

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

Case Number: 20230316003

Date: 19 September 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Sebenzi Construction (Pty) Ltd

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 19 September 2023 at the Building Industry Bargaining Council's offices in Bellville. The designated agent Mr. Lizo Faniso represented the applicant, and the respondent was represented by the manager Mr. B Gibbons.
2. The applicant further submitted a bundle of documents which were 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. Mr. Faniso submitted that a complaint was received from Mr. S. Sikhobongela (holiday fund no. 433874) on 16 March 2023 with regards to the non-issue of employee benefits. Despite communicating with the respondent, the matter remains unresolved. A Compliance order was issued on 18 April 2023 regarding benefits and wage records.

RESPONDENT:

5. Mr. Gibbons submitted that the respondent undertakes to comply with the applicant's Collective Agreement.

ANALYSIS OF EVIDENCE AND ARGUMENT

6. 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.
7. Having heard and considered the evidence submitted by the parties, 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.
8. The respondent's non-compliance with the applicant's Collective Agreement is prejudicing other employers who are complying with the applicant's Collective Agreement under difficult economic circumstances.

AWARD

9. 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 April 2022 to 16 March 2023 within 14 days from receipt of this award.

Signed and dated at Bellville on 11 October 2023.

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

BARGAINING COUNCIL COMMISSIONER: S CLOETE