

AN ISLAMIC PERSPECTIVE OF LABOUR UNIONS

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Labour unions are regarded as necessary by-product of the Industrial Revolution of the 18th century. Early part of the Industrial Revolution has been characterized by the miserable conditions of the workers. To eradicate the oppressions of the employers, workers established labour unions to deal with the employer in a body rather than individual workers. That part of the history has been full of bloody industrial disputes. Due to this violent aspect of labour unions many Muslim scholars negate the permissibility of labour unions in Islam. The purpose of the present study is to explore the concept of labour unions in Islamic perspective. The effort has been made in this study to clarify the approach of Islam regarding labour unions and to highlight some of its principles which make it prominent from conventional trade union approach. The research work is theoretical in nature. The effort has been made in this research paper to look into the basic sources of Islam.

Keywords: Labour, Employer, Labour Unions, Islam, Rights, Justice, Oppression, Contracts, Representative

Introduction

The origin of labour unions lies in the “Industrial Revolution of the 18th and 19th century. Due to the mechanical inventions at the large scale, machinery and labourers were brought together in factories, where manufacturing process could be supervised.¹ The factory system changed the world of work altogether. In the early days of industrialization skilled and unskilled labourers including children, women were concentrated in the factories in the large number. In search of greater profits and less production cost factory owners rarely cared about the conditions and welfare of workers. Fatal industrial accidents of workers including children and women were common.² They suffered from many industrial diseases due to overcrowded and unhealthy workshops. They also have to bear the tyrannies and oppression done by the foremen and overseers. Employers were keen to meet production targets rather than satisfy workers’ demands.³ The life of working class was miserable and was filled with many challenges. Most of the workers lived in immense poverty, because they were paid minimum possible salaries with no extra benefits.⁴ The governments adopted the policy of *laissez-faire* resulting uncontrolled and ungoverned industrialization.

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In response to this tyrannical behaviour of the employers workers formed labour unions to protect themselves by dealing in a body with their employers. They demanded improved working conditions, fixed working hours, reasonable salaries and other fringe benefits. The employers or owners want greater efficiency from the workers by giving low wages, while the worker look for less work and more benefits.⁵ The contradictory objectives of both the parties lead to aggression, violence and bloody disputes in the industries.⁶ The formation of labour unions was a difficult task and employers strongly resisted them. Labour unions grew slowly and struggled hard for their existence.⁷ Labour unions often used the weapons of strikes, boycotts and other forms of protests to protect their rights. Employers on the other hand used the weapon of disciplinary actions, dismissals and lockouts. This aggressive behaviour from both sides resulted in the hostile employer employee relations.⁸

With the emergence of the concept of welfare state, governments changed their attitude towards workers and issued various regulations to provide basic rights and protections for workers.⁹ Government legislation amended much of the initial regulations and extended it to cover contracts of employment, training, health and safety, racial and gender- based discrimination, individual rights at work and union recognition.¹⁰ Since then the labour unions occupy central position in the labour laws and are recognized universally. On the business point of view large undertakings especially multinational companies which have millions of workers on their payroll find it easy to negotiate with the collective bargaining agents rather than dealing with individual workers.

The prevalence of unions in most of the Muslim countries is miserable. The proportions of paid workers who are union members are below ten percent.¹¹ The main reason is that labour laws are not fully implemented in these countries and employers usually discourage the establishment of labour unions in their undertakings. Moreover, there are many misunderstandings regarding the standpoint of Islam towards these labour unions. In Islamic world most of the Muslim scholars often adopt two different approaches to deal with the concepts and theories imported from the Western World. One group of scholars reject anything coming from the West viewing it as Un-Islamic and the

other group embraces everything which has evolved in the Western World in the name of Modernization. Same is the case with the concept of labour unions. Being originated in the Western World many Muslim Scholars do not look favourably upon the labour union and consider them outside the preview of Islam. To them there is no example of such organizational gatherings in primitive era therefore these labour unions are alien to the teachings of Islam. On the other hand many Muslim labour leaders due to unavailability of guidance from the Muslim scholars have developed labour unions on the basis of Western pattern. They have established their labour unions either on the capitalist system or on the socialist economic system. The result is that Muslims are going away from the fundamental teachings of Islam.¹² To come out to this quagmire some scholars have permitted the Western style labour unions in Islam. In fact, the question of Islamic approach towards labour unions needs an objective appraisal.

