

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

Case Number: 20230626001

Date: 1 September 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Aquateq Plumbing (Pty) Ltd

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 1 September 2023 at the Building Industry Bargaining Council's offices in Paarl. The applicant was represented by the designated agent Mr. N Jansen, whilst the respondent was not present nor represented at the hearing. The record showed that the respondent was notified of the proceedings by email and SMS on 16 August 2023. The record further shows that the email address and mobile phone number provided are correct as last recorded by the Council.
2. The applicant further submitted a bundle of documents which was 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. Jansen submitted that the respondent is not complying with the Council's Collective Agreement. Jansen said that following a routine inspection at House Sale Franschoek on 3 May 2023 the respondent was issued with a compliance order on 26 June 2023 relating to employee benefits, under/non-payment of wages, registration of employees, and wage records. The respondent further attempted to enter into an agreement with employees to be paid less than the prescribed minimum wage.

ANALYSIS OF EVIDENCE AND ARGUMENT

5. 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.
6. Having heard and considered the evidence submitted by the applicant, 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, minimum wages, registration of employees, and wage records.
7. To date, the respondent has resolved some of the provisions contained in the Collective Agreement as set out in the details of contraventions but failed to resolve the payment of minimum wages to certain employees.

AWARD

8. Having considered the submissions, I order the following:
 - a. The respondent is ordered to make payment to the applicant as follows:

Arrear wages	R6 188.24
Interest on arrear wages	R 495.38
Fines	R1 547.06

9. The respondent is hereby ordered to pay the applicant, the Building Industry Bargaining Council the amount of R8 230.68 within 14 days of receiving this award.

A handwritten signature in black ink, appearing to read 'S Cloete', is enclosed within a thin black rectangular border.

BARGAINING COUNCIL COMMISSIONER: S CLOETE