

Guide to BC Crematorium Operator Inspections



**CONSUMER
PROTECTION BC**

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Introduction

Consumer Protection BC and the Crematorium Industry

Consumer Protection BC is the regulatory authority responsible for the administration and enforcement of the *Business Practices and Consumer Protection Act* (the “Act”), the *Cremation Interment and Funeral Services Act* (CIFSA), and the *Cremation Interment Funeral Services Regulations* (CIFSR). Together the Act, CIFSA, and CIFSR govern the conduct of businesses and persons that provide crematorium service in British Columbia, and legislates the licensing requirements for crematorium operators in the Province.

Consumer Protection BC Compliance Inspectors (“Inspectors”) are empowered under sections 149 and 150 of the Act to conduct inspections for the purpose of determining compliance with the Act, the Regulation, licensing conditions, and orders issued by Consumer Protection BC. Inspectors have the authority to enter businesses, make inquiries, examine/copy records and retain documents and other items for the purposes of examination and inspection process.

The material in this guide provides information to crematorium operators on what to expect and how to prepare for inspections performed by Consumer Protection BC.

This guide is not intended to provide legal advice and is by no means an exhaustive review of all the requirements affecting crematorium operators in BC. We recommend that anyone regulated under the Act and Regulation obtain copies and review them in detail. You can find them online or printed versions may be ordered from:

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Victoria BC CANADA V8V 1T7
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As a crematorium operator, it is your responsibility to operate your business so that it complies with the law and the terms and conditions of your license. These terms and conditions may be printed on the face of your license or contained in letters issued to you by Consumer Protection BC.

For more general information, please contact Consumer Protection BC at:

Consumer Protection BC
307-3450 Uptown Boulevard
Victoria BC V8Z 0B9
Phone: 604 320-1664
Fax: 250 920-7181
Toll free: 1 888 777-4393
www.consumerprotectionbc.ca

Inspections

Inspectors conduct inspections of crematorium operators, sometimes unannounced, to make sure the business and its employees are following the Act, the Regulation, and the terms and conditions of their licence. Inspectors may also carry out the following functions at an inspection:

- Explain the terms and conditions of your licence
- Inspect the physical layout of your establishment
- Inspect your legal, financial and business records
- Observe and record your business practices, identifying gaps or weaknesses that are likely to lead to non-compliance, and
- Identify any contraventions of the Act, the Regulation, or the terms and conditions of your licence

An Inspector will show you their official identification if you request. You must give Inspectors access to all areas of your business and not obstruct, hinder or interfere with their entry or inspection. It is an offence to obstruct, hinder, or interfere with an inspection, and a serious contravention that may result in administrative penalties and/or cancellation of your licence.

What will be inspected?

In general terms, the following items will be reviewed at an inspection:

- display of licenses
- crematorium bylaws
- crematorium maintenance log
- records related to each cremation
- containers for cremation
- disposition of unclaimed cremated remains

Display of Licenses

If the crematorium deals with the public, a copy of the license must be displayed in a conspicuous location in the part of the business premises accessible to the members of the public. *S.41 Cremation, Interment and Funeral Services (CIFS) Regulation*

A license is required for each location from which a crematorium conducts business *S. 15 CIFS Regulation*

A crematorium operator must use the name that appears on the license to advertise, contract, operate or otherwise carry on a business in BC. *S.11 CIFS Regulation.*

The name and business address of the crematorium operator must be clearly stated in all directories, advertising and marketing materials. *S. 12(1) CIFS Regulation.*

The address on the license should be the location of the crematorium. If the administration office is listed on the license, note crematorium address and contact Licensing to correct. The administration office may be used as a mailing address.

Crematorium Bylaws

A crematorium operator is required to create bylaws which address the following:

- cremation and operational procedures
- training
- document and authorization requirements
- proper processing of paperwork
- housekeeping
- company policy matters
- identification processes

Retain a copy of the bylaws to be kept in the inspection physical file and computer file. *S.39(2) Cremation, Interment and Funeral Services Act (CIFSA)*

Crematorium Maintenance Log

Before the operator modifies, replaces or adds an appliance for the crematorium, the operator is required to apply to the director for approval. Determine whether any appliances have been added, modified or replaced and ensure that director approval has been granted. *S.29 (1) CIFS Regulation*

Each crematorium should keep a maintenance log with the following information:

- date
- description and nature of work done (equipment service, repairs, adjustments inspections)
- name of company responsible for above-noted work
- name and signature of technician or service representative having done the actual work

Request to see the maintenance log and obtain a copy if necessary.

