

9 November 2025

Health New Zealand Waitematā

Kate Gilmour
Chief Nurse Waitematā for Lead Contingency Planner

New Zealand Nurses Organisation (NZNO)

Justine Sachs
NZNO Organiser

Kia ora Kate and Justine,

Re: Adjudication for Life Preserving Services (LPS) at Health New Zealand Waitematā

Thank you for taking the time to outline your positions regarding Life Preserving Services (LPS) provision at North Shore and Waitakere Hospitals during the proposed NZNO nursing strike between 00:01 on 17th November to 23:59 on 30th November. I am grateful for your submissions, communication and the calm, collegial and helpful discussion we had this morning.

This determination is issued in my capacity as adjudicator under Clause 13 of Schedule 1B of the Code of Good Faith for the Public Health Sector, pursuant to the Employment Relations Act 2000.

Adjudication review and process

Health New Zealand Waitematā referred this matter for adjudication on the grounds that:

- It has made a formal request to NZNO under Clause 12(2) of the Code for union member assistance in maintaining LPS
- Despite good faith negotiations, agreement could not be reached
- The District seeks adjudication to determine:
 - access to Union Members for LPS
 - Minimum staff for Health and Safety
 - access to Union Members for situations of 12.5c – Emergency Management Protocols
 - access to Union members in a timely/urgent manner when required without unnecessary delays.

Supporting documentation from NZNO and the District included LPS schedules, correspondence between HNZ and NZNO, member statements and a core submission. In addition, I had a meeting with both District and NZNO representatives including the Chief Nurse, contingency planners, NZNO national, regional, and local organisers, and District Delegates from both North Shore and Waitakere Hospitals. I had further discussions with some of these attendees.

Health New Zealand Te Whatu Ora

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Adjudication determination

I have reached the following determinations:

The District has taken reasonable steps to plan for patient safety without NZNO member involvement, and will continue to do so including:

- a. Rostering staff to normal areas of work
- b. Using established frameworks including variance response teams, resource nurses to assist where necessary
- c. Using bureau staff where possible
- d. Redeployment of non-NZNO members
- e. If redeployment of NZNO members is requested, willing volunteers are preferable

The request for adjudication is consistent with Clause 13 of the Code, following genuine efforts to reach agreement.

The nature of this industrial action - refusal to accept reallocation, shift changes and/or non-rostered duties, over a 2-week period – represents a material risk to patient safety across HNZ Waitematā. The sustained period of action represents further risk.

The District's request for access to NZNO members for LPS including under Clause 12 (5) c in its entirety, is justifiable and proportionate. The table supplied is indicative of the numbers required but both parties acknowledge that patient acuity and staff skill mix are essential components to achieving LPS.

Clause 12(5)c emergency protocols may be activated by Waitematā during the strike period in response to events as defined in that clause, to request immediate assistance from NZNO members. Following this all actions needed to ensure patient care will be provided as needed. Such requests must be made and considered in good faith and are limited to circumstances where urgent access to the appropriate clinical skills is necessary to maintain patient safety and prevent permanent disability.

Access to NZNO members will be through a streamlined process with LPS requirements at its core. This should include:

- Regular communication between District and NZNO throughout industrial action
- District log of all requests
- Prioritisation of acute patient needs i.e. above is preferable but real-time patient safety is priority especially in areas of high acuity and sub-speciality skills

I note the adjudication item regarding 'Minimum staff for Health and Safety' was removed from discussion by mutual agreement. Both parties noted numbers for recent LPS rosters whilst noting the variation potentially caused by acuity, skill mix, and cumulative effect of 2-week action.

Both parties shall continue to engage in good faith, with a commitment to reassess LPS needs and function of this agreed process regularly during the strike.

Adjudication – further comments

1. Patient safety

The proposed NZNO strike presents a significant and sustained risk to patient safety, with an additional unquantifiable risk acknowledged by both HNZ and NZNO regarding the cumulative effect of 2 weeks of continuous industrial action. LPS requirements are variable depending on acuity, skill mix and staffing levels. The ability to deploy suitably qualified staff in a timely manner remains essential and is the core of this determination.

2. HNZ request for LPS staffing

HNZ Waitemata submitted a detailed LPS request based around current known staffing requests, meeting its duty to safeguard patient safety and maintain LPS.

3. NZNO proposal for LPS pool

The NZNO focus changed between request for adjudication and the adjudication meeting to focus on an LPS staffing pool. Whilst there are arguments for the idea of a standalone pool of LPS nurses, I am concerned rosters are already issued and there is insufficient time to work through this in sufficient detail to ensure LPS is achieved. A hybrid pool-HNZ model could be considered in future.

4. Staffing of LPS pool and redeployment of rostered staff

It is acknowledged that this is an unquantified variable by both HNZ and NZNO, as the nature and duration of industrial action is different to recent NZNO industrial action.

This determination is made in accordance with the principles of the Code of Good Faith for the Public Health Sector, with the overriding priority being the safety and wellbeing of patients and staff. I thank both parties for their measured and thoughtful input during this process.

Ngā mihi,



Dr Laura Chapman

Chief Medical Officer

HEALTH NEW ZEALAND - WAITEMATĀ

Cc Michelle McGrath, NZNO
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