

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

Case Number: 20241030007

Date: 31 January 2025

In the matter between

Building Industry Bargaining Council (CAPE OF GOOD HOPE)

Applicant

And

Warren Matomela Construction

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 31 January 2025 at 15h00 at the Building Industry Bargaining Council's offices in Paarl. Aviwe Ncombo, the designated agent, represented the applicant, while the respondent, Warren Matomela Construction 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, Aviwe Ncombo, stated that on 15 October 2024, a courtesy visit was conducted at Paardebloem Estate in Pniel. The employer contravened clause 6 registration of business, clause 8 registration of employees, and clauses 29-33 non-purchase of benefits. On 18 October 2024, an email was sent to the company informing them of the contraventions. A compliance order 20241030007 was issued on 30 October 2024 and the agent informed the employer that if the matter remains unresolved the matter will be referred for arbitration. Warren Matomela Construction failed to adhere to the compliance order and must be ordered to register his business and employees. They must submit further the timesheets or wage records for the period 01 November 2023 to 15 October 2024 and 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 register his business and employees, and he must submit wage records/time sheets for the period 01 November 2023 to 15 October 2024 within 14 days of receiving the award. The respondent must further register his business and 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 to the applicant (Building Industry Bargaining Council) within 14 days of receiving this award.

6.1	Clause heading	Amount due
	Arbitration fee	R 5084,00
	TOTAL:	R 5084,00

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