

## **Court action over alleged \$56,000 underpayment of young Melbourne retail worker**

19 September 2013

The Fair Work Ombudsman has launched legal action against the owner-operators of a Melbourne industrial clothing business, alleging they underpaid a young employee more than \$50,000.

Facing Court is Greenvale couple Fardin Soleimani and Beverly Janet Soleimani, who operate a number of building and construction clothing retail outlets in Melbourne under the name 'Bad Workwear'.

It is alleged the couple underpaid a young full-time employee who worked predominantly at the Bad Workwear outlet at the Northland Shopping Centre, in Preston, \$56,850 between May 2010 and November 2012.

The employee was aged 18 to 20 at the time and worked as a junior sales person for several months before being promoted to store manager.

It is alleged the underpayments are the result of the employee being paid flat hourly rates ranging from \$10 to \$16 for all hours worked, despite regularly working more than 50 hours per week, including performing 12-hour shifts without a meal break and working weekends and public holidays.

The payments allegedly were below the minimum hourly rate and led to underpayment of penalty rates for weekend, evening, public holiday and overtime work.

It is also alleged the employee's laundry allowance, annual leave entitlements and superannuation entitlements were underpaid.

A Fair Work Ombudsman investigation identified the alleged underpayments following a complaint from the employee.

Fair Work Ombudsman, Natalie James, said the large amount involved and the fact that the allegations relate to a young, vulnerable worker and the failure of the employers to rectify the alleged underpayments were key factors in the decision to commence legal action.

The Fair Work Ombudsman is seeking a Court Order for Mr and Mrs Soleimani to back-pay the employee as well as penalties of up to \$6,600-per-breach against each of them for multiple breaches of workplace laws. A directions hearing is listed in the Federal Circuit Court in Melbourne on September 19.

Employers and employees seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

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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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