Dual Categorization of Duties and Rights in Islam

Islam has its unique perspectives on individual rights and obligations. In the employer-employee relationships rights of employer are duties of workers and vice versa. The workers are obliged to put their best efforts in the workplace. They must accomplish their assigned duties with hard work, sincerity, integrity, diligently. These duties of the workers are rights of their employer. On the other hand they must be paid adequately and promptly, must be treated well on the workplace and have job security, work in healthy environment, enjoy retirement and other fringe benefits. These rights of workers are duties of their employer. If anyone of them shirks his duties then he is violating the rights of other party. Today, both of the parties wants to get his rights and if possible to get something more from the other party. This is the main cause of conflict and strife between employer and employees.

In Islam the concept of asking for rights is linked with some responsibilities. Islam is for balance and rejects the notion of liberty and rights without accountability.¹³ There are no rights without responsibilities and obligations. Islam emphasizes on the fulfilment of obligations rather than questioning rights. In the matter of employer-employee relations employees are supposed to discharge their duties first, then they are obliged to ask for the rights.¹⁴ Islam emphasizes that the individual's obligations must be

met, and not that each individual should claim his individual rights. According to the teachings of Islam for each right there is a corresponding obligation that must be met.¹⁵ The moral approach of Islam reminds both employer and employee of their obligations and corresponding rights towards each other. If employer-employees start working in an ethical framework then there should be no conflict and controversies among employers and employees. By doing this the possibility of controversial relations between employer and employees is diminished.¹⁶

Islam advocates for the rights of every individual whether he is an owner or a worker, a slave or a master, a father or a son.¹⁷ Islam has prescribed certain norms of conduct both for the workers and the entrepreneurs and has fixed the rights and responsibilities of every class.¹⁸ In order to minimize the possibility of encounter and collision between the two classes Islam has determined separate mechanism of separate rights and duties of both the employers and the employees so that both of them can contribute in the wellbeing of the society effectively and efficiently.¹⁹ Employers and employees in an Islamic management model are expected to follow a strict disciplined and honest approach.²⁰ Islam teaches the Muslims its fundamental values of unity of mankind, brotherhood and equality and accountability on the Day of Judgement. All these values are linked with the Pleasure of Allah the ultimate objective of all human endeavours.

Islamic Approach to Labour Unions

The formation of labour unions is largely a Western phenomenon which has its roots in the Industrial Revolution. Since then the world of business and work has been in constant change and flux due to advancement in science and technology. Productive structures have directly or indirectly underwent an increasing division of labour. On the one hand, many jobs have become simpler and more trivial, while on the other, occupations have diversified greatly. The institution of slavery no longer exists. There is contractual relationship between employer and his workers rather than master slave relationship. In order to pass any judgment these fundamental changes must be considered.

In this changing and developing world the Religion of Islam recognizes change as a reality. However, it discriminates and distinguishes between healthy and unhealthy or correct and incorrect changes. It recognizes or perceives the difference

between constructive and destructive trends. The religion of Islam determines whether an alteration is beneficial or harmful for mankind. For this purpose it picks and chooses. If a new thing is injurious or harmful for mankind Islam refuses to accept it, on the other hand if something is beneficial for the society Islam not only welcomes it but also makes its full effort to propagate it.²¹

The first principle established by Islam is the permissibility of things. Nothing is prohibited except what is forbidden by a sound and explicit nas.²²In principle, there are two categories in Islamic jurisdiction while defining something's permissibility or non-permissibility. As for as the acts of worship are concerned the principle is limitation (tawqeef); i.e., nothing can be legislated in this regard except what Allah Himself has legislated. But as far as the living habits and means and methods are concerned the principle is freedom. Nothing can be restricted in this regard except what Allah Himself has prohibited.²³

If someone pays deeper attention towards the objectives of labour unions he will find them as means to represent and protect workers. This is the mean and method which is protected by the labour laws internationally and most of the local labour laws of the various countries of the world. For example look at the basic role and obligations of labour unions:

Labour union is an organization of workers who have come together to achieve common goals such as protecting the integrity of its trade, improving safety standards, achieving higher pay and benefits such as health care and retirement, increasing the number of employees and employer assigns to complete the work, and better working conditions. The labour union (trade union), through its leadership, bargains with the employer on behalf of union members and negotiates labour contracts with employers. The most common purpose of these associations or unions is "maintaining or improving the conditions of their employment".²⁴

