



■ **Left and right:** Crestway High School, in Retreat, will be replaced by a new building soon.

# Sub-contractors protest 'exploitation'

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Sub-contractors working on the new Crestway High School building, in Retreat, are accusing the main contractor's site manager of unfair treatment and exploitation.

The R69 million project started in August 2018 and is due to be completed in September ("Former pupils help build new school", Southern Mail, December 5 2018).

One of the requirements for the contractor, Haw and Inglis Projects (H&I), who was assigned to rebuild the school, was to employ local sub-contractors.

Although some sub-contractors were happy to be employed, they had major issues with the site manager Leon Colyn, who they say used "bullying tactics" on them.

Sub-contractors said they were "unreasonably" accused of poor workmanship, unexplained costs reflected on their payment invoices, and were also "put off-site", while non local sub-contractors were asked to continue the work.

They were seeking advice to lay their complaints but later found out there was no steering committee to help them. They are now in the process of seeking legal

assistance.

Peter Ova of OFH sub-contractors, represented Eyona Khona, Paulsen Suppliers, VP Painters, Salman fitters and Aran holdings who all sat in with the interview with Southern Mail as they had experienced the same issues as OFH with Mr Colyn.

Mr Ova decided to place their contract on hold after getting an email from Mr Colyn threatening to cancel their contracts on March 4, if they were not Building Industry Bargaining Council (BIBC) compliant.

"He threatened all the sub-contractors with this. It would have costed OFH too much if they had to continue with the BIBC."

Mr Ova said they had been on site for eight weeks, and from the start, Mr Colyn, tried to work them "off site".

He said: "In the first week Leon complained about poor workmanship, but we did not sign any form of error on our work, called a non-conforming form (NCF). When we threatened legal action against him, he recalled us back onto the site."

Mr Ova said after their return to the site, life for the sub-contractors became unbearable. "Things like

no water, no cement, no sand, resources were not made available. This meant that low production meant low income or payment, and we had to begin to make personal loans at our banks to pay the people who worked, as they threatened us in return."

Mr Ova said Mr Colyn found that walls were faulty and broken down, even though he could not show any signed and acknowledged non-conforming form.

When Southern Mail asked Mr Colyn about the workmanship, he said: "Meetings were requested by me to discuss alleged losses incurred by OFH which they declined March 14. OFH has signed their final account accepting full and final payment due to them April 16. No contra charges for abortive works or health and safety items were imposed on the contractors. OFH was not compliant with health and safety and BIBC requirements – therefore they were put on terms to get this resolved after which they decided on March 7 to cease work and not return to site."

However, Mr Ova was not happy with the way they were treated. He turned to the Department of Transport and Public Works (DTPW) who told him that there was no

contractual relationship between DTPW and sub-contractors. They referred him to the BIBC, and the Construction Industry Development Board (CIDB). But they were also not able to help.

Earlier this month Southern Mail received a call from sub-contractor Baheer Petersen from Faba Construction Plasterers, who accused Mr Colyn of using them as a, "smoke screen because almost every day we had to beg for work, while other non-local sub-contractor were given work."

Mr Petersen said he had spoken to Mr Colyn twice about unfair distribution and unexplained deductions reflected on their pay slip.

Mr Petersen had recorded all his expenses and deductions in his notebook and when he saw R6 600 had been deducted from their retention (a company's decision to take responsibility for a particular risk it faces) in July, he questioned Mr Colyn, who could not explain why.

While waiting on Mr Colyn's response, Mr Petersen went to the CCMA who told him that the matter was out of the CCMA's jurisdiction, "but consulting an attorney is his best bet. So, on July 23 I consulted an attorney," said

Mr Petersen.

When Mr Petersen eventually received a response from Mr Colyn about the retention, and after much deliberation and rebuttal Mr Colyn said he would "reverse the contra charge made against him out of his retention and it will reflect in the next fortnight payment."

Southern Mail confirmed this with Mr Colyn who said "the charge will be reversed and we as a company will carry the cost of the errors he made."

When asked if Mr Petersen is no longer employed by H&I and why, Mr Colyn said: "Yes. The plastering work on the project had been completed."

However, Mr Petersen said he was recently on site and he saw that work was still in progress by a non-local plastering sub-contractor.

Mr Petersen and Mr Ova said although they are in the process of seeking legal assistance against H&I's "victimisation and manipulation", they would do so not only based on their losses, "but to prevent this from happening to other sub-contractors, because we should not allow people to oppress us."