

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

Case Number: 20230628001

Date: 12 September 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Darling Glass & Aluminium (Pty) Ltd

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 31 August 2023 at 14h45 at the Building Industry Bargaining Council office in Paarl. Mr. Aviwe Ncombo, the designated agent, represented the applicant, whilst the respondent, Darling Glass, and Aluminium (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 16 August 2023. The record further shows that the email address and cell phone number provided are correct as last recorded by the Council.

ISSUE TO BE DECIDED

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

SUBMISSIONS OF THE PARTIES

3. The agent, Mr. Ncombo, submitted that the respondent's activities fall within the definition of the building industry.
4. On 14 June 2023, Mr. Ncombo visited the premises of the respondent at 3 Caledon Street, Darling. It was found that the respondent failed to contribute to the prescribed employee benefits as per clauses 31 to 53 of the Main Collective Agreement. An email in respect of the latter was sent to the respondent on 19 June 2023. Compliance order reference 20230628001 was issued to the respondent on 28 June 2023. On 17 July 2023, an email reminder was sent to the respondent in respect of the non-compliance with the prescribed employee benefits. The respondent failed to adhere to the compliance order.
5. It was requested that the respondent submit wage records for the period 29 May 2023 to 14 June 2023.
6. The respondent failed to make any submissions.

ANALYSIS

7. 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.

AWARD

8. Having considered the submissions, I order the following:
 - a. The respondent is ordered to submit its wage records and or time sheets for the period of 29 May 2023 to 14 June 2023 within **14 days of receiving this award.**

A handwritten signature in black ink, appearing to be the initials 'MB' with a stylized flourish underneath.

BARGAINING COUNCIL COMMISSIONER: MAUREEN DE BEER