

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

**Case Number: 20250331009**

**Date: 27 January 2026**

**In the matter between**

**Building Industry Bargaining Council (CAPE OF GOOD HOPE)**

**Applicant**

**And**

**Dan Painters**

**Respondent**

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**ARBITRATION AWARD**

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**DETAILS OF THE HEARING AND REPRESENTATION**

1. The arbitration hearing was scheduled for 27 January 2026 at 10h00 at the Building Industry Bargaining Council's offices in Paarl. Aviwe Ncombo, the designated agent, represented the Applicant, while the Respondent, Dan Painters, was not present nor represented at the proceedings. The record showed that the Respondent was notified about the proceedings via email at sidanisilemahlangu@gmail.com on 11 December 2025. The record further shows that the email address provided is correct as last recorded by the Council.

**ISSUE TO BE DECIDED**

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

**SUBMISSIONS OF THE PARTIES**

3. Agent, Aviwe Ncombo, submitted that it was established during a site inspection conducted on 03 February 2025 at Vollier Estate, Stellenbosch, that the

Respondent, whose activities fall within the registered scope of the Council, contravened the Council's Collective Agreement in the following terms:

The Respondent contravened:

- 3.1 Clause 6 for non-registration as an employer.
  - 3.2 Clause 8 for its failure to register one employee with the Council.
  - 3.3 Clauses 29 to 33 for its failure to contribute to prescribed employee benefits for one employee.
4. The Respondent was notified about the contraventions via telephone on 03 February 2025 and indicated that he would visit the Council's Paarl Office, but no compliance was forthcoming. Accordingly, Compliance Order 20250331009 was issued on 31 March 2025 with the compliance date of 14 April 2025.
5. The Respondent failed to adhere to Compliance Order 20250331009 notwithstanding the demands and deadline of 14 April 2025, and, therefore, these arbitration proceedings. The Applicant prayed for an order instructing the Respondent to comply with clauses 6, 8 and 29 to 33 of the Council's Collective Agreement, submit wage records or timesheets for the period 01 November 2024 to 30 January 2025 and payment of an arbitration fee of R5 054,91.

#### **ANALYSIS OF THE EVIDENCE AND ARGUMENT**

6. Clause 6 of the Building Industry Bargaining Council's Collective Agreement states that –
- Every employer in the industry that falls within the registered scope of the Council shall register with the Council within 14 (fourteen) calendar days of operating within the scope of this Agreement.
7. Clause 8 of the Building Industry Bargaining Council's Collective Agreement states that –
- All persons employed in the Building Industry shall be registered with the Council and the employer of such an employee shall be responsible for the registration of the employee, including apprentices and learners, with the Council within 10 (ten) working days of commencement of employment, provided that all provisions of this Agreement are applicable from the later of the first day of employment or from the effective date of this Agreement including, but not limited to, minimum wages and employee benefit contributions.
8. Clause 29 of the Building Industry Bargaining Council's Collective Agreement states that –
- (1) Every employee who works at least 7 (seven) hours on a normal working day, or who is entitled to be off duty on a public holiday that falls on a normal working day, shall be entitled to receive benefits in terms of this Agreement, and shall for the purposes of this Agreement be deemed to be an eligible

employee: Provided that an employee who works for an employer on any normal working day, but is prevented from working the full normal working hours owing to circumstances beyond his control, or for any good reason accepted by his employer, shall also be deemed to be an eligible employee in respect of that day.

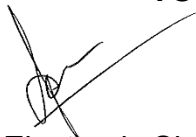
9. There were no reasons to reject the unopposed evidence led by the Applicant, which was corroborated by documentary evidence. The Applicant proved that the Respondent breached the provisions of the Council's Collective Agreement as stipulated above and in the Compliance Order after a thorough investigation. The Respondent, who was engaged in construction work on the day of the inspection, is bound by the Council's Collective Agreement in the absence of an exemption certificate as stipulated under clause 57 of the Collective Agreement. Accordingly, the Respondent was non-compliant and in breach of clauses 6, 8 and 29 to 33 of the Council's Collective Agreement. The Applicant's prayer for an order as contained in its submissions and Compliance Order 20250331009 is, therefore, granted.
  
10. Clause 50 of the Building Industry Bargaining Council's Collective Agreement states that –
  - (c) The Secretary of the Council may -
    - i. impose a fine in terms of clause 54; or
    - ii. Refer the matter to arbitration in terms of this Agreement if the respondent party does not consent to the compliance order or the fine, in which case the respondent party may be ordered to pay the costs of the process; or
    - iii. take such other steps as he may deem reasonable:
  
11. I see no reason why the Applicant's request for the payment of the arbitration fee could not be granted in terms of clause 54 of the Council's Collective Agreement, which deals with the issue of fines, arbitration costs and interest. The Council subscribes to an all-inclusive arbitration fee of R5 054,91.

## **AWARD**

Having considered the submissions, I order the following:

12. The Respondent, Dan Painters, must comply with the contravened provisions of the Council's Collective Agreement to register as an employer, register its employees and submit their wage records or timesheets for the period 01 November 2024 to 30 January 2025 and make payment as directed in 12.1 to the Applicant (Building Industry Bargaining Council) within 14 days of receiving this award.

12.1 Clause heading	Amount
Arrears wages	R 00,00
Non-purchase of employee benefits	R 00.00
Interest on non-purchase of employee benefits	R 00,00
Interest on wages	R 00,00
Fines payable	R 00,00
Arbitration Fee	R5 054,91
<b>TOTAL:</b>	<b>R5 054,91</b>



Electronic Signature

BARGAINING COUNCIL COMMISSIONER: ELVISO ADAMS

Date issued: 27 January 2026