

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

**Case number: 20230622007**

**Date: 12 October 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**and**

**WBHO Construction (Pty) Ltd**

**First Respondent**

**and**

**Ram Shopfitting (Pty) Ltd**

**Second Respondent**

**and**

**Skye Scaff (Pty) Ltd**

**Third Respondent**

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**ARBITRATION AWARD**

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**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 09 October 2023 at 10h00 at the Building Industry Bargaining Council's offices in Bellville. Mr. Lizo Faniso, the designated agent, represented the applicant, whilst the first respondent, WBHO Construction, was not present nor represented at the proceedings. The record showed that the first respondent was notified of the proceedings by email and SMS on 20 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 have received timeous and adequate notice of the date, time, and venue of the proceedings. I, therefore, continued the hearing in the absence of the first 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 a site inspection was conducted at M1 Investec, V&A Waterfront in Cape Town on 26 April 2023. It was established that the first respondent had failed to comply with the Council's Main Collective Agreement by making use of non-compliant subcontractors. A compliance order was issued on 22 June 2023. The applicant stated that the first respondent must submit wage records for the period 01 November 2022 to 22 June 2023 and he must utilize compliant subcontractors.

## **ANALYSIS**

4. In light of the first respondent's failure to attend the hearing and the first respondent's failure to prove that the applicant's claim for non-compliance is defective, I accordingly find that the first respondent has contravened the provisions of the Council's Main Collective Agreement and is jointly and severally liable for all monies owed by its subcontractor, the third respondent.

## **AWARD**

Having considered the submissions, I order the following:

- 5.1 The first respondent is hereby ordered to make use of compliant subcontractors.
- 5.2 The first respondent is hereby ordered to submit wage records for the period 01 November 2022 to 22 June 2023 within 14 days of receipt of the arbitration award.

Date issued: 12 October 2023

A handwritten signature in black ink, consisting of a large, stylized initial 'I' followed by a series of loops and a final vertical stroke.

Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve