

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

**Case Number: 20241029012**

**Date: 30 January 2025**

**In the matter between**

**Building Industry Bargaining Council (CAPE OF GOOD HOPE)**

**Applicant**

**And**

**Imvusa Trading 2113 cc**

**Respondent**

---

**ARBITRATION AWARD**

---

**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 30 January 2025 at 11h00 at the Building Industry Bargaining Council offices in Bellville. Lizan Akkerman, the designated agent, represented the applicant, whilst the respondent was not present or represented. The record showed that the respondent was notified of the proceedings by email and SMS on 26 November 2024. The record further shows that the email address and mobile phone number provided are correct as last recorded by the Council.
2. The applicant submitted a bundle of documents of which the contents were not disputed and accepted as evidence into the record unless otherwise indicated.

### **ISSUE TO BE DECIDED**

3. The alleged contraventions of the Building Industry Bargaining Council's Collective Agreement, as set out in the details of Contraventions (Annexure A), are to be determined.

### **SUBMISSIONS OF THE PARTIES**

4. Lizan Akkerman said that a complaint was received from Nkosikho Gola holiday fund number 460766 on 29 October 2024, where it was found that the respondent was non-compliant with clauses 29 to 33 (failure to contribute to employee benefit funds) of the applicant's Collective Agreement. The respondent was informed by e-mail on 4 November 2024 of the contraventions of the applicant's Collective Agreement.
5. The respondent was issued with a compliance order number 20241029012 by email on 19 November 2024 concerning non-compliance with Clauses 29 to 33 (failure to contribute to employee benefit funds) of the applicant's Collective Agreement. The respondent has failed to comply with the compliance order and the matter was referred to Arbitration. The applicant is seeking an award ordering the respondent to comply with the applicant's Collective and payment of the assessment for arrear benefits and arbitration fees. The complainants' bank statements were used to compile the assessment for benefits.

### **ANALYSIS OF EVIDENCE AND ARGUMENT**

6. Section 138(7)(a) of the Act requires a Commissioner to issue an award with a brief reason for his decision. All evidence by the applicant was considered, but only facts that were pertinent to the fair determination of the dispute were assessed. I have considered all evidence in determining the dispute.
7. Having heard and considered the evidence submitted by the applicant, I am satisfied that the respondent is bound by the applicant's Collective Agreement and accordingly find that the respondent has contravened the provisions of Clauses 29 to 33, as referred to above in the submissions of the applicant.

### **AWARD**

8. Having considered the submissions, I order the following:
  - a. The respondent is ordered to make payment to the applicant in respect of the amounts as specified in subparagraph 8 (b) and to submit to the applicant proper wage records for the period 2 November 2023 to 5 September 2024 within 14 days from receiving this award.

b.	<b>Clause Heading</b>	<b>Amount</b>
	Unpaid wages	R3 500.00
	Interest unpaid wages	R 134.68
	Arrear employee benefits	R 2 449.00
	Interest arrears employee benefits	R 94.72
	Fines	R1 487.25
	Arbitration Fee	R5 008.50
	<b>Total</b>	<b>R12 674.15</b>

9. The respondent is ordered to pay the amount of R 12 674.15 to the applicant within 14 days of receiving this award.



BARGAINING COUNCIL COMMISSIONER: Stephan Cloete

Date issued: 10 February 2025