

# VOLUNTARY ADMISSION BY BAXTER

## Failure to sit the examination for representatives within one year

**Baxter Healthcare voluntary admitted that one of its representatives had not taken the required examinations within one year of commencing his/her role.**

**In accordance with Paragraph 5.6 of the Constitution and Procedure, the Director treated the matter as a complaint.**

**Baxter explained that a review of its training database showed that one of its representatives had failed to take all of the modules of the appropriate representatives' examination within one year of commencing his/her role. The human resources (HR) administrator was unaware that examinations, although scheduled to be taken within the first year, had not been sat and so was unable to request an extension in time. The representative in question had booked further examination sittings and aimed to complete the qualification before the two year deadline.**

**The detailed response from Baxter is given below.**

**The Panel noted that the Code required that representatives take an appropriate examination within the first year of their employment as a representative and pass it within two years of starting such employment. The Panel noted that the representative in question had not taken the examination within his/her first year.**

**The Panel noted that the representative had sat and failed the elective modules within his/her first year and had booked but postponed, and therefore not sat, the compulsory modules within that year. The representative was scheduled to take the examinations (elective and compulsory modules) some 16-17 months after starting his/her employment but had resigned prior to taking them. The requirements of the Code had not been met as acknowledged by Baxter and the Panel ruled a breach of the Code.**

Baxter Healthcare voluntary admitted that one of its representatives had not taken the required examinations within one year of commencing his/her role.

As Paragraph 5.6 of the Constitution and Procedure required the Director to treat a voluntary admission as a complaint, the matter was taken up with Baxter.

### VOLUNTARY ADMISSION

Baxter stated that during a review of its training database, it found that one of its representatives had not taken all of the examinations for the ABPI representatives' qualification within one year of commencing the role. Baxter acknowledged a breach of Clause 16.3.

Baxter explained that the process used to monitor adherence to the training requirements relied on good communication between human resources (HR) and individual representatives. In this case, the HR administrator was aware that examinations had been scheduled prior to the representative's one year anniversary but was not informed that he/she had not taken them and was therefore not able to request an extension in time.

The tracking system proved to be highly effective in the past and this was the first time it had failed. Baxter stated that it would be taking steps to amend the process to reduce the likelihood of a recurrence.

In addition to being in breach of the Code, failure to attempt all modules of the representative's training within one year of commencing a sales role was in breach of the contract between Baxter and its representatives and the matter was being addressed.

Baxter understood that the representative in question had booked further examination sittings and aimed to complete the qualification before the two year deadline.

Baxter was asked to provide the PMCPA with any further comments in relation to the requirements of Clause 16.3.

### RESPONSE

Baxter provided a timeline of the representative's start date and attempts, bookings and postponements of the examination over the subsequent eighteen month period.

Baxter submitted that before and after each scheduled examination session, all candidates were emailed by HR; Baxter's manual examination tracker relied upon regular communication between the representatives and HR.

The representative did not respond to an HR email in November 2015, which requested an update on progress. Further follow-up in January 2016 elicited a response that he/she had not sat the compulsory module examinations and had rescheduled them for May 2016. Baxter submitted that had the representative responded to the November email, it would have had sufficient time to request an extension.

Baxter considered that the representative's personal reasons for postponement were reasonable grounds for postponement but not for the failure to advise HR which was a contractual requirement.

Baxter noted that the representative had planned to re-sit the elective module examinations in March

and the compulsory module examinations in May. However, he/she had subsequently resigned.

**PANEL RULING**

The Panel noted that Clause 16.3 stated that representatives must take an appropriate examination within the first year of their employment as a representative and pass it within two years of starting such employment. The Panel noted that the representative in question commenced employment in November 2014 and thus ought to have taken the examination by no later than November 2015.

The Panel noted that the representative in question had sat and failed the elective modules within his/her first year and had booked but postponed, and therefore not sat, the compulsory modules in November 2015. The representative was scheduled to take the examinations (elective and compulsory modules) by May 2016 but had resigned before taking the examinations. The requirements of Clause 16.3 had not been met as acknowledged by Baxter and the Panel ruled a breach of that Clause.

**Complaint received            4 April 2016**

**Case completed                27 April 2016**