

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

Case number: 20230724003

Date: 27 September 2023

In the matter between

Building Industry Bargaining Council

Applicant

and

Pierre Volschenk Painters

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 27 September 2023 at 11h at the Building Industry Bargaining Council's offices in Somerset West. Mr. Job, the designated agent, represented the applicant, whilst the respondent, Pierre Volschenk Painters, was represented at the proceedings by Mr. Volschenk, the owner.

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. Job stated that the respondent was listed for an audit for arrear benefits and sent emails to the respondent accordingly. 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 24 July 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 24 July 2023.

4. Mr. Volschenk stated that his wife is not often in the office due to chemotreatments. Furthermore, they are struggling with the new system but will be able to finalise it shortly.

ANALYSIS

5. 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:

6. The respondent is hereby ordered to submit the wage records/time sheets for the period 01 November 2022 to 24 July 2023 within 14 days of receiving the award.



Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve