

Fatawa JOBS WORKS 2016

From: Wael

Sent: Saturday, February 27, 2016

Subject: Ask the Imam: Question

As-Salamu Alaykum wa Rahmatu Allah wa Barakatuh

How are you doing dearest Dr. Monzer? And, how is the family? Hopefully, everyone is fine.

Please Dr. Monzer, help replying the below question from Ali. Jazaka Allah Khayran

Imam Dr. Wael

Question: Working in a Bank or credit union

I was wondering if it was permissible for Muslims in the West to work for banks/credit unions.

I have been offered a very good position that is a promotion from my current job in another industry.

Although my position will not directly deal with interest, I do recognize that organization itself does deal with interest.

I would appreciate your thoughts. Jazaka Allah.

Ali

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ali

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The Prophet, pbuh, said that the Curse of God is on the taker and giver and writer and the two witnesses of Riba.

Accordingly, these functions and their components are Haram to do for any Muslim. If a Muslim works in a bank whereby his/her job does not make him/her do any of these it is not Haram for this person. The point that the salary comes from Haram sources is a matter that deserve to be looked at. The earner of Riba is the bank not the salaried employee. The employee earns his income as a price of the work hours he gives to the bank, hence if the work he does is permissible its price is also permissible because the Haram characteristic is not in the money itself but in the way it is earned by the bank.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Mazin

Sent: Tuesday, March 15, 2016

Question: Working as Investment Adviser

Assalamu Alaykum wa Rahmatullah wa Barakatuh Dr. Monzer Kahf,

I am working as a part-time Investment Adviser for a Registered Investment Advisory (RIA) firm in Chicago. This job is in addition to my full time job. I searched through the Fatawa on your

website but couldn't find one that answers my questions.

The firm I work for invests other people's retirement/savings monies into investments such as ETFs (exchange traded funds), index funds, equities, and bonds. Obviously, the bonds are Haram and some of the equities may be as well. I am unsure of the ruling on investing in ETFs and index funds since it is a basket of securities which may include Haram companies. The firm also recommends term life insurance only to clients, which to my knowledge, is not interest-based.

The main sales pitch is that our firm can reduce the fees that the client's current financial adviser is charging by 70 to 90%. We also tell clients that we can increase their yield (both dividend from equities and interest from bonds). We offer clients a free portfolio analysis as part of the pitch. When doing the portfolio analysis, I determine if the client's portfolio is invested according to their risk tolerance. If it is not, then a portfolio allocation is suggested based on their risk tolerance which includes equities, bonds, ETFs, etc. Lastly, I calculate the total fees and the total yield from dividends and interest to let the client know how much they are actually paying in fees and receiving in income.

Aside from the portfolio analysis, my job as an Investment Adviser is mostly sales and relationship management. I am not paid until someone becomes a client and the firm is managing their assets. Once the person becomes a client, then I manage the relationship going forward. I do not do research on the investments nor do I make any of the investments. That is handled exclusively by the 2 managing partners.

The fee paid by the client depends on the amount of assets we are managing for the client. Clients can pay their fees a few different ways. One way is that the client deposits money into an account and our fee is deducted monthly. The other way the fee is paid is through a client's taxable account, if available. The taxable account may contain Haram products such as municipal bonds, Haram equities, etc. The taxable and non-taxable accounts are usually a mixture of a client's principal, dividend and/or interest payments, and capital gains/losses as I am sure you know.

Here are my questions:

1) Is this job and its salary halal given that some of the fee paid by the client may come directly from Haram products (if it is coming from the client's taxable account)?

1a) If the job/salary is halal, do I need to adjust my sales pitch and focus only on the reduction in fees that we can accomplish for clients and not mention increasing their yield? This should not be a problem as people are usually thrilled by how much we can save them in fees.

1b) If the job/salary is halal, should I donate a portion of the fee since some of it may come from Haram sources? If yes, how much should I donate since it would be tough to tell how much is Halal/Haram?

2) Am I able to do the portfolio analysis for clients if our recommended portfolio suggests investing in Haram products such as bonds? If not, I can talk to the managing partner to do this aspect of the job which should hopefully not be a problem. If the partner agrees, then my only job responsibilities will be sales and relationship management.

I attached a sample proposal that we did for a client whom we are meeting with this Friday, InShaAllah. I removed the company and the client name. I calculated almost all of the numbers you see in the proposal.

Please let me know the answers to my questions as I am losing sleep over whether I should

move forward or not. The web is filled with varying opinions from what I have read so far, but it is tough to tell what to follow.

Jazaka Allah Khair,

Mazin

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Mazin

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I did not receive as detailed and clear question as yours.

Doing research and advising a person who is in interest (which sometimes we may not know whether it is permissible for him for any necessity or not as in needed housing when Islamic finance is not available) is itself not Haram. Also portfolio research is not Haram too. what comes to the Haram is advising a person to take a bond or buy a non-disputably Haram share like that of a conventional bank. of course we are still not talking about taking action on behalf of a customer since you mentioned that you do not participate in executing any positions.

The possibly Haram income of the customer is irrelevant to your work and its compensation as long as you deliver your job and take its agreed on compensation. This is because Haram money is of two kinds: 1) when the exact coin or say paper money you receive does not belong to the person who gives it to you. The example of this is stolen money. And 2) when it is earned not in a permissible way such as Riba or prostitution money. The latter is not Haram to take in a legitimate exchange such as selling her or him bread or legitimate service.

You must not suggest or recommend any Haram to a Muslim or non-Muslim. What is Haram in our Shari'ah is Haram because it is bad, even though these characteristics may not be adequately evident to some people. While it is permissible to analyze a portfolio, actual or potential you always cannot recommend any Haram thing.

Giving to charity is always recommended especially when there are different views on a given income, please keep in mind that whatever is given for Gad is really saved and invested for many multiples.

Apparently you seem to know the general rules of permissible shares that I feel no need to repeat them on your head.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

Assalamu Alaykum wa Rahmatullah wa Barakatuh,

Dr. Kahf,

Thank you very much for your response, Alhamdulillah! I wanted to be detailed so I can provide you enough information to make a decision.

A few things I would like to clarify:

1) You mentioned that advising a person to buy a bond or shares in a haram company is not permissible. Does that mean I can perform the portfolio research on the current portfolio

and on the recommended portfolio but have the partner recommend/advise the client on the recommended portfolio since that will most likely include bonds and haram shares? Would that be ok?

No. because this is an advice. It means that you can make a portfolio analysis and if your result is to recommend a Haram, you review it and find a permissible alternative, and if you couldn't, you still do not recommend a Haram but give it with no recommendation or withdraw from it. you see; you are sailing around the swamp and likelihood to fall in it is high?

2) Do you have hadith(s) and/or verse(s) from the Quran that helped you reach your decision? I would like to know for my knowledge.

You have here the general Ahadith: 1) prohibition of Riba, 2) prohibition of four functions in Riba (taking, giving, writing, witnessing) compared with variation of limits of prohibition in other matters e.g., in pork only eating (of course what lead to it is like it). in liquor the ten functions (brewing, buying, selling, carrying, serving? not mentioning cleaning its mess for instance so the latter is permissible), 3) the hadith of the Hima and roving around the Hima of Haram, 4) the distinction between what it Haram for itself and what is Haram for its earning, 5) the general principle of not poking one's nose in the affairs of others and not extending a Haram outside its limit, 6) the general principles of analogy, etc.

I sincerely appreciate your time and answers.

Jazaka Allah Khair,

Mazin

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Mazen

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please see my answers below the questions

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Faruk

Sent: Sunday, March 13, 2016

Question: Is the drop shipping permissible in Islam?

Al Salamu Alaykum Wa Rahmatullah Wa Barakatuh

Dr. Monzer Kahf.

