

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

**Case number: 20230404003**

**Date: 14 August 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**and**

**Ukhaya Projects 2010 (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 14 August 2023 at 12h15 at the Building Industry Bargaining Council's offices in Bellville. Ms. Akkerman, the designated agent, represented the applicant, whilst the respondent, Ukhaya Projects 2010 (Pty) Ltd, was not present nor represented at the proceedings. The record showed that the respondent was notified of the proceedings by email and SMS on 01 August 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 had received timeous and adequate notice of the date, time, and venue of the proceedings. I, therefore, continued the hearing in the absence of the respondent.

### **ISSUE TO BE DECIDED**

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

## **SUBMISSIONS OF THE PARTIES**

3. Ms. Akkerman stated that on 04 April 2023, an employee of the respondent, Mr. Magudu HF 608881 lodged a complaint. It was established that the respondent had failed to comply with the Council's Collective Agreement by failing to purchase benefits, by not registering with the Council, and by underpaying the employee's wages. A compliance order was emailed to the respondent on 11 May 2023, but the respondent has not responded to this. The applicant stated that the respondent must submit the wage records for the period 01 November 2022 to 17 March 2023 and he must register the business with the Building Industry Bargaining Council.

## **ANALYSIS**

4. Considering the respondent's failure to attend the hearing and the respondent's failure to prove that the applicant's claim for non-compliance is defective, I accordingly find that the respondent has contravened the provisions of the Council's Collective Agreement.

## **AWARD**

Having considered the submissions, I order the following:

- 5.1 The respondent is hereby ordered to register her business with the Building Industry Bargaining Council and submit the wage records/time sheets for the period 01 November 2022 to 17 March 2023 within 14 days of receiving the award.



Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve