

6. CODE OF PRACTICE GOVERNING THE TEMPORARY ABSENCE CLAUSE OF THE PHARMACY ACT, 1890

6.1 Introduction

The agreement reached between the Pharmaceutical Society of Ireland and the Pharmaceutical Assistants' Association which included a code of practice relating to temporary absence has now been in place since December 1994. At a meeting between the aforementioned bodies it was decided that it might be useful to restate the detailed provisions of the code of practice and elaborate on those areas which have given rise to queries in the intervening period.

6.2 Code of Practice Governing Temporary Absence Clause

- 6.2.1 The name of the pharmaceutical assistant shall appear in the current Register of Assistants to Pharmaceutical Chemists and he shall have paid the appropriate retention fee

If the name of the pharmaceutical assistant does not appear in the Register of Assistants to Pharmaceutical Chemists (as reproduced in the current calendar), the pharmaceutical assistant should contact the Society to obtain information on how to seek restoration to the register.

- 6.2.2 The assistant who has not been employed in pharmacy practice during the preceding five years shall undergo a defined period of retraining as required and shall be restored to the register

This provision is not currently being implemented in its entirety. The requirement to undergo a defined period of retraining will not come into force until the Pharmacy Act is passed. Pharmacists who have not been employed in pharmacy practice for a similar time period will also have to undergo such a period of retraining under the terms of the Act. In the interim, such assistants need only apply for restoration to the register.

- 6.2.3 The assistant who will be performing professional duties of the pharmacist in his temporary absence shall be employed in the pharmacy concerned on a permanent basis for not less than 15 hours per week

An analysis of the annual statements of return (SOR) received from community pharmacies for the year 1995 indicate that a number of pharmacists who employ an assistant(s) for the required number of hours do not appear to employ them to work in their temporary absence or alternatively they omitted to fill out that particular section of the SOR form. Should such pharmacists wish to amend their statements in light of the foregoing we have provided a coupon below which should be sent to the Society giving the amended details.

- 6.2.4 The assistant shall be entitled to cover short absences, such as lunch hours, two half days or one day off per week and unscheduled short absences

The Pharmaceutical Society of Ireland has been legally advised that the term 'unscheduled short absences' would not be acceptable to the parliamentary draftsmen drawing up the new pharmacy Bill and therefore this will require further discussion. If a pharmacist employs more than one assistant for the requisite number of hours, i.e. 15 hours, he is still only entitled to one day off per week which can be covered by either of his assistants.

- 6.2.5 In the event of the temporary absence caused by illness of the pharmacist

- 6.2.5.1 The Society shall be notified as soon as possible, but not later than one calendar week from the date of first absence.
 - 6.2.5.2 If the pharmacist has been absent for a second calendar week the Registrar shall be so informed and the direction of the Registrar in relation to the continuation of cover shall be acted upon by the pharmaceutical assistant who has been covering in the event of such an illness. The operation of this clause in the agreement has proceeded very smoothly since its implementation and no major queries have arisen in respect of same.
- 6.2.6 In the event of the temporary absence caused by the pharmacist's holiday entitlements
- 6.2.6.1 The pharmaceutical assistant shall be entitled to cover the period of annual leave as recommended for the employee pharmacist by the Irish Pharmaceutical Union (currently two working weeks per annum).
 - 6.2.6.2 The maximum number of days which the pharmaceutical assistant can cover shall not exceed 14 calendar days in any single absence. Again this particular provision has not caused any problems to date. This provision is however very specific in relation to the entitlements of the pharmacist who is using an assistant to cover such an absence and problems are not anticipated in this regard.
- 6.2.7 The pharmacist retains full personal responsibility for the supervision and management of the pharmacy.

This provision in the code is extremely specific and no pharmacist can abdicate his responsibility for the supervision or management of the pharmacy under any circumstances.

6.3 General Comments

Where a pharmacist employs more than one pharmaceutical assistant and each of the assistants work the minimum number of hours required in the pharmacy, i.e. 15 hours, the pharmacist can nominate each of the assistants as persons who are entitled to cover in his temporary absence. It was never the intention of the agreement to ask a pharmacist to select one assistant over another or to dismiss an assistant on such a basis. However, no matter how many assistants are employed in a particular pharmacy the pharmacist is only entitled to one day off per week (or two half days per week) with an assistant covering that temporary absence period. The entitlement whereby the assistant can cover short absences still remains.

The SOR forms submitted to the Society have shown that in several instances an assistant is working in more than one outlet and covering the temporary absence of the pharmacist in each outlet. This situation is acceptable provided that the assistant works the required minimum number of hours in each of the pharmacies involved (i.e. 15 hours per pharmacy). If the circumstances prevailing at a particular pharmacy do not appear to be covered by the exact terms of the code of practice detailed above we recommend that the pharmacist concerned should contact the Society and outline the details of the individual case. This will then be examined in detail by both parties to the agreement who shall endeavour to offer some practical guidelines on the matter.