

April 24, 2018

Mr. David Beaulieu
Director, Employment and Labour Policy Branch
Ontario Ministry of Labour
400 University Avenue, 12th Floor
Toronto, Ontario
M7A 1T7

Dear Mr. Beaulieu,

Thank you for providing the Ontario College of Pharmacists with the opportunity to follow up on our submission to the Ministry of Labour regarding current exemptions for pharmacists under the Employment Standards Act, 2000 (ESA).

In response to a request in October 2017 from the Ministry of Labour for the College to provide a submission on whether the current pharmacist exemptions under the ESA should be maintained, the College undertook consultation activities with both pharmacists and members of the public in late 2017. These consultations were focused on the impact of removing or maintaining the exemptions on the safety and quality of patient care and access to pharmacy services, in line with the College's mandate to serve and protect the public interest.

Ultimately, it is the College's view that, when considering any changes to legislation or expectations of pharmacies and pharmacy professionals, patient safety must be the foremost priority. Regardless of any changes that may be made to any of the current exemptions under the ESA that apply to pharmacists, the College expects that pharmacists will utilize their professional judgment at all times to make decisions in the best interests of their patients and that pharmacy operations will not impede a pharmacist's professional duty to do so.

Further to the recommendations contained in our original submission, and based on the feedback we received from our consultations, the College is convinced that attention must be paid to concerns expressed by both pharmacists and members of the public who have indicated that pharmacist fatigue could increase the risk to quality care and patient safety. Therefore, the College supports removal or modification of the current exemptions related to hours of work and eating periods, so long as doing so would not result in pharmacists or pharmacies contravening any established laws, regulations, standards of practice and Code of Ethics expected of the profession and that access to quality and safe pharmacy care for patients is maintained or improved, not reduced. Similarly, the College has no objections to the removal or modification of any other existing ESA exemption, provided the conditions stated above are met.

From the College's consultation activities, it is not clear what the full impact would be on a patient's access to pharmacy services as a result of modifying or removing any of the exemptions under the ESA. However, it is vitally important that access to pharmacy care for patients is, at all times, maintained or enhanced. Consideration should be given to situations where there may already be limited access, including in rural or remote community settings.

It is important to note that our statements only reflect what the College heard and received in its consultation activities as participation was self-selected. In the case of pharmacy professionals, responses were largely

based on personal experience and should not necessarily be considered representative. As well, it was not possible for the College to separate responses from employee pharmacists from those of employers or owners.

It should further be noted that the College does not have a role to play in the business structures in pharmacies, except that which is governed under applicable legislation (e.g. the *Drug and Pharmacies Regulation Act, 1990*), the Code of Ethics, standards of practice and College policies. Other than general information regarding where pharmacists work, the College does not collect information on, nor have any regulatory role related to, hours of work, remuneration or other business or employment-related conditions or benefits. As stated in our original submission, the College recommends that the Ministry consider the feedback of other organizations focused on the business models of pharmacy that could help provide guidance to avoid any unintended consequences – such as reduced access to quality and timely pharmacy services – associated with removal of, or modification to, any of the current exemptions under the ESA applicable to pharmacists.

As always, the College would be pleased to continue to work with the government and other key stakeholders on this matter to ensure that the public's right to access quality, timely and safe pharmacy care is protected.

Sincerely,

A handwritten signature in cursive script, appearing to read 'N. Lum-Wilson', followed by a comma.

Nancy Lum-Wilson, R.Ph., B.Sc.Pharm., MBA
CEO and Registrar