



Life Preserving Services

DHBs must provide for patient safety during industrial action

During industrial action, employers must provide for patient safety by ensuring that life preserving services are available **to prevent a serious threat to life or permanent disability**. In the case of the MECA, this applies to each of the 20 DHBs.

Contingency plans

(1) As soon as notice of industrial action is received, the DHB must develop (if it has not already done so) a contingency plan and take all reasonable and practicable steps to ensure that it can provide life preserving services if industrial action occurs.

(2) If an employer believes that it cannot arrange to deliver any life preserving service during industrial action without the assistance of members of the union, the employer must make a request to the union seeking the union's and its members' agreement to maintain or to assist in maintaining life preserving services. **Because the majority of midwives at each DHB are members of MERAS, this means MERAS will have to find volunteers to meet LPS requirements at most, if not all, DHBs.**

(3) The request must include specific details about—

- (a) the life preserving service the employer seeks assistance to maintain; and
- (b) the employer's contingency plan relating to that life preserving service; and
- (c) the support it requires from union members.

(4) **A request must be made by the close of the day after the date of the notice of industrial action.**

(5) As soon as practicable after the employer has made a request, **but not later than 4 days after the date of the notice of industrial action**, the parties must meet and negotiate in good faith and make every reasonable effort to agree on—

- (a) **the extent of the life preserving service necessary to provide for patient safety during the industrial action; and**
- (b) **the number of midwives necessary to enable the employer to provide that life preserving service; and**
- (c) **a protocol for the management of emergencies which require additional life preserving services.**

(6) An agreement reached between the parties must be recorded in writing.