of human rights. These standards include protecting employees from any unsolicited treatment and discrimination. In essence, Islam does not discriminate between migrant workers and local workers because they are treated similarly. Islam has a moral obligation to employers; it gives reasonable and friendly treatment to all workers.⁵⁸

The worker has the right to rest, and the employer must not overburden to workers body or damage health, or make it unable to work. There are verses in the Quran that Shu'ayb said Moses (peace be upon them) when he wanted Moses to work for him, **"And I do not wish to put you in difficulty."**⁵⁹ Furthermore, it was reported by 'Abdullah ibn 'Umar in An-Nasa'I that the Messenger of Allah (PBUH) entered my room and said: "I have been told that you stand all night (in prayer) and fast all day." I said: 'Yes (I do).' He said: "Do not do that. Sleep and stand (in prayer); fast and break your fast. For your eyes have a right over you, your body has a right over you, your wife has a right over you, your guest has a right over you, and your friend has a right over you." This affirms the right of workers to rest, fulfill their obligations of worship, and gain the rights of their own family. The contact with employers is to enable workers to provide time to worship such as pleading and fasting. It is noted that migrant workers are closer to goodness and need to behave in a true and innocent manner. Employers should not be justified on the grounds for their commemoration, as they are remembered along with the

discipline expressed in the Qur'an by Allah (SWT).⁶⁰ Also, Allah says: **"Have you seen the one who forbids. A servant when he prays? Have you seen if he is upon guidance. Or enjoins righteousness? Have you seen if he denies and turns away. Does he not know that Allah sees?."**⁶¹

Moreover, Universal Islamic Declaration of Human Rights (UIDHR) relies on the Qur'an and Sunnah to determine the rights of migrant labour. From the reduction of the conditions indicated, there are some additional conditions that can solve the problems that the wandering employees are looking for. The preface emphasises the unified thinking under a stable legal line of view and is a commitment to the Islamic requirements.⁶² Just because of race, colour, gender, roots, or language, discrimination should not continue without serious consequences.⁶³ The third chapter of UIDHR advocates that everyone has the right to equal opportunities and protection before the law and the right to equal wages for the same job. Allah (SWT) Also says in the Quran: "And for all there are degrees [of reward and punishment] for what they have done, and [it is] so that he may fully compensate them for their deeds, and they will not be wronged."⁶⁴

Islam also values the concept of preventing abuse and torture. Clause 6 of UIDHR states: "Every person has the right to protection against harassment by official agencies. He is not liable to account for himself except for making a defence to the charges made against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be reasonably raised."⁶⁵ The Prophet Muhammad (PBUH) also said: "Muslims must abide by their agreements, unless there is an agreement that makes *halal* what is *haram* or makes *haram* what is *halal*."⁶⁶ In any case, employers should maintain similar levels of basic human needs with employees. At the end of the day, employees should be given a reasonable salary to meet their needs. The Holy Prophet (PBUH) said that the master should feed slave from that he eats and give him clothes the like of which he wears. This saying of the Prophet (PBUH) gives the basic rules for determining the basic wages of workers. It requires Muslim

employers to provide wages and that wages should be high enough to meet their needs. The reason for this explanation is that employees have worked hard and helped employers to resolve the successes they now enjoy, so they retain the right to guarantee fair compensation to them to meet their standard living.

Employees should not be given too much work or troublesome work, which is beyond his ability, or may cause him to encounter great difficulties in performing his duties; and should not allow him to work long hours which may affect his health.⁶⁷ Therefore, from the point of view of physical limitations and time, the nature of work should not be unreasonable oppression for him. In the case of a small chance of causing trouble and oppressive errands for employees, he should be assisted by more employees and funds to make his work less troublesome. In addition, he should get enough compensation as an extra benefit for troublesome work and longer working hours. The messenger of Allah (PBUH) said: “None of you will be a perfect believer, until you wish for your brother Muslim what you wish for yourself.”⁶⁸ “God has no mercy on him who is not merciful to (His) men.”⁶⁹ “Be merciful to those on earth, that (God Who) is in Heaven will be merciful to you.”⁷⁰ Along with the rights provided to migrant workers as well as any workers by the UIDHR, Islam provides some different mechanisms to protect them. Some of them are discussed below.

Right to Get Compensation of Employment Injury, and Retirement Savings

In one more provision, the right to assurance against nuisance is given. It centers around infringement against irritation to mind and body, or corruption, or risk of damage either to an individual or his family. An individual ought to be shielded from annoyance through driving to admit to the commission of a wrongdoing or compelling to agree to a demonstration which is impeding to his inclinations.⁷¹ This concept is stated in the *Hadith* as help your brother, whether he is an oppressor or he is oppressed. Then it was asked: “O Allah’s Messenger! It is right if I help him if he is oppressed, but how should I help him if he is an oppressor?” He

(PBUH) said, "By preventing him from oppressing others; this is how you help him in this case."⁷²

In Islam, labour rights related to payment must be properly compensated for the work done. It was narrated by Abu Sa'eed Al-Khudri that the Prophet (PBUH) said: "Whoever employs someone to work for him, he must specify for him his wage in advance." It is very un-Islamic while a person work for another and at the end pay him nothing or little wage. In some countries, workers do not receive wages for timely under any circumstances though the Prophet Muhammad (PBUH) warned that you should pay the labourer his wages before his sweat dries.⁷³ This hadith is very clear that workers should be paid on time. Still, if there is an authoritative understanding that wages should be paid weekly or monthly, that is something that must be done. Again, there should be an understanding of the salary and both parties must meet some of their agreements. We should remember that a worker agrees to get a job at a price of 0.10 cents per hour, does not mean reaching a consensus. Or, this can be a serious abuse, often the result of poverty, and individuals must choose the option to work under tremendous pressure to provide food to their families. In Islam, fair and reasonable management should remain. Allah says in the Qur'an: "Fulfill the measure and weight and do not deprive people of their due and cause not corruption upon the earth after its reformation."⁷⁴ Employees are not an opportunity to offend mistakes at workplace because they do not have enough information to work, and the employer is committed to providing them with information and training. As an absolute religion, Islam says it is not accused by people who have not learned or inadvertently carried out inappropriate activities. This concept was stated in the Quran: "Allah does not charge a soul except [with that within] its capacity. It will have [the consequence of] what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned. Our Lord, do not impose blame upon us if we have forgotten or erred. Our Lord and lay not upon us a burden like that which You laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have

mercy upon us. You are our protector, so give us victory over the disbelieving people.”⁷⁵ To add, the Prophet Muhammad (PBUH) mentioned the importance of spreading knowledge to people around us that “It is indigence to the idiot to keep silent on his idiocy and it is indigence to knowledgeable to remain silent on his wise.”⁷⁶

The above Hadith depicts that an employee should not be ashamed to accede his unawareness of certain things, and then he/she needs to feel in such a way that they have not tried to get from knowledge or opportunity to get information. Skilled people should share the information they have. Labourers are our brothers and sisters. They are our partners. We need them; we rely on them to do things that we can't do. Work should not be given to workers who exceed their abilities. They should have a good and conscious working condition or environment. They should be remedied in the chance of a job being hurt. They should have the energy to work and concentrate for themselves and their families. Workers should have time to spend time with themselves and their families. The Prophet Muhammad (PBUH) usually talks about giving rest to the body deserves by saying that “*your body and your family have a right on you.*”⁷⁷ Then, when a person becomes too old to work, he must be compensated. Old-age pension is implemented by the Second Caliph Umar (r.a) who said: “*It is far from being humane to let one go helpless in old age after getting service from him in his youth.*”

Right to Social Security

No matter who is a part of a community or a temporary resident, the state should provide everyone with government social protection. Islam never exposes that individuals rely on his identity. In *Surah An-Nisa'*, Allah (SWT) says: “O you who believe, Stand out firmly for justice, as witnesses to Allah, as against yourselves, or your parents, or your kin; and whether it be against rich or poor: For Allah can best protect both. Follow not the lusts (of your hearts), lest you swerve, and if you distort justice or decline to do justice, verily Allah is well-acquainted with all that you

do.”⁷⁸ However, the government social security and the Islamic social protection may give a truly comparable impression, but they theoretically have various standards and goals. This is based on Islamic social security that not only meet the needs of the public. Its ultimate goal is to find the joy of God that is better than the scope of ordinary business.⁷⁹

It is a moral responsibility of employer to provide social welfare of the employee. Allah Says in the Quran: “Do good to those whom your right hand possess (worker).”⁸⁰ In great deeds, guidance and personnel services are often significant. Employees who do not have money to send their children to class and those who do not have money for treatment are worth your help, even though that is not your case. Islam requires all poor and underprivileged people to be helped. Rich people have an obligation to encourage serving for those in need. It was narrated in Ibn Majah that the Prophet Mohammed (PBUH) said that seeking knowledge is obligatory for all muslim men and women. Hence, people should help others to educate in any way. Furthermore, health care is another important theme. The Prophet Mohammed (PBUH) said that “Verily Allah, the exalted and Glorious would on the day of resurrection ask: O son of Adam, I was sick but you did not take care of me. He would say: O my lord, how could I take care of you in the world? There up he would say: did not you know that such and such servant of mine was sick but did you not take care of him (pray for his cure, show kindness and help him) and were you not aware of this that if you had cared him, you would have found me by him.”⁸¹

Moral Duty

The employer must give the worker the rights he has, and should take all measures that do not reduce his rights. Besides, employers must not deny the urgent needs of workers to work or reduce their rights and deduce the fees they deserve. Islam prohibits injustice and confirms that there should be no harm or reciprocating harm.⁸² Allah says in the Qur’an: “*Fulfill the measure and weight and do not deprive people of their due and cause not corruption upon*

*the earth after its reformation.*⁸³ Women should have legal conditions to cover the head without jeopardising the principles of khalwah (protection).⁸⁴ It should not be used in occupations that bring closer of sexual orientation and should ensure that maternity benefits are paid for in their work. The Prophet Muhammad (PBUH) said that **”your brothers are your responsibility. Allah has made them under your hands. So whosoever has a brother under his hand, let him give him food as he eats and dress as he dresses. Do not give them work that will overburden them and if you give them such task then provide them assistance.”**⁸⁵ Also to behave well with employees the Prophet Mohammed (PBUH) said that “One of the actions that will be beneficial in your life after death is your good behavior with people working under you.”⁸⁶

People sometimes identify problems between each other. To this end, Allah (SWT) made an arbitration arrangement that a legal enforcement framework should be established to address any uncertain issues between “employer and employee” and to choose a fair judge that fears God to judge and meet. The trial should be simple and fair; whether rich or poor, employer or employee, general manager or cleaner. Any behavior that affects the judge is illegal. Allah says: “and if two groups of believers fall to fighting then make peace between them.”⁸⁷ The Prophet Mohammed (PBUH) also said: “The people before you were destroyed because they used to inflict the legal punishment on the poor and forgive the rich.”⁸⁸

Application of Islamic Principles on Migrant Workers

Islamic law (also known as *Shariah* law) depends on four basic sources, specifically: (I) the *Qur’an* containing the expression of Allah; (ii) the *Sunnah* or Hadith of the Prophet Muhammad’s maxim or demonstration; (iii) *Ijma* representing the Islamic law of the agreement or preferably the Muslim legal counsel’s understanding of the Muslim population to resolve different rigorous issues, while the Qur’an or the Hadith does not mention the immediate problems; (iv) *Qiyas* suggests that Muslim researchers are finding one does not tend to be clearly pointed out in different

ways.⁸⁹ When choosing a new case, this relationship depends on the mind and the legitimate point of reference. For example, Muslim scholars banned smoking because smoking can cause fatal diseases, as like as drinking.

