

9 November 2025

Health New Zealand Wairarapa

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New Zealand Nurses Organisation (NZNO)

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Kia ora Belinda & Raewyn,

RE: Adjudication for Life Preserving Services (LPS) at Wairarapa

Thank you for taking the time to outline your positions regarding Life Preserving Services (LPS) provision at Wairarapa 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 – Wairarapa 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:
 - Secure full access to Clause 12(5)c emergency protocols.
 - Establish a streamlined process for urgent staffing needs.

Supporting documentation included contingency plans, LPS schedules, operational rationale for LPS coverage, and documents supplied by NZNO included submissions from local members and a statement from the Union at a national level.

I also met with both parties yesterday (8/11/25) to discuss their positions and concerns.

Upon review of the District and NZNO submissions, 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 has stated that with a combination of the measures it has planned to reduce workload, plus the use of casual and non-union staff it has sufficient capacity to cover LPS for normal day to day clinical activities.
- The District's request for access to union members for LPS is limited to emergency escalation under Clause 12(5)c.
- NZNO did discuss the possibility of on-call pools of nurses, however given that the District is only seeking access for emergency escalation under Clause 12(5)c this would seem unnecessary, and on discussion this was agreed by both parties.
- NZNO did raise some concerns relating to the legal interpretation and definition of an emergency under Clause 12(5)c of the Code, however this is a legal question outside the scope of this adjudication, and I will not comment on that here.

I hereby determine the following:

1. Union member assistance shall be granted for the provision of LPS for emergency escalation under Clause 12(5)c.
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 Steven Earnshaw

Chief Medical Officer
Wairarapa

Copy to Anne Aitcheson, National Contingency Planner