I want to ask regarding drop shipping. (Drop shipping is a supply chain management technique in which the retailer does not keep goods in stock, but instead transfers customer orders and shipment details to either the manufacturer or a wholesaler, who then ships the goods directly to the customer. As in all retail businesses, the retailers make their profit on the difference between the wholesale and retail price.) In my case, I'm the retailer. I get the product from a drop-shipper. Then, I asked him for the pictures and advertised it on eBay. But I don't have the product, it's with the supplier. Does this situation falls under this Hadith: Abu Dawood (3503),

al-Tirmidhi (1232) and al-Nasaa'i (4613) narrated from Hakeem ibn Hazm () that he said: I asked the Messenger of Allah (peace and blessings of Allah be upon him): "O Messenger of Allah, people come to me wanting to buy something that I do not possess; should I buy it for them from the marketplace? He said: "Do not sell that which you do not possess." This hadeeth was classified as saheeh by al-Albani in Saheeh al-Nasaa'i. By the way, I do have an agreement with the supplier? To advertise and sell the product. So, can I be considered as the? agent? In this situation? Is being an agent is permissible in this situation?

I'm looking forward to hearing from you.

Your' s sincerely.

Faruk

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Faruk

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This kind of sale is valid for all manufactured products as long as there is arrangement in place for your ability to fulfill your obligation of delivering the sold item. It is a kind of sale on description. You do not need to be an agent of the manufacturer or wholesaler to practice this kind of sale as long as you have arrangement for delivery on time. Of course the point of deserving the profit of this transaction is not the point of sale but the point of delivery to your customer which is done on your behalf by the person you assign to do so, i.e., the manufacturer or wholesaler payment for such transactions can be at any time before or after delivery. For agricultural products sale of this kind to be valid payment must be at the time of contracting, i.e., in advance of delivery as this then falls under Salam sale which requires payment at the time of contracting.

On the other hand suppose you purchase using this kind of mode, you then cannot sell the products you purchase before taking physically actual delivery. Here is where the Saying of do not sell what you do not own and in a version do not possess applies.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Wael

Sent: Thursday, April 07, 2016

Subject: Job in banking

As-Salamu Alaykum wa Rahmatu Allah wa Barakatuh

Dearest Dr. Monzer, please help replying the below question:

Imam Dr. Wael

----- Forwarded message -----

From: Azad

Date: Wed, Dec 23, 2015

Salam Alaykum dear brother Dr. Wael,

How are you? I hope InShaAllah everything is good for you.

I am sorry, we talked quite long time ago at the mosque and I have not taken time to send you this email.

As I was telling you, I am working for a Bank and I work in Credit Risk management department. My job consists mainly of the following:

- Giving my recommendations to the senior people (credit committees) on whether I recommend approval or rejection on the credit presentations that are submitted to us by our Sales teams,

or

- If I have enough authority (in terms of the amounts), approving/rejecting myself the presentations submitted by our Sales Teams.

The presentations concern our clients. They can be corporates and financial institutions and we can transact with them different products. The products are mainly loans, guarantees and derivatives.

So, if, for example, my bank wants to enter into a trade with a company on derivatives or to offer a loan to that company (or to renew the existing loan, guarantee or authorized limit to trade derivatives), those in Sales teams have to go through my department and get our approval. Consequently, I would either give my recommendations on the requests (for reviews or new requests) or I approve/reject them myself. I participate in the approval/rejection process and I put my signature on the presentations. However, I do not sign any contracts and I do not face our clients directly. I do face only our Sales teams.

I hope my description is clear. I assume, from what I have known/heard (I can be wrong of course), that my job is not halal and this is why I need to quit Banking sector. I am just thinking of getting some more Canadian experience to look for another job and I cannot quit before having found a job as I need to feed my family in the meantime.

As discussed, pls help in shedding light on whether my job is considered halal or haram.

Please do not hesitate to ask me clarifications if something is not clear. I can also come to discuss, if you wish.

Many thanks for your help. Jazaka Allahu Khairan.

