

1 May 2020

The Associate to Justice Ross
President
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne Victoria 3001

Ref: A:GJ V:SM, ED

By email: Chambers.Ross.j@fwc.gov.au

Dear Associate,

**AM2020/12 – Section 157 Variation of Awards at the Initiative of the Commission
Electrical, Electronic and Communications Contracting Award 2010
Proposed Covid-19 Response Schedule**

I refer to correspondence sent by Ms Ambihaipahar, National Industrial Officer of the Electrical Trades Union of Australia (ETU) on 23 April 2020 in reference to the above.

Unfortunately, that correspondence was not also provided to NECA and it appears that Ms Ambihaipahar is unaware of discussions that have occurred between officers of NECA and officers of the ETU on 2 April 2020.

In attendance at those discussions were Mr Pawel Podolski, Executive Officer and Ms Natalie Mill of NECA, and Mr Troy Gray and Mr Scott Riches of the ETU. Mr Podolski made the point that electrical contractors covered by the *Electrical Electronic and Communications Contracting Award 2010* (the Electrical Award) are as affected by the current circumstances arising from the COVID-19 pandemic as all other building industry participants.

NECA seeks the insertion of a Schedule similar to that awarded by the Commission in respect to, for example the *Clerks Private Sector Award 2010* and the *Hospitality Industry (General) Award 2010*.

NECA maintains that the Electrical Award should not have been excluded from the Awards varied by determination of the Commission in matter AM2020/12.

NECA, through Mr Oliver Judd, Executive Officer of NECA's NSW Chapter contacted the ETU's National Secretary, Mr Allen Hicks before 2 April 2020 and has continued to seek conferences with him but to date Mr Hicks has not committed to attending any such conference.

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Contrary to the assertions of Ms Ambihaipahar, NECA maintains that the Electrical Contracting Industry has declined and will continue to be in decline for the foreseeable future. Factors affecting that decline include:

- Business uncertainty influencing project delays and deferrals;
- Supply chain implications leading to project delays;
- Shutdown of non-essential services driving maintenance work down.

The statistics cited by Ms Ambihaipahar for the 'electricity, gas, water and waste services industry' are not relevant to or accurately reflect the situation of the Electrical Contracting Industry, particularly in regard to smaller employers who are reliant on the Electrical Award.

Given the lack of progress made in this matter, it is NECA's request that the Commission convene a conference of the industrial parties to the Electrical Award to discuss the attachment of a temporary Covid-19 Response Schedule to the Electrical Award at the earliest opportunity.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Manickam', with a horizontal line underneath.

Suresh Manickam
Chief Executive Officer
National and Electrical Communications Association

CC: Allen Hicks allen@etuaustralia.org.au
Ashvini Ambihaipahar Ashvini@etuaustralia.org.au