

IN THE BUILDING INDUSTRY BARGAINING COUNCIL (CAPE OF GOOD HOPE)

**Case Number: 20240812003
Date: 31 January 2025**

In the matter between

Building Industry Bargaining Council (CAPE OF GOOD HOPE)

Applicant

And

Handson Plumbing CC

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 31 January 2025 at 10h00 at the Building Industry Bargaining Council’s offices in Paarl. Nazeer Jansen, the designated agent, represented the applicant, while the respondent, Handson Plumbing CC, was not present nor represented at the proceedings. The record showed that the respondent was notified of the proceedings by email and SMS on 15 January 2025. Further, the record showed that the email address and cell phone number provided are correct as last recorded by the Council. I am therefore satisfied that all parties have received timeous and adequate notice of the date, time, and venue of the proceedings. I, therefore, continued the hearing in the absence of the respondent.

ISSUE TO BE DECIDED

2. The alleged contraventions of the Building Industry Bargaining Council’s Collective Main Agreement as set out in the Details of Contraventions (Annexure A) are to be determined.

SUBMISSIONS OF THE PARTIES

3. The agent, Nazeer Jansen, stated that on 11 July 2024, an email was sent to the company as it came to the attention of the Building Industry Bargaining Council that the company was non-compliant due to the alleged non-purchase of benefits. The employer contravened clauses 29-33 non-purchase of benefits. The employer did not respond to the courtesy email. One of the company's employees who works in the office, Emric Arendse, visited the Building Industry Bargaining Council in Paarl and met with senior agent Mandy Voight. The company then submitted the pay slips for the employee. An amount was calculated that the company needed to pay but they have not done so. A compliance order 20240812003 was issued on 12 August 2024 and the agent informed the employer that if the matter remains unresolved by 23 August 2024, the matter will be referred for arbitration. Handson Plumbing CC failed to adhere to the compliance order and must be ordered to submit the timesheets or wage records for the period 24 June 2024 to 08 August 2024. The company must further pay claim 1 amounting to R22 393,23 for the period 26 September 2022 to 31 October 2023 and an amount of R20 059,66 for claim 2 for the period 01 November 2023 to 21 June 2024. The company must finally be ordered to pay the arbitration fee.
4. No submissions were received from the respondent.


ANALYSIS OF THE EVIDENCE AND ARGUMENT

5. In light of the respondent's failure to attend the hearing and the respondent's failure to prove that the applicant's claim for non-compliance is defective, I accordingly find that the respondent has contravened the provisions of the Council's Main Collective Agreement.

AWARD

6. Having considered the submissions, I order the following:
- a. The respondent is hereby ordered to submit wage records/time sheets for the period 24 June 2024 to 08 August 2024 within 14 days of receiving the award. The respondent must further register his employees with the Council within 14 days of receiving the award.
 - b. The respondent is hereby ordered to make payment to the applicant in respect of the amounts as directed in 6.1 for claim 1 and claim 2 to the applicant (Building Industry Bargaining Council) within 14 days of receiving this award.

6.1	Clause heading	Amount due
	Non-purchase of employee benefits	R 30 770,28
	Interest on non-purchase of employee benefits	R 3990,04
	Fines payable	R 7692,57
	Arbitration Fee	R 5084,00
	TOTAL:	R 47 536,89

A handwritten signature in black ink, consisting of a large, stylized initial 'I' followed by a series of loops and a final vertical stroke.

BARGAINING COUNCIL COMMISSIONER: Ilse de Vlieger-Seynhaeve

Date issued: 06 February 2025