

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

**Case Number: 20230503001**

**Date: 19 September 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**And**

**Mandukas Formwork CC**

**Respondent**

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**ARBITRATION AWARD**

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**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 19 September 2023 at the Building Industry Bargaining Council's offices in Bellville. Mr. Lizo Faniso the designated agent represented the applicant, 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 22 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. Mr. Faniso submitted that a complaint was received from Mr. L. Lengisi on (holiday fund no. 609718) on 3 May 2023 with regards to the non-issue of employee benefits. Other employees who also did not receive benefits were linked to this case. Despite communicating with the respondent, the matter remains unresolved. A Compliance order was issued on 26 July 2023 regarding benefits and wage records.

## **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 and wage records.

## **AWARD**

7. Having considered the submissions, I order the following:
  - a. The respondent is ordered to submit to the applicant proper wage records and or time sheets for the period 1 November 2022 to 3 May 2023 within 14 days from receipt of this award.

Signed and dated at Bellville on 11 October 2023.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a cursive, somewhat abstract shape.

BARGAINING COUNCIL COMMISSIONER: S CLOETE