

9 November 2025

Health New Zealand Te Toka Tumai

Liesl Kenrick
Strike Contingency Planner

New Zealand Nurses Organisation (NZNO)

Michelle McGrath
Organiser

Kia ora Liesl & Michelle

Re: Adjudication for Life Preserving Services (LPS) at Te Toka Tumai – Auckland

Thank you for taking the time to outline your positions regarding Life Preserving Services (LPS) provision at Te Toka Tumai Hospitals 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 Te Toka Tumai, 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 determine:
 - the process to access union members for specific LPS activities.
 - the protocol for the management of Clause 12(5)c emergencies.

The supporting documentation provided included contingency plans, LPS schedules, NZNO submission on proposed ways of working and operational rationale for LPS coverage. In addition, I had meetings with both the contingency planners for the District and the NZNO organiser and delegates from Te Toka Tumai. I have reached the following decision and accompanying rationale as a result.

I hereby determine the following:

1. Every effort will be made by the District to find alternative solutions prior to requesting union member assistance for the provision of LPS. This will require monitoring of all clinical areas to anticipate the need for alternative management or LPS well before it occurs. Before NZNO members are asked to be redeployed the below groups will be contacted who have the appropriate skill requirements:
 - Nursing staff without a patient load (CN's, Educators, Clinical Coaches)
 - Non-NZNO members
2. Usual robust review of daily inpatient occupancy and planned care will continue as per usual processes.
3. During the strike, where clinical areas need additional help for LPS support, which may occur as a result of (but not limited to) staff numbers or skill mix, combined acuity of the area, specific acuity of one or more patients, the District undertakes to try all other possible

solutions prior to requesting union member redeployment. The need for such help will be escalated to the Charge Nurses in hours and Clinical Nurse Manager out of hours who will seek the assistance of the Hospital Operations Centre where required. These steps include:

- Confirmation of need for and nature of coverage.
 - Expedite any discharges including use of transit lounge in hours.
 - Deployment of Charge Nurse, nurse educators or other such nurses not currently rostered to clinical duties to the clinical area in need.
 - Deployment of resource/VIS team as required.
 - Move non-union staff on shift to clinical area in need.
4. Only when the above steps have been taken a call will be made to move a staff member. In this event any staff available and suitable as per point (3) above (ie appropriate skillset for the need) will be deployed.
 5. It is recognised that some areas where specific skillsets are required, eg Intensive Care, Maternity, it will not be possible to follow all of these steps and a more rapid move to redeployment of union staff may be needed and I note has already been agreed under speciality skills LPS. If there is any doubt then patient care should come first and the process documented as per point 8 below.
 6. Patient attenders including mental health attenders will be provided by NZNO without restriction in number after all currently rostered Healthcare Assistants on the ward/service have been considered by Health NZ.
 7. Clinical handover is crucial for the safe transfer of care. This is covered by Right 4 of the Code of Health and Disability Services Consumer's Rights. Staff members with a patient who are not relieved at shift change remain with the patient until appropriate relief is available for the effective handover. All efforts to ensure a timely and safe handover will be made by Te Toka Tumai.
 8. A checklist of actions taken will be maintained by the Hospital Operations Centre to document the process followed and keep a log of requests.
 9. Theatre and clinic lists will be carefully scheduled to allow completion within shift times of union members. It is recognised by both parties, that despite this planning it is not possible to guarantee that there will not be an overrun due to unforeseen circumstances and this will be accommodated.
 10. Extended shift requests need to follow the process in points 1 & 5.
 11. Each shift will require a suitably trained and qualified coordinator. If a suitable person is not available for the coordination purpose then another nurse will be brought in to provide the appropriate skill mix following the principle detailed in point number 1.
 12. Clause 12(5)c emergency protocols may be activated by the District during the strike period in response to events as defined in that clause, with immediate notification to NZNO.

Following this all actions needed to ensure patient care will be taken as needed. For the avoidance of doubt Clause 12(5)c is as defined by Health New Zealand.

13. 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.

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. Thank you to HNZ and NZNO representatives for their input during this process.

Ngā mihi,



Dr Carl Eagleton MBChB FRACP AFRACMA
Physician and Endocrinologist | Chief Medical Officer

Te Toka Tumai | Auckland

waea pūkoro: +64 273620056 | imēra: carle@adhb.govt.nz