



**Neighbourhood
Pharmacy**
Association of Canada

Association canadienne
**des pharmacies
de quartier**

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October 14, 2016

DELIVERED VIA EMAIL

Hon. Kevin Flynn
Minister of Labour
Province of Ontario
400 University Avenue, 14th Floor
Toronto, ON M7A 1T7

Re. Changing Workplaces Review

Dear Minister Flynn;

Thank you for the opportunity for the Neighbourhood Pharmacy Association of Canada (Neighbourhood Pharmacies) to provide a submission during the consultation process now underway for the Changing Workplaces Review. We understand that several of our members may also respond directly to this request for input under the Changing Workplaces Review.

Neighbourhood Pharmacies is the respected voice and advocate for the business of pharmacy in Ontario and across Canada. We represent the owners and operators of Ontario's leading chain, banner and franchised pharmacies, as well as grocers and mass merchandisers with pharmacies. We also represent the leading retail buying and banner groups serving independent pharmacies. Pharmacy suppliers, including manufacturers, technology companies, data specialists and consultants also participate in the organization as appropriate.

As you know, most employees working in Ontario's neighbourhood pharmacies are subject to the provisions of the Employment Standards Act, 2000 (ESA) that set standards for, among other things, minimum wage, hours of work, time off between shifts, eating periods, personal emergency leave, and public holidays.

However, a number of industries and jobs have exemptions or special rules, including healthcare and health professions, which includes pharmacists, who are either exempt from or are subject to special rules for all employment standards except notice of termination, termination pay, and severance pay. Currently, under Ontario regulations (O. Reg. 285/01) pharmacists are exempted from Parts VII to XI of the ESA, along with virtually every health profession, including practitioners of medicine and dentistry, chiropractors, massage therapists, optometrists, physiotherapists and psychologists. There are individuals and organizations in the broad pharmacy sector that may take the position and advocate to the Ministry of Labour for the removal of the special rules and exemptions for pharmacists, which would make them subject to the same standards as other pharmacy staff. Neighbourhood Pharmacies and many of its members believe that this change could have unintended consequences to both the business and profession of pharmacy, which in turn could affect the high level of patient care provided in our members' pharmacies.

Neighbourhood Pharmacies has reached out to its members with operations in Ontario to solicit their perspectives on the Changing Workplaces Review. Based on their input, we offer the following perspectives:

1. The exemption regarding minimum wage is largely a moot point, since all pharmacists, as extensively trained and regulated health professionals in Ontario, are compensated well above the minimum wage. The elimination of this exemption would be immaterial.
2. Removing the other exemptions or special rules could have a negative impact on pharmacists and the patients they serve. In particular, because of the fact that the Drug and Pharmacies Regulation Act, 1990 requires at least one pharmacist to be available at all times, pharmacies must have the flexibility to require their pharmacists, as a condition of their employment, to be in the dispensary, and if necessary, to delay work breaks or extend their work hours to meet these regulatory requirements while also providing medication management counselling, in particular under Ontario's MedsCheck program, as well as other healthcare advice.
3. All of our members' pharmacists describe themselves as fully-qualified health professionals whose terms of employment should be regulated in the same manner as other health professions. To remove them as exempted professionals under the ESA would render them as a second-class health profession to which all the ESA standards would apply. This would irrevocably damage the profession in Ontario, and lead to unintended consequences, including a reduction of hours of operation, particularly in northern Ontario, rural and other underserved areas. This would compromise the integrity of the Ontario Public Drug Programs, which relies on a dependable network of neighbourhood pharmacies across Ontario to make the drug program fully functional.

4. From a pharmacy owner's perspective, there are already existing challenges to managing pharmacy workflow and operations, and both corporate and independent owners, as good operators and employers are already managing these human resource issues that are currently exempted, and they need to maintain the capacity to make changes and adjust accordingly as required. It is vital that the Ministry not undertake changes to the ESA that could in any way affect access by patients in a timely manner.
5. Most member pharmacy organizations generally exceed the requirement of the ESA for all their employees, including pharmacists. However, with respect to daily rest and eating periods, it is conceivable that applying the ESA standards on rest and eating periods would force some pharmacy owners to shift some pharmacists from full-time to part-time status, in order to better manage workflow, i.e. splitting shifts to accommodate ESA requirements without disrupting optimal patient care services.

In addition, it should be noted that all registered pharmacists must maintain professional practice obligations, under the Pharmacy Practice policies of the Ontario College of Pharmacists. There are four Principles in place under this policy, as follows:

1. Patient care is provided according to evidence-based practices.
2. Staffing and workflow in the pharmacy in such a manner as to enable members to maintain the accepted standard of pharmacy practice, and to deliver safe and effective patient care.
3. Staff members are provided with the appropriate tools and resources required to deliver safe and effective patient care.
4. The delivery of patient care within the pharmacy is continuously evaluated through a quality improvement process during which errors are detected and corrected and practice improvements are initiated.

We believe, therefore, that any change that would make Ontario pharmacists subject to every standard of employment under the ESA could have a deleterious effect on our members' ability to adhere to those Principles.

As you have previously indicated, the purpose of the review is to allow good employers to prosper. Neighbourhood Pharmacies members are exemplary employers who have long-standing established human resource and workflow policies and procedures that ensure that Ontario patients benefit every day from high quality services from their neighbourhood pharmacists. These policies allow them to maintain a business model that keeps their locations, and the delivery of Ontario's public drug programs, sustainable.

Neighbourhood Pharmacies believes that its members should continue to have the flexibility to manage those professional resources. We therefore urge the Ministry of Labour to signal its respect for the professional integrity of pharmacists across Ontario and make no material changes to the current exemptions and special rules now in place for pharmacists under the ESA. In addition, we look forward to working in collaboration, as appropriate, with your Ministry, the Ministry of Health and Long-Term Care, and all interested parties as the Changing Workplaces Review process moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin J. Bates', with a long horizontal stroke extending to the right.

Justin J. Bates
Chief Executive Officer
Neighbourhood Pharmacy Association of Canada

c.c.: Hon. Eric Hoskins, Minister of Health & Long-Term Care