

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

Case Number: 20230619011

Date: 31 August 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Malutsa Property Investors CC

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 31 August 2023 at 13h30 at the Building Industry Bargaining Council office in Paarl. Mr. Aviwe Ncombo, the designated agent, represented the applicant, whilst the respondent, Malutsa Property Investors 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 17 August 2023. The record further shows that the email address and cell phone number provided are correct as last recorded by the Council.

ISSUE TO BE DECIDED

2. The alleged contraventions of the Building Industry Bargaining Council's Main Collective Main Agreement as set out in the Details of Contraventions (Annexure A) are to be determined.

SUBMISSIONS OF THE PARTIES

3. The agent, Mr. Ncombo, submitted that the respondent's activities fall within the definition of the building industry.
4. On 30 May 2023, Mr. Ncombo visited the premises of the respondent at 1 Meent Street, Wellington. It was found that the respondent failed to contribute to the prescribed employee benefits as per clauses 31 to 53 of the Main Collective Agreement. An email in respect of the latter was sent to the respondent on 1 June 2023. Compliance order reference 2023061911 was issued to the respondent on 19 June 2023. The respondent failed to adhere to the compliance order.
5. It was requested that the respondent submit wage records for the period 1 November 2022 to 30 May 2023.
6. The respondent failed to make any submissions.

ANALYSIS

7. After considering the submissions by the applicant, I am satisfied that the Main Collective Agreement of the Council binds the respondent. The respondent is thus required to contribute to the employee benefit funds as per clauses 31 to 53.

AWARD

8. Having considered the submissions, I order the following:
 - a. The respondent is ordered to submit its wage records and or time sheets for the period of 1 November 2022 to 30 May 2023 within **14 days of receiving this award**.

A handwritten signature in black ink, consisting of the letters 'M' and 'B' in a stylized, cursive font. The 'M' is tall and narrow, and the 'B' is rounded and connected to the 'M'. There is a horizontal line underneath the letters.

BARGAINING COUNCIL COMMISSIONER: MAUREEN DE BEER