As described earlier all means and methods are permissible except prohibited in the explicit nas. As for as the role, responsibilities and obligations of labour unions are concerned; there is nothing which could be called un-Islamic. Islam itself calls for rights of workers, improved working conditions and brotherly environment at the workplace. Trade unions play their role as

legitimate guardians of workers. It is observed that employees always remain under immense pressure to earn a living and therefore, accept employers' unjust terms and conditions of service. Employers often influence to dictate its terms in violation of the Islamic principles of justice and equality. According to the principle of justice and equality, if a party to a contract is in an influential position due to intellectual, physical, economic or any other form of advantage, a guardian should be entrusted with negotiating the conditions of the contract on behalf of the disadvantaged party.

If the one who owes is feeble-minded or weak or cannot dictate himself, then his guardian should dictate with fairness.²⁵

Workers generally demands for freedom of expression, old age benefits, reasonable monetary and non-monetary benefits and justice in the workplace. These are the genuine necessities that are often demanded by the workers to be made available to them. Labour unions help workers to get these facilities and basic human rights. This act of helping the weak and the needy is in fact, the revival of the just and glorious system of Islam.²⁶

Islam advocates just distribution of material resources between haves and have-nots. The Holy Quran has described two blessings of Allah Almighty on the dwellers of Makkah.

they must worship the Lord of this House, who gave them food against hunger, and gave them security against fear.²⁷

It shows that these two (food against hunger and security against fear) are the basic needs of human beings. Therefore, establishment of organized body of workers to eradicate poverty, minimize class differences and fear of exploitation of workers is aligned with the teachings of Islam.²⁸

The objectionable matter related to labour unions is their involvement in the violence, sabotage and wildcat strikes. The hostile employer employee relation in the West could be viewed as necessary result of the specific socio-economic philosophies of life based on social Darwinism which injected the principle of survival of the fittest in place of human brotherhood into the spectrum of human relations. As a result today labour unions are marked with negative attitude of the workers, violence and industrial disputes. Due to this negative impression of labour unions Muslim scholars do not look favourably upon them. They are of the view that Islam

does not permit the formation and existence of such bodies. Many scholars think formation of labour organizations as Jewish conspiracy.²⁹ Due to the involvement of labour organizations in dispute with the employers and even with the governments and use of the weapon of strike, many Muslim scholars are of the opinion that Islam does not permit the establishment and existence of such unions; because as an instrument these are often used for negative purposes.³⁰

There is need to adopt a balanced approach. Labour unions have had an important role in the uplift of the working class and improving their working conditions. Due to the irresponsible behaviour of the few people this important and beneficial forum of workers could not be banished. It is the responsibility of the Muslim scholars to provide framework for the functioning of labour unions under the strict teachings of Islam. They should point out the un-Islamic practices adopted by the labour unions and should suggest appropriate reforms. The study of labour unions in Islamic context is necessary to review and re-examine them in order to identify and isolate their shortcomings. The important task is to evaluate their roles and practices, and to balance them by assigning suitable place for each of them.

Principles of Labour Unions in Islam

Labour unions working in an Islamic framework are expected to abide by the following principles.

1. Adherence to Shariah:

Modern labour unions are based upon Western Culture and philosophy of life. Any labour union operating in an Islamic framework must rely on the instructions of the Holy Quran and Sunnah of the Holy Prophet (ﷺ). The Holy Quran states:

O you who believe, obey Allah and obey the Messenger and those in authority among you. Then, if you quarrel about something, revert it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is good, and the best at the end.³¹

The life of Prophet Muhammad (ﷺ) is the most excellent and perfect interpretation of the Holy Quran.³² He has described in detail the rights and obligations of employee and employers and ways and means to manage workpeople. The labour unions must work according to the strict code of ethics defined by the

instructions of Islam. Moreover, labour leaders must work keeping in front the consciousness of Almighty Allah and attainment of his pleasure. Faith and belief in Almighty Allah keeps Muslims on right path. Faith in Allah Almighty becomes more useful when concern of the Hereafter is added to it. Labour leaders must perform their duty keeping in mind hereafter and final accountability on the day of judgement.³³ The consciousness of Allah Almighty and concern of the Hereafter keeps a check and balance on employees and helps in adopting moderate path while asking for their rights.³⁴

