

9 November 2025

Health New Zealand Hawke's Bay District
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Kia ora Jill & Michelle

RE: Adjudication for Life Preserving Services (LPS) at Hawke's Bay

Thank you for taking the time to outline your positions regarding Life Preserving Services (LPS) provision at Hawkes Bay hospital during the proposed NZNO nursing strike between 00:01 on 17th November to 23:59 on 30th November. 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.

Health New Zealand – Hawke's Bay District has 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 on the scope and staffing of LPS.
- The District seeks adjudication to:
 - Access union members for specific LPS activities.
 - Secure full access to Clause 12(5)c emergency protocols.
 - Establish a streamlined process for urgent staffing needs.

Supporting documentation from the district included contingency plans, LPS schedules (Final V1 and V2), and operational rationale for LPS coverage. The documentation supplied by the NZNO included member statements, LPS agreement and a core submission. I thank both parties for making to time to meet virtually to further understand the situation.

Upon review of the District and NZNO submission, I find that:

- The District has undertaken reasonable and practicable steps to plan for patient safety without union member involvement.
- The request for adjudication is consistent with Clause 13 of the Code, following genuine efforts to reach agreement.
- The nature of the industrial action — refusal to accept reallocation, shift changes, or non-rostered duties — presents a material risk to patient safety, particularly in high-acuity and subspecialty areas.
- The District's request for access to union members for LPS, including emergency escalation under Clause 12(5)c, is justified and proportionate.

I hereby determine the following:

1. Union member assistance shall be granted for the provision of LPS as outlined in the District's Final LPS Schedule V2 (Nov 2025), subject to:
 - Confirmation of patient acuity and absence of contingency coverage.
 - Daily review by the Integrated Operational Centre (IOC) and Nurse Managers.
2. Clause 12(5)c emergency protocols may be activated by the District during the strike period, with immediate notification to NZNO.
3. A streamlined process shall be implemented for urgent access to union members, involving:
 - Real-time communication between the District's contingency lead and NZNO organiser.
 - A shared log of requests and responses to ensure transparency.
4. Both parties shall continue to engage in good faith, with a commitment to reassess LPS needs every 72 hours during the strike.

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 commend both parties for their continued professionalism and encourage ongoing collaboration throughout the industrial action.

Kind Regards,



Dr Benjamin Pearson
Chief Medical Officer
Te Matau a Māui | Hawke's Bay

Copy to Anne Aitcheson, National Contingency Planner