Salam Alaykum,

Azad

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Dr. Wael

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

As described below I think that this job is part of the writing/granting a Riba contract and it is covered by the text of prohibition of the four functions: taking, giving, writing and witnessing.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Agung

Sent: Tuesday, April 19, 2016

Subject: Working in Reuters or Bloomberg

Assalamu Alaykum Prof. Monzer,

I have a question which always keeps my mind busy to find the answer. The question is simple: "are Muslims allowed to work in Reuters and Bloomberg in selling their products?"

Jazaka Allah Khair.

Salam,

My Answer:

Please give me clear info about what they sell other than research. I cannot answer this question without complete info.

Prof. Dr. Monzer Kahf

From: Taheseen

Sent: Thursday, June 02, 2016

Subject: Is 'Fulfilled By Amazon' business model Shari'ah compliant?

Assalamu Alaykum brother Monzer,

I am a sister looking to start selling on Amazon using the 'Fulfilled by amazon' option, wherein after having seen the sample of a product I can order the supplier to ship the rest of the product (say a 1000 quantity) to an Amazon warehouse. On receiving a customer order, I can then direct Amazon to package and ship the product direct from the warehouse to the customer.

Is it Ok to sell a merchandise that I have seen only a sample of, but not checked the rest of the inventory and not possessed in my own house/office but in a third party warehouse ?

I have the option of getting it shipped to my house and then sending to Amazon warehouse, it's just that arranging the supplier to directly ship to Amazon warehouse is cheaper and easier for me. Kindly advise.

Regards, Wassalam.

Sister Taheseen

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Taheseen

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Sale/purchase on sample or full description is permissible. Shipping to Amazon warehouse can of course be done only after you make arrangement with Amazon to receive the quantity and take delivery of it. This means that Amazon takes delivery on your behalf as if it is your appointed agent.

Then when you sell, you are selling merchandise that you own and have in the possession of your agent. Of course you deserve the sale price including the added profit when your agent (Amazon) makes delivery to your customer by mailing the sold item to him/her. All parts of this transaction are Shari'ah compliant provided the item itself is permissible and purchase/sale contracts fulfill their normal known conditions.

Wa Allahu A'lam
Wa Alhamdu Lillahi Rabb al Alamin
Wassalam
Prof. Dr. Monzer Kahf

From: Anoop
Sent: Sunday, June 19, 2016
Subject: Working as Data Scientist in Commonwealth Bank

Salam,

Can we work as a Data Scientist or Data Engineer in Commonwealth Bank in Sydney or other parts of Australia? Kindly respond to me as soon as possible.

Jazaka Allahu Khayran

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Anoop

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Working as data scientist in a bank is permissible because this job does not require you to write or sign a Riba contract. You are helping the Riba institution no doubt. Hence this is not the best Job in the world according to the Shari'ah scale albeit permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Majd
Sent: Saturday, June 25, 2016
Subject: عمل مندوب مبيعات

شركة أتعامل مع الشركة ب من خلال مندوب الشركة ب
وتعطي الشركة أ نسبة لمندوب الشركة ب (طبعاً دون علم صاحب الشركة ب) تخصم هذه النسبة من ربح الشركة أ
فهل هذا جائز؟

My Answer:

الأخ المكرم مجد
السلام عليكم ورحمة الله وبركاته
هذه رشوة محرمة تحريماً قاطعاً. وعلى المندوب أن يعلم رب عمله بهذه العطية وينفذ رأيه فيما إذا كان يأخذها من الشركة أ
ويعطيها للشركة ب او يرفضها مطلقاً، وإن لم يفعل فقد خان الأمانة وحق لرب عمله أن يفصله من عمله مع العقوبة.
مع أسامي التقدير وأعز التحية
أ. د. منذر قحف

From: Bahrija
Sent: Wednesday, August 03, 2016
Subject: Client representative in a mortgage company

Assalamu Alaykum.

I want to say thank you for the great presentation at masjid. It is my pleasure and honor to have met you and you lovely wife. May Allah reward you both for the time and effort you contributed to this event.

I asked the question regarding Musharakah based financing form of Zero mortgage. I tried to just give you the question to answer, but out of embarrassment for standing in front of all the men I didn't explain the whole situation and the part of question directly relating to my position.

I tried to find out if the whole concept is 100% halal as the management claims it to be and what a Client Representative job in it would be. My job is to explain to the people what the concept is, provide them with information and connect with mortgage specialists. I explain to the clients that concept and when asked if it is halal I explain to the client to go over the information and "do their homework" consulting someone who has more knowledge of Islamic financing. They also have an option to book in person or over the skype meeting with Zero mortgage advisor.

In the end, I am not a specialist in Islamic finance and try my best to learn more and earn halal living for myself and my daughter which is my major concern in this position.

I am not signing or witnessing contracts that involve Riba. In fact, that is the reason I never pursued the career in financial field here even if I studied in that field and took my second career in Payroll after that. I work for Zero while searching for other job, too. Since the market is slow and I have no experience in payroll field it is a little harder to find a better job at this time.

I would really appreciate if you give me an advice for my situation and ask you to make dua for me.

Assalamu Alaykum,

Sr. Bahriya

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Bahrija

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Thank you for your email.

I really feel embarrassed to say that it is Haram to give any person wrong info even if you are simply an employee not an owner who benefit from it.

This Zero Mortgage, when I studied their contract and the promissory note they use, is deceiving people by claiming that it is Musharakah. The Fatwa that is on their website is not at all reflected in the contract template they offer. If they apply the Fatwa in the contract, we all know that declining Musharakah is permissible. But what is called Musharakah Agreement says clearly principal contributed and reimbursed with increment (they call it profit but names don't change reality). This means loans with interest.

Next the promissory note is plain interest-based.

I do not see it permissible to cheat people.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin
Wassalam
Prof. Dr. Monzer Kahf

From: Esam

Sent: Wednesday, August 10, 2016

Subject: Lying about Income

You might have known about the bad financial conditions in Egypt, especially for traders and businessmen. Under such circumstances, is it allowed for a businessman to lie about his income to decrease the tax he ought to pay?

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Lying is not permissible but declaring part of the income that is documented and not telling about all income is permissible in my opinion. This is a civil matter not religious (except for plain lying which is not permissible religiously). This applies to all countries in matters of all taxes. Nothing special for Egypt now or in other times.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Imam Mosque

Sent: Sunday, August 14, 2016

Subject: finance manager job, meat business, etc.

Dear Prof. Monzer

Below are two questions from a community member in for your kind self.

Jazakum Allah Khairan for your support.

Imam

..... Mosque

----- Forwarded message -----

From: Ahmed

To: Imam Mosque

Assalamu Alaykum;

My first question is: Can I become a finance manager at an automobile dealership that I work at?

You can if this Job does not require you to approve or even sign any interest-based contract.

2nd Question is: Can I buy a franchise called M&M Meat Shops. It involves selling prepared frozen meals. There is some pork products for sale .Everything is frozen and in boxes. I have included a link to their website. <https://www.mmfoodmarket.com/en/home>

Buying any pork product from the franchise or any other source is Haram. Also selling it is Haram and any money from it including principal (not only profit) is also Haram. The Prophet, pbuh, said: " Allah, when He prohibits a thing, He also prohibits its price."

JAK

Ahmad

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Dr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please give the answers below the questions to our dear member of the community Mr. Ahmad

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Areff

Sent: Sunday, August 14, 2016

Subject: Real estate business with a hotel

Salaam.....how are you?

I entered into an agreement and I am now concerned if this is halal.

A hotel in India had advertised for the general public to buy a room and they would pay rent from the proceeds.....of the room rent only, not the restaurant or the ball room or any other facilities.. ..it's all ok so far....they also mentioned paying ' 7 % minimum rental returns 'is this halal?

Wassalam...

My Answer:

Before I answer please tell me if this is the whole story? Or after a period of time the hotel will pay back the amount you paid and buy back the room.

From: Areff

No the hotel does not buy back the room.....as a matter of fact the hotel runs the property for 15 years and at the end of 15 years they would give the investors a choice of running it themselves or giving it to the hotel to operate it again for another extension...

Wassalam.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Areff

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

With this explanation and provided the room you are buying is determined (which room on which floor, etc.) or you simply buy an in-common % of the total property, this transaction is permissible. It is simply a sale of a property and lease contract to the seller. Both are permissible. Please notice that the sale contract must bear its implications so that maintenance, taxes and insurance are on the owner (although this can be regulated by raising the rental percentage say from 7% to 9% for instance in order to cover this cost. making the rent a percentage of the price of the property is permissible in Shari'ah.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Imam Dr.

Sent: Sunday, August 21, 2016

Subject: working in IT company providing service to a bank

As-Salamu Alaykum wa Rahmatu Allah wa Barakatuh

Dear Dr. Monzer, please help replying the below question:

Jazakum Allah Khayran

Imam Dr.

----- Forwarded message -----

From: Ahmad

Assalamu Alaykum Dr.....

I work for an IT consulting company in Canada and my current project is at CIBC bank in their Mortgage, Loans, and Lines department. My role will be to update, modify, or maintain the existing computer applications (many in number) that are used by this department which deals with the credit products offered by the bank (mortgages, loans, lines). The computer programs (I will be working on) are all related in some way to the credit products the bank offers. One example is a soft-ware which processes customers' details and provides them with a quote for a mortgage which can then be issued by the bank. Is this job permissible for me? Will this be a halal source of income for me?

Jazaka Allah Khair.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Imam Dr.,

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please inform the Questioner Br. Ahmad that since his job in this bank does not involve dealing with customers in issues of creating an interest-based contract, writing or signing it, his work in the bank cannot be non-permissible. Accordingly the income he earns from it similarly cannot be considered non-permissible although we all realize that it is on the exact edge of non-permissibility but does not cross the line.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin
Wassalam
Prof. Dr. Monzer Kahf

From: Omar

Sent: Thursday, August 25, 2016

Subject: working for NFL?

Assalamu Alaykum Dr. Kahf,

We sell a lead generation solution that gives contact info (email/phone) for corporate professionals so sales people can reach out to sell their products/services.

The NFL is interested in using our software for their sales teams.

Would it be permissible for us to sell our software to them?

Background:

- the NFL sales team we're selling to specifically sells 'premium' experiences to the Super Bowl (<http://nflonlocation.com/>)

- these 'premium' experiences include hotel stay, preferred seating, complimentary drinks (alcohol), food, pre/post game parties, field access etc. (and obviously attending the actual game)

- our company is quite successful (we're in a good financial position)

- we really value understanding the thought process behind your answer (we'd like to learn as much as possible)

Omar

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I do not see anything prohibited in selling your software to this NFL. It is simply a sport organization, anything else? And whoever bet on its activities it is the problem of the betters not your program. This is of course except if your program itself is going to be used for betting, then you should not produce it and if it has multi-uses you should not sell it to persons/orgs that will only use it for non-permissible activities.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Omar

Sent: Wednesday, August 31, 2016

Subject: Re: Permissible transaction?

Jazaka Allahu Khayran Dr. Kahf,

Just to clarify: there is no issue with the fact that the packages/tickets they sell include (pre-paid) alcohol?

The games have many other elements such as music/cheerleaders dancing, but this isn't the main product being sold, which is the Super Bowl.

Omar

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You confused me with your reply. Did you give me in the past incomplete info and now you are adding that always their tickets include alcohol? What exactly do you mean by "there is no issue with the fact that the packages/tickets they sell include (pre-paid) alcohol"? Do they sell or do they not sell? And is it a major item?

If they sell alcohol and betting chances as a major part of their business, then it is inappropriate (and may exactly be Haram, if it makes majority of the revenue of their activities) to provide then with a service that promote the sale of tickets.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Omar

Subject: working for NFL?

wa Alaykum Assalam Dr. Kahf,

In the original question I had posted a section called "Background" which specified the details of the company and what they sell. I've included it again (below):

Background:

- the NFL sales team we're selling to specifically sells 'premium' experiences to the Super Bowl (<http://nflonlocation.com/>)

- these 'premium' experiences include hotel stay, preferred seating, complimentary drinks (alcohol), food, pre/post game parties, field access etc. (and obviously attending the actual game)

- our company is quite successful (we're in a good financial position)

- we really value understanding the thought process behind your answer (we'd like to learn as much as possible)

Essentially, they sell full packages to the Super Bowl which includes alcohol, etc. (but not gambling).

Omar

My Answer:

A complimentary drink is not called sale of drinks.

Monzer Kahf

From: Omar

Assalamu Alaykum Dr. Kahf,

Here's an example of a football package they will be selling (below). The drinks are a minority part of it, the overall ticket cost is about \$5,000 USD per person.

- 4-Nights Deluxe 4-Star Hotel Accommodations at the Park Plaza Westminster Bridge London. Includes daily breakfast.
- Diamond Game Ticket – Club Level near the 50 yard line with wider padded seats & VIP stadium entrance.
- Gameday Hospitality – Deluxe 3-course meal and complimentary bar (open 3 hours pregame, during halftime and 1 hour postgame including beer, wine and soft drinks) at distinctive Bobby Moore Club at Wembley Stadium.
- Exclusive Redskins Friday Night Event
- Appetizers and Complimentary Bar
- 2-Day London Pass + Oyster Pass
- Shared Round-Trip Bus Transfers
- To/From Friday Night Party and Hotel
- To/From Wembley Stadium and Hotel
- NFL International Series Washington Redskins Gift Bag
- NFL On Location Signature Service Staff On-Site

Omar

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The liquor part seems to be small unless you know it makes substantial part of the ticket.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Kashif

Sent: Wednesday, November 16, 2016

Subject: IT job permissibility query

Assalamu Alaykum Brother Monzer,

I wonder if you could give me advice on whether it would be permissible to have a job with an IT software company that provides web security products to companies from all industries which can include banking and online betting.

Jazaka Allah Khairan.

Kashif

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Kashif

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It is permissible to work in a company that provides IT security services to other entities including banks because you are not writing Riba of receiving or giving it. you are making life more secured for all people who deal with the banks which is a good service even when given to people who do wrong.. be good to everyone is part of our religion.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Ray Jureidini

Sent: Tuesday, November 22, 2016

Subject: Migrant Workers: Shari'ah rights

Dear Professor Kahf,

Further to our earlier conversation, can you please provide advice on Islamic Sharia with regard to the following practices, which are widespread throughout the GCC countries.

1. Low-skilled, low-income Migrant workers in countries of origin paying large sums of money to private recruitment agencies to secure employment in the the GCC states. (Higher-skilled workers do not pay anything.) They most often borrow the money (from loan sharks, recruitment agencies and family at usurious interest rates - up to 60% - as well as banks - at lower interest rates), which leaves them in debt bondage whereby they must work even if receiving less wages and conditions than promised in order to repay the loans, taking up to a year's work to do so. This is tantamount to forced labour, particularly under the control of the Kafalah system.

2. This financial exploitation is to cover costs of recruitment which the employer in the country of destination should be paying (visa, transport, etc.). It is also used for secret 'kickback - payments' by recruitment agencies to personnel of employing companies in destination countries in order to secure the labour supply contract.

3. Labour laws in Qatar, UAE and KSA forbid recruitment costs to be paid by employees. Does this apply to payments in origin countries or only in those countries?

I would like to know if there are Islamic principles and law that can be brought to bear that stops this practice of workers paying recruitment agencies in countries of origin if they are destined for Muslim countries such as the GCC. In other words, what are the responsibilities of GCC nationals (individuals and companies) to ensure this does not happen - and if it does, is there an obligation (on the part of the kafeel) to reimburse the workers who have paid?

Unfortunately, after many attempts, I was unable to send you a copy of my White Paper published recently by the (United Nations) International Labour Organization. Seems it is too large, even in a zip file, for our server. I will give you a printed copy.

Regards,

Ray Jureidini

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Prof. Ray Jureidini.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Thank you for the kind email and enquiry.

The issue you raised is very important as it relates to fundamental justice especially in relation to prohibition of Riba (interest) and prohibition of bribery (kickback).

You may know the fundamental rule of employment is Shari'ah, which is established by the Prophet, pbuh, himself, that establishes the following guidelines:

1. The compensation of laborer is the responsibility of employer,
2. It should be transparently determined and known in full at the time of contracting,
3. It should be paid to employee immediately at the agreed time with no delay.

Additionally any detailed specified by laws and regulations must be abided by all as long as they do not violate any fundament of Shari'ah. On another note: corruption and kickbacks are prohibited to the extent that the Prophet, pbuh, equates bribery giving and taking to transgressing the boundary of Islam itself.

Accordingly: as the laws and regulations require that employer must bear recruitment and transportation expenses/cost. All such costs, whether in the country of origin or in the country of work, should be borne by the employer in accordance with laws, regulations and employment contracts.

Persons under these laws are responsible, from Shari'ah point of view in addition to legal liability, to assure that potential employees are not charged any additional recruitment/visa/transport expenses for reaching the country of destination of the worker.

Of course, we know that some illegal and corruption practices are difficult to detect by law enforcement especially when it may require enforcement under different legal systems/countries.

In application of the above, here is my Fatwa in regard to the issues and questions you raised:

1. For potential workers in countries that have laws requiring employers to pay recruitment and visa costs, it is forbidden for a recruitment agency to charge such employees any expenses for any and all expenses covered by the law.
2. For destination countries that do not have such laws and regulations, it is permissible for recruitment agencies and visa follow up agencies to charge beneficiary workers reasonable fares for their services with a maximum that should be determined in the law or by mutually-consented contracts provided that such fares are within the market range for such services. Charging fares outside reasonable amounts for these services is definitely forbidden.
3. Charging cost of obtaining visas is definitely Haram and not permissible in Shari'ah. Cost for obtaining visas is meant her what is above the amount of official fee and price of the service hours for follow up. This means that the practice of asking for payment to 'sell' a Visa is forbidden in Shari'ah.
4. Taking loans on interest is forbidden (giving loans on interest is even worse). Recruitment agencies should be forbidden by law of giving interest-based loans to potential employees for such fares.
5. Nationals and residents (individuals and corporations) of countries that have laws which require employers to pay cost of recruitment and visa, are required to be transparent in abiding by these regulations. This also requires that, when contracting recruitment and visa follow up agencies in any countries, they should make adequate conditions that prevent such agencies

from charging potential employees any such forbidden charges/costs. Failure of having such conditions and failure of enforcing them puts them in the square of accomplices with such agencies. with the spread knowledge of such practices by agencies in some countries make any such failure by nationals and residents accountable from Shari'ah point of view and should be made accountable from legal point of view.

6. If kickback happens from recruitment and Visa agencies to employees of National and residents potential employers not only the bribe receiver is accountable but also his/her employer by reason of subordination. In such cases employers become responsible to compensate employees for extra amounts paid to recruitment and visa agencies even beyond the amount of bribes because the bribery giving is a cause of such non-permissible charges placed on potential employees.

7. If bribes and kickback ends in the treasury of the employers, more punitive action should be taken according to the law but definitely in addition to compensation to workers who paid such extra charges.

Please write me again if you think there are any more questions or clarifications.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Best Regards

Prof. Dr. Monzer Kahf

From: Douglas

Sent: Friday, December 02, 2016

Subject: Question on Voluntary Separation Scheme (VSS)

Assalamu Alaykum dear Dr Kahf question is

Is Voluntary Separation Scheme (VSS) permissible in Islam it is a scheme where employees are allowed to resign voluntarily from an organization by receiving fair compensation is such a thing permissible in Islam?

Your assistance in the matter will highly be appreciated.

Jazaka Allahu Khayran

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Douglas

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes, as long as it is mutually consensual not under unusual pressure. It is also permissible in marriage.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Best Regards

Dr. Monzer Kahf
