

## Melbourne kebab shop allegedly underpaid Indian employee more than \$50,000

5 September 2011

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The former operators of a Melbourne kebab shop will face court for allegedly underpaying an Indian employee more than \$50,000.

The Fair Work Ombudsman is taking legal action in the Federal Magistrates Court in Melbourne against Shafi Investments Pty Ltd.

The company previously operated the Ali Baba Kebabs and Wraps outlet at Southlands Shopping Centre in Cheltenham.

Also facing court are the shop's former owner Younus Mohammed and his brother Mahmood Mohammed, who managed the shop, both of Croydon North.

The Fair Work Ombudsman claims the two were involved in Shafi Investments underpaying the worker a total of \$53,090 between April, 2008 and May, 2009.

At the time, the Indian employee was in Australia as a dependant on his wife's student visa.

Court papers allege he usually worked about 70 hours a week over six-to-seven days preparing food and cleaning.

The Fair Work Ombudsman claims the worker was not paid any wages for three months and was then paid a flat rate of only \$290 a week.

It is alleged that he was entitled to be paid more than \$1000 per week.

Workplace laws relating to the provision of meal breaks and keeping of employment records were also allegedly contravened.

The decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the alleged underpayment.

Younus and Mahmood Mohammed were allegedly involved in Shafi Investments committing five breaches of workplace laws.

The two face maximum penalties of up to \$6600 each per breach and the company faces maximum penalties of up to \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for Shafi Investments to back-pay the employee, who remains in Australia.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au).

A free interpreter service is available on 13 14 50 and information on the website is translated into 27 languages. Short in-language videos can also be viewed at [www.youtube.com/fairworkgovau](http://www.youtube.com/fairworkgovau)  (<http://www.youtube.com/user/FairWorkGovAu>).

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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