

Former accounting firm in court

29 June 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the former operator of a Sydney accounting firm, UHY Sothertons Sydney Pty Ltd.

UHY Sothertons Sydney operated an accounting firm in Bondi Junction until it sold the business to another company in April 2019.

UHY Sothertons Sydney had employed four employees, all of whom had their employment terminated when the business was sold.

It is alleged that under the terms of the sale agreement, UHY Sothertons Sydney was responsible for paying out the employees' final entitlements.

The Fair Work Ombudsman investigated after the employees lodged requests for assistance.

A Fair Work inspector issued a Compliance Notice after forming a belief that the employees had not been paid their accrued but untaken annual leave entitlements under the National Employment Standards.

The regulator alleges the company failed to comply with the Compliance Notice which required it to calculate and back-pay entitlements owing to the four employees.

Fair Work Ombudsman Sandra Parker said that the regulator will enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes continuing to take businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are important tools used by inspectors if they form a belief that an employer has breached workplace laws," Ms Parker said.

"Where employers do not comply with a Compliance Notice, we will take appropriate action to protect employees. A court can then order them to pay penalties in addition to back-paying workers. Any employees with concerns about their pay should contact us for assistance."

UHY Sothertons Sydney Pty Ltd faces a penalty of up to \$31,500 from the Court.

The FWO is also seeking a Court Order requiring UHY Sothertons Sydney to comply with the Compliance Notice, which includes rectifying underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Sydney on 16 July 2020.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) it to us anonymously – in your language.

Follow 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 (http://www.facebook.com/fairwork.gov.au) .

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases) .

Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.gov.au)

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.