2. Intention (Nyah):

Every act of an individual or of an organization at collective level is accompanied by some intentions. In Islam intention of an action rank high as it is very important regarding the status of acceptance and non-acceptance in the Eyes of Allah Almighty. Its importance could be seen in following saying of the Prophet Muhammad (ﷺ):

Narrated 'Umar bin Al-Khattab: I heard Allah's Messenger (ﷺ) saying, "The reward of deeds depends upon the intentions,³⁵

All of the labour movement and practices must be based on good faith intentions. The implications of intention in labour unions are that they must strive for the uplift of working class and the betterment of the organization. The positive intention brings blessings and prosperity for the organization. Positive intentions also accentuate in every act of individuals in the organizations.

3. Advice (Nasiha):

Advice is an indispensable factor in the effective functioning of labour unions. Its importance can clearly be seen in this saying of the Prophet (ﷺ) to his companions:

Narrated Jarir : When I gave the Bai'a (pledge) to Allah's Messenger, he stipulated that I should be sincere and true to every Muslim.³⁶

The principle of advice is important for the organizations. It becomes even a duty, when wrong doings are seen in one's organization or community. In labour unions context, the labour unions must advise management to adopt fair labour policy. On the part of employee, labour unions must advise workers to perform their job with honesty, hard work and diligently. The principle of

advice is not only in benefit of the workers but is also equally benefit for the organization.

4. Enjoining Good and Forbidding Wrong:

Enjoining good and forbidding wrong is a basic obligation on Muslims. It has been stated in the Holy Quran:

There has to be a group of people from among you who call towards the good, and bid the Fair and forbid the Unfair. And it is these who are successful.³⁷

It can be inferred from the above quoted verse of the Holy Quran that it is encouraged in Islam the establishment of labour unions which call both the employer and employees towards good and forbid them from doing wrong. The nature of labour unions in Islam is like Welfare Associations. The shared aim according to Islamic teachings should be collective benefit, welfare and goodness of organization and employees.

5. Cooperation:

Regarding cementing the bonds of mutual cooperation and strengthening its ties, Almighty Allah says:

Help each other in righteousness and piety, and do not help each other in sin and aggression. Fear Allah. Surely, Allah is severe at punishment.³⁸

According to Islam, the use of the technique of 'cooperative forces' rather than the use of the technique of 'opposites' can bring equilibrium in employee relations.³⁹ On that basis the perennial employer-employee cycle of hatred and mutual distrust will cease to exist and the flame of hatred between the two important factors of production will not weaken the fabric of society. Instead of it the healthy employer-employee relations will strengthen the bond between the two and will result in greater productivity and profitability.⁴⁰

6. Justice and Fair play:

According to the Islamic injunctions all human beings are subject to the same law.⁴¹ The Holy Quran insists equal treatment of servants.⁴² Islam does not allow entrepreneurs to make money at the cost of exploitation of working class.⁴³ The employer cannot be righteous as soon as he is not kind and just to his employees. The Prophet Muhammad (ﷺ) ordained his companions to treat their servants with the principle of equality:

Narrated Anas: The Prophet said, "None of you will have faith till he wishes for his (Muslim) brother what he likes for himself".⁴⁴

It has been narrated in the saying of the Holy Prophet Muhammad (ﷺ):

if one has one's brethren under one's control, one should feed them with the like of what one eats and clothe them with the like of what one wears. You should not overburden them with what they cannot bear, and if you do so, help them (in their hard job)".⁴⁵

The principle of justice plays a key role in realizing the goal of social balance. The primary concern of justice is to root out all injustice and exploitation in a given society.⁴⁶ The most important function of labour unions in Islam is to secure justice. It is the objective of Islam to eradicate oppression by means of justice. Justice presents a proactive approach to save workers from exploitation.⁴⁷ Therefore labour unions are necessary in the organizations to maintain justice and equality in the organizations.

