

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

**Case number: 20230306004**

**Date: 09 October 2023**

**In the matter between**

**Building Industry Bargaining Council**

**Applicant**

**and**

**Imprint Paving Solutions**

**Respondent**

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**ARBITRATION AWARD**

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**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 09 October 2023 at 13h30 at the Building Industry Bargaining Council's offices in Bellville. Ms Bronwyn Fredericks, the designated agent, represented the applicant, whilst the respondent, Imprint Paving, was not present nor represented at the proceedings. The record showed that the respondent was notified of the proceedings by email and SMS on 20 September 2023. The record further showed that the email address and cell phone number provided are correct as last recorded by the Council. I am therefore satisfied that all parties had received timeous and adequate notice of the date, time, and venue of the proceedings. I, therefore, continued the hearing in the absence of the respondent.

**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 (Annexure A) are to be determined.

**SUBMISSIONS OF THE PARTIES**

3. Ms Fredericks stated that on 06 March 2023, a complaint was lodged by Mr B. Menqe, (holiday fund nr.504509) and others. It was established that the respondent had failed to comply with the Council's Main Collective Agreement by failing to purchase the correct benefits. A compliance order was emailed to the respondent on 25 April 2023. The respondent applied for an exemption which was sent back due to it being too vague. The respondent then did not proceed with the application and has now purchased benefits. However, the complainant is working as a general worker and the salary and benefits must be in line with the rate of a general worker.

### **ANALYSIS**

4. In light of the respondent's failure to attend the hearing and the respondent's failure to prove that the applicant's claim for non-compliance is defective, I accordingly find that the respondent has contravened the provisions of the Council's Main Collective Agreement.

### **AWARD**

Having considered the submissions, I order the following:

5. The respondent is hereby ordered to pay the complainant in line with the wage rate applicable to general workers and purchase benefits accordingly.

Signed and dated in Bellville.

Date issued: 12 October 2023

A handwritten signature in black ink, appearing to be 'Ilse de Vlieger-Seynhaeve', written in a cursive style.

Bargaining Council Commissioner: Ilse de Vlieger-Seynhaeve