

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

Case Number: 20230613005

Date: 1 September 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Theo Simon Konstruksie

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 1 September 2023 at the BIBC's offices in Paarl. The applicant was represented by the designated agent Mr. N Jansen, whilst the respondent was not present nor represented at the hearing. The record showed that the respondent was notified of the proceedings by email and SMS on 16 August 2023. The record further shows that the email address and mobile phone number provided are correct as last recorded by the Council.

2. The applicant further submitted a bundle of documents which was 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 Main Agreement as set out in the details of Contraventions (Annexure A) are to be determined.

SUBMISSIONS OF THE PARTIES

APPLICANT:

4. Jansen submitted that the respondent is not complying with the Council's Collective Agreement. Jansen said that he attempted to conduct a routine inspection on 19 May 2023 at the Corner of Smuts & Fouche Streets, Riebeeck West. Jansen said that he was denied access to the site and despite giving the respondent a platform to discuss matters, the respondent failed to co-operate, and the respondent was issued with a compliance order on 13 June 2023 relating to employee benefits and wage records.

ANALYSIS OF EVIDENCE AND ARGUMENT

5. 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 parties 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.
6. 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 Collective Agreement provisions relating to employee benefits and wage records.

AWARD

7. Having considered the submissions, I order the following:
 - a. The respondent is ordered to submit to the applicant proper wage records and or time sheets for the period 1 November 2022 to 19 May 2023 within 14 days from receipt of this award.

A handwritten signature in black ink, consisting of several overlapping, slanted strokes that form a cursive-like shape.

BARGAINING COUNCIL COMMISSIONER: S CLOETE