

Free from detention and granted residency, asylum seeker allegedly exploited, paid only \$3.49 an hour

16 October 2015

The Fair Work Ombudsman is taking legal action against an employer who allegedly exploited a vulnerable asylum seeker who had earlier been released from detention.

The Agency has commenced action in the Federal Circuit Court against Mhoney Pty Ltd, which formerly operated a fruit-and-vegetable outlet at the Sunshine Fruit Market, in Melbourne's western suburbs.

Also facing Court is former company director and part-owner Abdulrahman Taleb, of Altona North.

The allegedly underpaid employee, an Afghani man aged in his 20s, initially came to Australia as an asylum seeker and spent time in detention before being granted Australian residency and released in late 2010.

It is alleged the employee was paid nothing at all for a number of weeks of work in early-2012 at the Sunshine Fruit Market outlet operated at the time by Mhoney.

Fair Work Ombudsman Natalie James says the employee, who spoke limited English, was then allegedly paid in-cash as little as \$3.49 an hour.

"The employee should have been paid a little over \$17 an hour for normal hours, up to \$35 on weekends and up to \$43 on public holidays," Ms James says

In total, Mhoney allegedly short-changed the employee more than \$25,000 over a period of five months across two employment periods – from February to April, 2012 and from December, 2012 to January, 2013.

The employee contacted the Fair Work Ombudsman and provided information through an interpreter.

Ms James says the commencement of the legal action follows the failure to rectify the alleged underpayment and provide employment records to Fair Work inspectors.

It is alleged Mr Taleb was previously advised of the need to pay minimum Award rates in 2012 after a complaint was made against another business of which he was a director.

Ms James says the Fair Work Ombudsman treats allegations of exploitation of vulnerable workers very seriously, reminding employers that overseas workers have the same right to minimum wages and entitlements as everyone else.

The company faces maximum penalties of up to \$33,000 per contravention and Mr Taleb faces penalties of up to \$6600 per contravention. The Fair Work Ombudsman is also seeking a Court Order for back-payment. A directions hearing is listed for November 11.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

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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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