

FOREIGN WORKERS

The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed
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CLJ Publication

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CHAPTER 1

MIGRANT WORKERS: AN INTRODUCTION*

It is narrated on the authority of Abu Huraira (Allah be pleased with him) that one day the Apostle of Allah (p.b.u.h.) saw a man riding a horse and his servant (slave) trudging along after him. He said to the man: Get him seated on the horse behind you for surely he is your brother and his soul is similar to yours.

1.1 | INTRODUCTION

The above *hadith* of the Prophet (p.b.u.h) emphasises the treatment of workers with courtesy, respect and kindness, irrespective of rank and hierarchy. Parties to an employment contract should transact with each other in kindness and mutual co-operation. It is a fact that a worker is subservient to his employer, nevertheless, Islam and the practice of the Prophet (p.b.u.h.) teaches us to be kind to them. There was an incident where Umar al-Khattab (r.a.)** had travelled with his servant and a single camel which they had agreed to ride in turns. On approaching Jerusalem, the servant was reluctant to ride the camel as the people would be expecting the Caliph to be riding it. So, the servant decided to give his turn to Umar (r.a.). However, Umar (r.a.) refused as it was the servant's turn to ride the camel. So it was, as they reached Jerusalem, the people saw a strange spectacle of a servant riding a camel and the Caliph (the leader of the people) walking on foot.*** This demonstrated the Prophet's teaching of honouring one's promise even to servants and that workers must be treated with respect. These principles that were laid down by the Prophet (p.b.u.h.) was to set an example for the generations to come on the treatment of workers. Indeed, the Prophet (p.b.u.h.) was a perfect example of a leader that was loved and respected for his kindness and good values.

* This Chapter is contributed by Farheen Baig Sardar Baig.

** The second of the Respected and Pious Caliphs, also known as Ameerul Mu'mineen (Leader of the Believers). Umar al-Khattab was going to personally receive the surrender of Jerusalem after the defeat of the Byzantines.

*** See Masud ul Hasan, Hadrat Abu Bkr, Umar, Usman, Ali (r.a.) 4 Vol. set, Islamic Publications Lahore, Pakistan, 1982.