Under Islamic law, there are no classified employment guidelines. In essence, all problems are solved through the perfect disclosure of the Qur'an and the Sunnah. In this way, there is no longer a need to classify employment laws. Employment depends on the standards of *'ubudiyyah* (Allah's full obedience), *mas'uliyah* (responsibility) and *itqan* (guarantee). In view of these standards, individuals are encouraged that the fundamental motivation for separation between employment and access to business is the joy of seeking Allah. The basic goal of employee is to find the joy of God which was enjoined by Allah (SWT) in Surah that "I created the jinn and humankind only that they might worship Me."⁹⁰ In view of this verse, employees are obliged to work hard, do not obtain improper personal gains in fulfilling their obligations, and fully pay attention to their responsibility for demonstrations. Allah (SWT) guarantees the reward of goodness and patience that will exist in the world or beyond the world.⁹¹ In Addition, Islam gives incredible consideration to the privilege of workers and expects to protect every metaphor of all these rights. The rejection of the Qur'an and the Hadith of the Prophet (PBUH) appealed to the judges and warned against abuse. Allah says in the Quran: "**And Allah wants no injustice for [His] servants.**"⁹²

The focus of Islamic law is any legal work done must be valued. For decent and fair requirements, any work performed must be compensated for by its legitimacy and must not be underestimated or exaggerated.⁹³ Islamic law clearly confronted and condemned the delaying to pay wages by employers. Hence, employers must pay employees on time in accordance with these principles, because the retention of wages owed to employees violates Islamic law. Besides, the Islamic law points out the consideration to safety and well-being. This implies the second extreme goal of Islamic law (*Shari'a*), and every Muslim must ensure his or her life on any occasion and provide for the life of others.⁹⁴ It was narrated by

Bukhari that the Prophet Muhammad (PBUH) said that removing any harm from the road is a charity and that will be rewarded by Allah (SWT).

The Islamic principles described above are an adjusted approach to ensure the welfare of employees and employers based on justice. Finally, with the help of the employer, the employee's two hands do something for himself and others. How incredible is this! Only need pure personality and simple goals, and serve humanity with heart. In this way, there will be no chance of injury, and everyone will profit from it. These advantages are for both Muslims and non-Muslims. Muslim countries have an obligation to benefit all humanity. Allah (SWT) says in the Quran: "You are the great nation. You are created for the welfare of mankind. You order people to do the right and stop wrong doing."⁹⁵

Conclusion

Compare to the ideas and laws in general, employment in Islam covers a wider range. Under Islamic thought, employment is not only the effort of employees to verify their work, but also a sacred commitment. As long as they are done well, the world and others will be compensated. The concept of remuneration observed in the field of Islamic law does not appear in the common law. The common law only emphasises the connection between human beings. In this connection, the reward is only the salary which is provided to the competent authority by the employer. It was reported by Abu Hurairah that Allah's Messenger (PBUH) said: "It is essential to feed the slave, clothe him (properly) and not burden him with work which is beyond his power." Imam Ibn Hazm specified in his book *Al-Muhalla that* "The government has to provide for the labourer the enough food, the appropriate clothing, and the fitting domicile and to provide all the legal facilities. Moreover, the wages should meet all of this. Otherwise, it is a kind of injustice."

The obligation to protect the well-being and physical strength of employees depends not only on the employer, but also on all employees, legislatures and positions. In terms of the occupational

safety and health, Islamic requirements and methods can be realised in the institutions. In view of the above exchanges, it can be well inferred that occupational safety and health are not only considered to meet the conditions or requirements of each association, but also the most extreme component of Islam, especially for workers. Given that occupational safety and health is not only for the purpose of the world, but also for the wider range of benefits, should be adequately and thoroughly guided. Employers are urged to resolutely fulfill their obligations and commitments, as this is proof of the worship (ibadah) of Allah (SWT).

At the age of caliphate, the caliph Abu Bakar as-Siddik (r.a.) realised that his responsibility was extremely humble in the first sermon (Khutbah) said: "I have been given authority over you, but I am not the best of you. If I do well, help me, and if I do ill, then put me right." Even Caliph Abu Bakar as-Siddik (r.a.), a leader who followed the Prophet of Ambia, realised that he might not be the ideal candidate to complete the task. Despite this, he has wholeheartedly worked for the benefit of the people. After all, what is done everything in order to seek the happiness of Allah. If Allah (SWT) is satisfied with the person, it will be enough for him, because the reward and recognition of the world is only a small part of Allah (SWT) as a loyal servant. Allah (SWT) says: "No reward have I asked of you: my reward is only due from Allah."⁹⁶ Therefore, if employers pursue that Islam has allowed them to return to these basic guidelines for more than 14 centuries, they will be given full rights and respect so that they will move beyond their obligations. The worker will realise that his employer has not tried to abuse him, and the employer will realise that he has workers who fear God, who are honest and do their best. In order to succeed, such space must be established for both employers and employees.

Notes

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- 15 Sahih Bukhari.
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- 20 Sahih al-Bukhari, Hadith No. 2114.
- 21 Surah Hud: 85.
- 22 Sahih Al-Bukhari.
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- 27 See Shaharuddin, Mutalib, and Hashim, The concept of rights and protection to employees: a comparative overview.
- 28 Ibn Majah.
- 29 Surah Al-Qasas: 26.
- 30 Abu Dawud.
- 31 See Treatment of Employees in Islam: Duty with Beauty.
- 32 Narrated by Ibn Hibban in his compilation of valid hadith, and Shuhaib al Arnauth stated that its narration is valid.
- 33 Narrated by Al-Bukhari in "Adabul Mufrad" no. 568.
- 34 Surah An-Nahl: 71.
- 35 See Mohamad Ashgar Ali Ali.
- 36 Surah Al-Nisaa: 36-37.
- 37 See Shaharuddin et al.
- 38 Ibid.
- 39 Sahih al-Tirmidi.
- 40 Surah At-Tawbah: 105 and Surah Al-Ahqaf: 19.

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- 41 Clause XVIII Right to Social Security; also see Surah Al-Ahzab: 6.
- 42 Surah Al-Isra: 70.
- 43 See Mohamad Ashgar Ali Ali et al.
- 44 Baihaqi.
- 45 Surah Al Ma'idah: 1.
- 46 Surah al-Isra: 34.
- 47 Al-Tirmidi.
- 48 See Ajmal Abdul Majeed.
- 49 Surah As Shurah: 38.
- 50 Surah al-Hujurat: 10.
- 51 Surah al-Quraish: 3-4.
- 52 Surah al-Mutaffifin: 1-7.
- 53 Muslim, Tirmide, Abu dawood.
- 54 See Mohamad Ashgar Ali Ali et al.
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- 56 Ahmed, Hadith No. 83 & 93.
- 57 See Mohamad Ashgar Ali Ali et al.
- 58 See Mohamad Amin.
- 59 Surah Al-Qasas: 27.
- 60 See Rights of Workers in Islam.
- 61 Surah Al-'Alaq: 6-14.
- 62 See Mohammad amin.
- 63 See Preamble of UIDHR.
- 64 Surah Al-Mulk:15 and Surah Al-Zalzalah: 7-8.
- 65 Surah Al-Maida:49 and Surah An-Nisa: 148.
- 66 Baihaqy 1344H: Bab Syurut Fi al-Nikah: Hadis no. 14820.
- 67 See Shahrudin Raja et al.
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