Records Related to Each Cremation

The operator must keep records of each cremation with the following information *S.30 CIFS Regulation*

- name of deceased
- date of cremation including start and end times
- name & mailing address of person with kinship relation
- person to whom cremated remains released
- copy of written authorization to perform funeral services (*S.8(1) CIFSA*) from person who has disposition rights (*S.5 CIFSA*) to cremated remains including address of that person
- type of container used for cremation

Request to see the cremation records and obtain a copy if necessary

Containers for Cremation

A person must not present human remains for cremation unless the remains are enclosed in a container that is of sufficient strength to hold and conveniently transfer the remains, prevents the remains from posing a health hazard and meets the requirements set out in the regulations. *S.12 CIFSA*

A container that encloses human remains for the purpose of cremation must be combustible and rigid. The container must not contain plastic, fiberglass, foam, Styrofoam, rubber, polyvinyl chloride, or zinc. *S.10 CIFS Regulation*

The Inspector should determine whether there are any human remains that are ready for cremation on the premises. If so, inquire about the container that the human remains are in and determine compliance.

The Inspector should also verify that the business does not have a policy of refusing to handle containers supplied by a person other than the operator. Not generally applicable to a crematorium as the funeral provider or family will already have made the arrangements for a container to enclose human remains. *S.11 CIFSA*

Disposition of Unclaimed Cremated Remains

Disposition procedures need to be followed if cremated remains are left unclaimed. *S.8 CIFS Regulation*

Inquire about the procedures and documentation that the crematorium follows when dealing with unclaimed cremated remains and ensure the following are met:

- no person with disposition rights has claimed the cremated remains during the one-year period immediately following cremation;
- the operator has published a notice that provides: name of deceased; name of operator proposing to dispose of cremated remains including projected date and time;
- statement that person with disposition rights may claim the cremated remains before disposition occurs;
- the notice is placed in 2 issues of a newspaper circulating in the area which the cremation was arranged;
- the notice is published in the newspaper at least 14 days apart;
- no person with disposition rights claimed the remains within the 30-day period after the date of the second publication.

The above noted list is not exhaustive of what an inspector may review at inspection. An inspector may request further records, documents, statements, or reports that are deemed relevant to an inspection.

You must allow an Inspector to inspect documents and records associated with your business and, if necessary, remove documents and records for the purpose of making copies. If documents are removed from your business, the Inspector will provide you with a receipt of the items taken.

Inspection Process

Scheduling and Preparation

1. Inspectors are responsible for routine and complaint based inspections;
2. A complaint based inspection may come from various sources, including out licensing and inquiry office;
3. Routine inspections are a potential requirement;
4. Each Inspector is responsible for conducting inspections throughout the Province.

Notification

1. Routine inspections may be pre-arranged, but unannounced inspections may also take place.
2. Inspectors will attend businesses at reasonable times.
3. Generally, an inspection will not take more than three hours. If it is anticipated that an inspection will take more than three hours, the crematorium operator may be notified in advance.

Inspection

1. There will be two parts to a routine inspection: (i) a meet and greet between the Inspector and the licensee or person-in-charge; (ii) A review of material and discussion on matters that may arise.
2. Key aspects of inspection include the licence review, inspection of the businesses physical location and websites, and an examination of documents and records.
3. Routine documentation examination will include, but is not limited to, a review of templates and contracts, bylaws, forms, records, brochures, and any marketing materials.

Conclusion of Inspection

1. Once the inspection is complete, the Inspector will review the results with the licensee or the person-in-charge, and discuss any deficiencies identified.
2. A Certification of Inspection will be prepared by the Inspector and a copy of will be given to the licensee or the person-in-charge.

Post Inspection Report and Follow Up

1. After returning to the office, the Inspector will document the inspection, update the licensee's file and, if required, inform other departments within Consumer Protection BC of the inspection results.
2. If deficiencies are noted at the inspection, the Inspector will deliver a post inspection report to the licensee. The post inspection report will identify the alleged violations that the licensee must correct and/or the alleged violations that will be recommended for enforcement to the Director. For more information on the enforcement process please see the section below entitled "Enforcement."
3. The Inspector may conduct a follow up inspection to ensure that deficiencies noted have been corrected.

Enforcement

If an Inspector detects violations that they believe should proceed to enforcement of an administrative penalty, they will notify the licensee of these alleged contraventions in a Post Inspection Report. The Inspector will also prepare for the Director of Enforcement a Notice of Enforcement Action Recommended Report (NEAR). A copy of the NEAR will also be sent to the licensee. The NEAR report will identify the allegation(s) proceeding to enforcement and the Inspector's recommended penalty. The licensee will be given an opportunity to respond to the report. The Director of Enforcement will then decide whether the allegation took place, and the administrative penalty, if any, to be applied. Note: the decision to impose an administrative penalty is at the discretion of the Director of Enforcement or delegated decision maker; neither is bound to the recommended administrative penalty