

## Indian couple allegedly paid no wages for more than a year's work at country restaurants

13 March 2015

An Indian couple promised a combined income of about \$1600 a week to work in Indian restaurants in country Victoria were paid no wages for more than a year's work, the Fair Work Ombudsman alleges.

Businessman Farok Shaik allegedly provided only food and accommodation and was responsible for short-changing the husband-and-wife a total of \$85,844 between August, 2012 and October, 2013.

Mr Shaik owned and operated Indian Tandoori restaurants at several locations in regional Victoria before his company was placed into liquidation late last year.

The Fair Work Ombudsman alleges Mr Shaik failed to pay the couple any wages for 14 months of full-time work they performed at restaurants in Yarrowonga, Beechworth and Bendigo.

The man worked as a cook and his wife performed food preparation and customer service duties.

When he hired them, Mr Shaik allegedly promised wages of \$800 a week each.

However, it is alleged the couple were provided only with food and accommodation and were never paid any wages.

The couple was forced to take on extra work cleaning to earn an income.

The workers were allegedly reluctant to complain about the lack of payment because they were reliant on Mr Shaik's support for a Regional Sponsored Migration Scheme Visa application.

They were on bridging visas while they awaited the outcome of the application.

The couple eventually complained to the Fair Work Ombudsman in March, 2014 after they had ceased working at the restaurants and received advice the visa application had been declined.

Fair Work inspectors investigated and allegedly established the husband-and-wife had been short-changed \$42,922 each.

It is alleged that in addition to the underpayment contraventions, Mr Shaik breached record-keeping and pay slip laws, including knowingly providing pay slips containing false information to a Fair Work inspector investigating the matter.

Fair Work Ombudsman Natalie James says legal action was commenced because of the seriousness of the alleged conduct and the involvement of vulnerable overseas workers with only limited and basic English skills.

Ms James said the lack of co-operation from Mr Shaik and the failure to back-pay the employees were also concerning aspects of the case.

Mr Shaik faces maximum penalties of up to \$10,200 per contravention.

The Fair Work Ombudsman will seek a Court Order for any penalties imposed against Mr Shaik to go towards back-paying the couple.

A directions hearing is scheduled for the Federal Circuit Court in Melbourne on June 15.

Ms James says employees are entitled to be paid lawful minimum wages for work they perform and deductions from wages are lawful only when they are principally for the benefit of an employee and there is a written agreement in place.

The Fair Work Ombudsman places a high priority on protecting the workplace rights of overseas workers, who can be vulnerable if they are not fully aware of their rights or are reluctant to complain.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. Overseas workers can call 13 14 50 if they need interpreter services.

The Fair Work Ombudsman has fact sheets tailored to overseas workers on the website and information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages.

The Agency has also produced videos in 14 languages and posted them on YouTube to assist overseas workers understand their workplace rights in Australia.

Ms James says the Fair Work Ombudsman supports compliant, productive and inclusive Australian workplaces by providing practical advice that is easy to access, understand and apply.

“Equipping people with the information they need encourages and empowers employees and employers to resolve issues in their workplace and build a culture of compliance, ensuring a level playing field for all.”

Free tools and resources for employers on the website include the ‘My Account’ tool which allows users to save tailored information such as pay rates and conditions of employment specific to their circumstances.

You can log into My account and view your saved information at any time. You can also submit an enquiry online and read our response to your enquiry.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork\_gov\_au) or find us on Facebook [www.facebook.com/fairwork.gov.au](https://www.facebook.com/fairwork.gov.au) (http://www.facebook.com/fairwork.gov.au) .

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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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