

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

Case Number: 20230824001

Date: 23 October 2023

In the matter between

Building Industry Bargaining Council

Applicant

And

Isipani Construction (Pty) Ltd

Respondent

ARBITRATION AWARD

DETAILS OF THE HEARING AND REPRESENTATION

1. The arbitration hearing was scheduled for 23 October 2023 at 12:30 at the Building Industry Bargaining Council's office in Bellville. Mr. Allister Segrys, the designated agent, represented the applicant, whilst the respondent, Isipani Construction (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 06 October 2023. The record further shows that the email address provided, and SMS number are correct as last recorded by the Council.

ISSUE TO BE DECIDED

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

SUBMISSIONS OF THE PARTIES

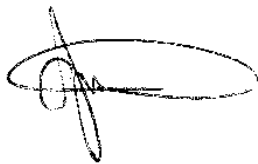
3. The applicant submitted that on 03 July 2023, designated agent Ms. Saphokazi Mtwana conducted a site inspection at Warehouse Ackermans DC Kuilsriver. It was established that the respondent was contravening clause seven of the main agreement by utilizing non-compliant subcontractors.
4. An email was sent to the respondent on 11 August 2023. A compliance order was issued on 24 August 2023 for contravention of clause seven by using non-compliant subcontractors. The compliance order expired on 7 September 2023, but the issue remains unresolved.
5. The respondent was absent from the proceedings and as such no submissions have been put forward.

ANALYSIS OF THE EVIDENCE AND ARGUMENT

6. The applicant's claim that the respondent had failed to comply with the Building Bargaining Council's Main Collective agreement stands uncontested. The claim as set out in the compliance order is supported in all material respects by the evidence.
7. I accordingly find that the applicant had discharged the onus to show that the respondent had contravened the provisions of the main collective agreement.

AWARD

8. Having considered the submissions, I order the following:
 - a. The respondent is ordered to submit its wage records for the period of 01 November 2022 to 24 August 2023, within 14 days of receiving this award.
 - b. The respondent is ordered to only use compliant subcontractors.



30 October 2023

BARGAINING COUNCIL COMMISSIONER: