

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

Case number: 20230428001

Date: 09 October 2023

In the matter between

Building Industry Bargaining Council

Applicant

and

Zitoweb (Pty) Ltd

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 09 October 2023 at 09h00 at the Building Industry Bargaining Council's offices in Bellville. Mr. Lizo Faniso, the designated agent, represented the applicant, whilst the respondent, Zitoweb (Pty) Ltd, was not present nor represented at the proceedings. The record showed that the respondent was notified of the proceedings by email and SMS on 11 September 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 had 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 28 April 2023, a complaint was received from Mr. Mufambi (holiday fund no. 489634). It was established that the respondent had failed to comply with the Council's Main Collective Agreement by failing to purchase benefits. A compliance order was emailed to the respondent on 12 June 2023, but the respondent has not responded to this. The applicant stated that the respondent must submit the wage records for the period 01 November 2022 to 28 April 2023 and purchase benefits.

ANALYSIS

4. Considering 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

Having considered the submissions, I order the following:

5. The respondent is hereby ordered to submit the wage records/time sheets for the period 01 November 2022 to 28 April 2023 within 14 days of receiving the award.

Date issued: 12 October 2023



Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve