

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

Case Number: 20230804003

Date: 20 October 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Morris & Van Der Watt CC

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 20 October 2023 at the Building Industry Bargaining Council office in Paarl. The applicant was represented by the designated agent, Mr. Aviwe Ncombo 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 5 October 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. Aviwe Ncombo submitted that following a routine inspection on 12 July 2023 at Erf 1754, Sundowner Crescent, Yzerfontein it was established that the respondent is not complying with the applicant's Collective Agreement. The main contractor on site only purchased benefits for the brief period the respondent was on site and the respondent was engaged in purchasing the balance of the benefits. Despite giving the respondent a platform to address and resolve the issue, the respondent remains non-compliant, and a compliance order was issued to the respondent on 4 August 2023 concerning employee 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 applicant 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 for the period 1 November 2022 to 12 July 2023 within 14 days of receiving this award.

Signed and dated in Paarl on this 20th day of 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