7. Fight Against Oppression:

Islam has not left the mankind on the mercy of the oppressors. It provides the opportunity to speak out when the weak and helpless are trampled by the oppressors. In the Islamic society, Muslims have been ordered to fight against oppression of every kind at each and every level. If workers are doing their jobs well but in return are not properly treated at the workplace then they are allowed to adopt proper means to resist these evil doings. The labour unions help the workers who are not in position individually to protect themselves from the extortion by the strong. It is obligatory upon Muslim community as a whole to strive to stop oppression in every field of life.⁴⁸

Narrated Anas :Allah's Messenger said, "Help your brother, whether he is an oppressor or he is an oppressed one. People asked, "O Allah's Messenger! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?" The Prophet said, "By preventing him from oppressing others".⁴⁹

The Holy Quran permits that those who have been oppressed may organize themselves against such injustice. Any individual or group can peacefully protest against unjust acts of an

organization or the state itself. Islam makes it clear that there is no blame on the employees and their unions in defending themselves against aggression or wrong done to them. The Holy Quran states:

The one who defends himself after having been wronged, there is no blame on such people.⁵⁰

It is obligatory upon Muslim employees that they should join hands to confront the forces of evil and wrongdoing and should try to uproot them.⁵¹

8. Obligatory Consultation:

All the matters related to employees are managed through the mutual consultation of the employees in an Islamic organization. It is stated explicitly in the Holy Quran:

and whose affairs are (settled) with mutual consultation between them,⁵²

Labour unions act as representatives of the workers and participate in the consultation process about the policies of the firm related to the workers. They put forward the views of employees to the top management to reach acceptable solutions. Through labour unions workers try to acquire facilities like reasonable wages and increments matching the inflated price of goods, cost of living allowances, fixed and reasonable working hours, better working conditions, educational and residential facilities, health care and other basic needs. No one can face these problems and demand them on the individual level. Employers are usually not ready to give the basic rights of the workers especially in the developing Muslim countries. Workers try to face these challenges in the form of organized bodies.⁵³

Limitations of Labour Unions in Islam

From the previous discussion it has become clear that Islam gives right to the people to organize themselves for the propagation of righteousness and to stop unfair practices. On the basis of same principle, the establishment of labour unions in Islamic community is also permitted. If labour organizations are formed for the protection of legitimate rights of the workers it is not only permitted but also encouraged in Islam. Islam advocates that such organizations should be established that struggle for the legal rights of the workers, strive for the betterment and welfare of the workers, work for the better working conditions and create atmosphere of cooperation and brother hood and to secure justice in the workplace.

However, the right to form labour unions is not unconditional according to Islamic teachings. Labour unions in Islam are bound to some limitations. It is prerequisite of such associations that these should be formed for the sake of good. These organizations should be established to create an environment of trust and brotherhood in the organizations. Islam does not allow formation of such type of organizations that will destroy industrial peace or create disorder or industrial unrest.⁵⁴ It is proper for the workers to demand their rights however the activities of the protest should be peaceful and within limits. It is not permissible to violate unjustly in the organizations just because to show the power of workers.

The one who defends himself after having been wronged, there is no blame on such people. Blame, in fact, is upon those who wrong people and make mischief on earth unjustly. For such people there is a painful punishment.⁵⁵

It is not permissible in Islam to involve in criminal and insurgent activities and cause damage to the plant or machinery of the employer. Islam does not like the persons who are troublemaker and try to make mischief in the workplace.

Narrated 'Aisha : The Prophet said, "The most hated person in the sight of Allah is the most quarrelsome person".⁵⁶

It is the birth right of workers to secure their rights. But it is also expecting from them to abide by their contracts of service, put their best efforts in the workplace, work hard and with honesty, sincerity, and integrity. They must be loyal towards their employer and keep discipline in the workplace. They should show trustworthiness and responsibility in all their actions and should let a helping hand towards the employer for the betterment of the organization.

Conclusion:

On the basis of above discussion it could be concluded that the negative perception of labour unions is mainly due to employer-employee relation in the West based on mutual distrust and hatred. In Islamic society there is no place for such hostile relations between the employer and the employees. Islam emphasizes on the discharging one's duties first, then asking for rights. However, if employers hesitate to grant legitimate rights to the workers they can made their labour unions for collective bargaining. On the basis of violent and negative attitude of labour unions in the Western World, the establishment of labour unions

could not be negated in the Muslim World. Islam does provide basis for the establishment of labour unions to act as guardian of the workers and protect their legal rights. It is obligatory upon labour unions working in Islamic environment to abide by the rules of Shariah. They must follow Islamic principles in discharging their responsibilities. The role of labour unions according to Islamic teachings is based on the principle of justice and moderation. Labour unions should present their demands in a decent way and should avoid violence and negative activities in the organizations. The workers and employers must fear Allah in exercising their duties and asking for their rights.

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