

\$136,000 in fines for underpayment of Indian employee in Melbourne

21 February 2013

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 have been fined a total of \$136,000 and ordered to back-pay an Indian employee more than \$50,000.

Shafi Investments Pty Ltd - which formerly operated the Ali Baba Kebabs and Wraps outlet at the Southland Shopping Centre in Cheltenham - has been fined \$100,000 and ordered to back-pay the employee \$50,751.

In addition, the shop's former owner Younus Mohammed has been fined \$22,000 and his brother Mahmood Mohammed, who managed the shop, has been fined \$14,000.

The fines and back-payment order, imposed in the Federal Magistrates Court in Melbourne, are the result of a prosecution by the Fair Work Ombudsman.

Federal Magistrate Dominica Whelan found that Younus and Mahmood Mohammed were involved in Shafi Investments underpaying the employee at the kebab shop between April, 2008 and May, 2009.

The employee is an Indian national who was in Australia at the time as a dependent on his wife's student visa.

He worked about 70 hours a week over six-to-seven days preparing food and cleaning but was not paid any wages for three months and was then paid a flat rate of only \$290 a week.

Under workplace laws he was entitled to be paid more than \$1000 per week.

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

Fair Work Ombudsman, Nicholas Wilson, said the Court's decision sends a message that underpayment of vulnerable foreign workers is a serious matter.

"Foreign workers can be particularly vulnerable because they may not fully aware of their workplace rights and are often reluctant to complain, so we place a high priority on taking action to protect them," Mr Wilson said.

"Successful prosecutions such as this also benefit employers who are complying with workplace laws because it helps them to compete on a level playing field."

Employers and employees seeking assistance should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50 and information on the website is translated into 27 languages.

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Contact us

Fair Work Online: 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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.