

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

**Case Number: 20230613004**

**Date: 1 September 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**And**

**Malambane Contractors (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 1 September 2023 at the BIBC'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 Mbekweni CDC, New Clinic, Paarl on 20 April 2023 the respondent was issued with a compliance order on 13 June 2023 relating to employee benefits, registration of employees, and wage records as the respondent failed to resolve the matter.

## **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, registration of employees and wage records.

## **AWARD**

7. Having considered the submissions, I order the following:
8. The respondent is ordered to submit to the applicant proper wage records and or time sheets for the period 1 November 2022 to 17 May 2023 and to register all employees within 14 days from receipt of this award.

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

BARGAINING COUNCIL COMMISSIONER: S CLOETE