

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

**Case Number: 20230718007**

**Date: 18 September 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**And**

**Paragon Master Builders (Pty) Ltd**

**Respondent**

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**ARBITRATION AWARD**

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**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 18 September 2023 at the Building Industry Bargaining Council's offices in Bellville. Ms. Saphokazi Mtwana, the designated agent represented the applicant, whilst the respondent, Paragon Master Builders (Pty) Ltd, failed to attend the proceedings. No communication was submitted to the Council regarding the absence of the respondent. The record showed that the respondent was timeously notified of the proceedings by email and SMS. The record further showed that the email address and cell phone number provided were correct as last recorded by the Council. The matter thus proceeded in the absence of the 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. The agent, Ms. Saphokazi Mtwá, submitted that the respondent is registered and that its activities fall within the definition of the building industry. On 8 March 2023, the respondent registered with the Council. On 28 March 2023, Ms. Saphokazi Mtwá visited the respondent. The respondent confirmed that it will register employees and purchase benefits on their behalf. They also confirmed that they used subcontractors. On 16 May 2023, Ms. Saphokazi Mtwá sent an email to the respondent, but they failed to respond. On 18 July 2023, a compliance order was issued, which was served on the respondent via email. No response was received.
4. The compliance order was issued in respect of the Council's Main Collective Agreement, in respect of Clause 7: Making use of non-compliant subcontractors; Clause 8: Non-registration of employees; and Clauses 31 – 53: non-purchase of employee benefits.
5. The compliance order expired on 1 August 2023. The respondent failed to adhere to the compliance order. It was requested that the respondent submit wage records for the period 8 March 2023 to 18 July 2023. In addition, it was noted that the respondent captured some information on the Eesi-Portal but that the captured information did not correspond with the amounts paid to the Council. What was paid was less than the information submitted. When Ms. Saphokazi Mtwá asked the respondent when they would pay the outstanding amounts, she never received any response.

## **ANALYSIS OF THE EVIDENCE AND ARGUMENT**

6. 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; register all employees as per clause 8 and make use of compliant subcontractors as required by clause 7.

## AWARD

7. Having considered the submissions, I order the following:

- a. The respondent is ordered to submit its wage records and/or time sheets to the Applicant (Building Industry Bargaining Council) for the period of 8 March 2023 to 18 July 2023 within 14 days of receiving this award.



Date issued: 2 October 2023

BARGAINING COUNCIL COMMISSIONER: