

333551 - What is the ruling on seeking compensation for unfair dismissal?

the question

I am a young man from an Arab country. I was working in a shop selling children's nappies (diapers), and my agreement with the owner of the shop was that I would work as a salesman in return for an-agreed upon wage, and he would register me with Social Security, but he kept procrastinating, so that he would not have to pay fees for Social Security. Please note, that the state requires everyone who has a business registration and has workers to register them with the Social Security fund. After I had worked with him for a year, he dismissed me without notice, and with no legitimate, sound reason. I made a complaint against him with the Labour Inspectorate, and my complaint may be summed up as follows: a demand to be registered with the Social Security fund, a demand for compensation for unfair dismissal, a demand for compensation for annual leave, and other demands that are connected to these basic demands. My question is: am I entitled to make these demands? Is it permissible for me to demand to be registered with Social Security, or should I give up my complaint and delegate my affairs to Allah, may He be glorified and exalted?

Detailed answer

Firstly:

If the work contract mentions a specific period of employment, the boss does not have the right to dismiss the employee before that, because hiring is a binding contract that cannot be terminated except with the consent of both parties, and the employee is entitled to his wages until the end of the contract, so long as he was present and made himself available to work.

It says in *Kashshaf al-Qina'* (4/33): The hired worker is entitled to wages for merely making himself available, whether he works or not, because he has done what is required of him.

End quote.

Similarly, if the contract stipulates that the boss has to notify the worker if his services are no longer needed, or that the contract will not be renewed, within a certain timeframe, then the boss has no right to dismiss him if he has not informed him (given him notice), and the contract is renewed automatically in that case.

The basic principle regarding that is the verse in which Allah, may He be exalted, says (interpretation of the meaning):

{ O you who have believed, fulfill [all] contracts } [al-Ma'idah 5:1];

and the words of the Prophet (blessings and peace of Allah be upon him): "The Muslims are bound by their conditions." Narrated by Abu Dawud (3594); classed as sahih by al-Albani in *Sahih Abi Dawud*.

If the boss was heedless of what we have mentioned above, then you have the right to make a complaint about him.

Secondly:

If the employee is dismissed before the end of the contract period, then he has the right to demand compensation for that period.

If he was entitled to paid annual leave, but was dismissed before he was able to take that leave, then he has the right to demand payment for that period. The same applies if he is forced to work during the leave period.

Thirdly:

There is nothing wrong with the employee registering in a retirement program or Social Security fund belonging to the state, as has been explained previously, in the answer to question no. 103080.

That is so long as the state requires the boss to register his employees with Social Security; if he does not do that, then you have the right to make a complaint to the relevant government department.

And Allah knows best.