



# NZRDA

New Zealand Resident Doctors' Association

## What happens when Nurses Strike

20-6-18

Dear Colleagues

As you have probably heard, NZNO members have rejected the DHBs offer in their MECA negotiations and are now set to strike for 24 hours on the 5<sup>th</sup>, and again on the 12<sup>th</sup> of July.

### **So what do you need to know about this situation?**

As an overall rule, we support the right of employees to take industrial action (strike) in support of their negotiations. Both the decision to take strike action, as well as what are acceptable terms and conditions are important ones that come with great responsibility; as you know only too well, having been faced with these decisions not that long ago.

It is not for us to second judge the nurses' decisions: both the decision and the responsibility is theirs. The right of any employees to make these decisions however should be supported.

### **So what happens to us when the nurses strike?**

First the Code of Good Faith for the Public Health Sector provides for the Union (NZNO) and the DHBs to provide sufficient cover for "life and limb preserving services" or LPS as they are known. So ahead of the strike NZNO and the DHBs will have sorted this out. As a result no one should be concerned that the absence of nurses will put patient's lives at risk.

The LPS process is completed within the first week of the strike notice being issued, so until such time as that is confirmed, what if any impact on us as RMOs cannot be determined. So point number one – there is nothing to do until the LPS agreements are confirmed.

Second, Section 97(3) of the Employment Relations Act 2000 provides that any non striking worker has to agree to do the work of a striking worker – or put another way, you cannot be required to perform the duties of a striking nurse. It is our advice to you that you do not.

OK so that's what the law says, but what about ethical responsibilities. Common sense should apply here – if a patient will be harmed if you do not act – then you will act. An example here might be giving IV drugs; having said that in the event of previous nurses' strikes, everything that can be delivered orally is!

What if you are asked to do work that you would normally perform in any event? If the work you are being asked to perform is your normal work, then yes you have to do it. But you do not have to do more than you would normally do including changing rostered shifts.

And you cannot be directed to work in an area you would not normally work in.

And before you think... but what else can they do... it is amazing what can be done at times like this. Remember that the hospital will be shut down to minimal work only, and all those nurse managers will have been credentialed to work! Medications can be contracted to a retail pharmacy to blister pack in anticipation of a strike etc.

As we say, once the contingency planning and LPS agreements become available, what is going to happen will become clearer. So at the very least, for the first week after the strike notice is issued, there is no need for you to agree or otherwise to anything. If there is a need for some of you to work differently, once all this preparation work is done we can have a look at it. Let your manager know to contact us to discuss it.

### **What about approved leave during the strike?**

If you have leave approved (in writing) including study leave, the DHB cannot revoke your leave because of the strike. Any such suggestions refer to us to respond to.

If issues arise as the 14 day notice period ticks by, please get in touch for any clarification you might need.

Kind regards  
Dr Deborah Powell  
National Secretary