

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

Case number: 20230412007

Date: 14 August 2023

In the matter between

Building Industry Bargaining Council

Applicant

and

APL Construction CC

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 14 August 2023 at 08h30 at the Building Industry Bargaining Council's offices in Bellville. Mr. Faniso, the designated agent, represented the applicant, whilst the respondent, APL Construction 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 01 August 2023. The record further 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. Mr. Faniso stated that on 12 April 2023, an employee of the respondent, Mr. Booysen (hf. no. 532180) lodged a complaint. It was established that the respondent had failed to comply with the Council's Main Collective Agreement by failing to purchase benefits and by underpaying the employee's wages. A compliance order was emailed to the respondent on 04 May 2023, but the respondent has not responded to this nor to the several emails that were sent to him. The applicant stated that the respondent must submit the wage records for the period 01 November 2022 to 12 April 2023.

ANALYSIS

4. Considering the respondent's failure to attend the hearing and considering 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

Having considered the submissions, I order the following:

- 5.1 The respondent is hereby ordered to submit the wage records/time sheets for the period 01 November 2022 to 12 April 2023 within 14 days of receiving the award.



Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve