



**CONSUMER
PROTECTION BC**



Inspection Guide

Crematoriums

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A special note related to the COVID-19 pandemic

Due to the pandemic, Consumer Protection BC stopped doing in-person inspections of our licensed businesses in March 2020.

Since then, we have learned more about the impact of COVID-19 in the marketplace and on you, as one of our licensed businesses. We are confident that we can now resume in-person inspections safely and we wanted to let you know that we are starting to do inspections again at business locations.

With a few exceptions, our standard inspections policies and rules apply, as outlined in this inspection guide. This also means that unless there are mitigating circumstances specific to your business practices, no advance notice of inspection will be made.

We take safety seriously.

Your safety and the safety of our staff matter to us.

Here are some of the changes we've made:

- Inspectors will wear N-95 masks when at the site to be inspected.
- Inspectors will have their own supply of PPE and will sanitize their hands and other surfaces every 30 minutes when onsite at inspection.
- Inspectors will ask for licensee-employees to wear masks when communicating with, or in the same room as the Inspector. Failing this, the licensee/employees will be asked to remain 2 meters distant from the Inspector at all times.
- Inspectors will allow for their credentials to be examined (from a distance) and will only provide business cards when requested to do so.
- Inspectors will attempt to isolate themselves in a private area of the business while they perform the administrative functions of the inspection.
- Inspectors will select items to be inspected rather than the usual practice of allowing the licensee's employees assist with that process.

Our Inspectors must also complete a wellness self-assessment before they start any work outside their current base.

Inspectors will also ask you about the status of the location being inspected. These questions will include:

- Have any employees at the location been diagnosed with Covid-19 within the last 2 weeks?
- Is anyone at the licensed location suffering from illness or Covid-19 symptoms?

If you have questions about our protocols and processes, the best option is to speak to the Inspector that engages with you during an inspection.

Thank you,

The Consumer Protection BC Regulatory Services group

Introduction

Consumer Protection BC is responsible for the administration and enforcement of the *Business Practices and Consumer Protection Act* (BPCPA), the *Ticket Sales Act* (TSA), the *Cremation Interment and Funeral Services Act* (CIFSA), and the *Cremation Interment Funeral Services Regulation* (CIFSR). The BPCPA, CIFSA, and CIFSR govern the licensing requirements and conduct of businesses and persons that provide crematorium services in the Province of British Columbia.

This guide has been prepared to better inform and educate crematorium operators on the compliance inspection process. As one of our licensed businesses, it is your responsibility to conduct yourself and operate your business in compliance with the laws and conditions on your license. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information contained herein.

This guide serves as a reference so you know what to expect and how to prepare for an inspection conducted by a Consumer Protection BC Inspector.

This is a general overview of the inspections process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or the operation of your licensed business. We recommend that you get copies of the legislation and review it in detail. You can find them [online](#) or printed versions may be ordered from:

Crown Publications Inc.
563 Superior Street
Victoria, BC, V8V 1T7
TF: 1.800 663.6105 Fax: 250.387.1120

For more general information, we can be reached at:

Consumer Protection BC
#321-3600 Uptown Blvd.
Victoria, BC V8Z 0B9
TF: 1.888.564.9963 Fax: 250. 920-7181
E: operations@consumerprotectionbc.ca
W: www.consumerprotectionbc.ca

Background: our responsibilities

The role of Consumer Protection BC

Consumer Protection BC licenses and inspects regulated businesses, responds to consumer inquiries, investigates alleged violations of consumer protection laws, classifies all general release and adult films, and provides information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform risk-based inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in voluntary compliance with the law or some form of enforcement action being taken by the Director, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

You are legally responsible for compliance with the laws and licensing conditions as it relates to the operation of your business. You are also responsible for ensuring your employees and agents are acting in compliance with the laws and licensing conditions applicable to your business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions of the laws we administer. A person who obstructs, hinders, or makes misleading statements to an inspector is subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province, sometimes arriving unannounced. The BPCPA, CIFSA and MPA allows for an inspector to enter a business at any reasonable time to determine compliance with the law, conditions on a licence, the suitability of a licensee or an applicant for a licence.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business.

The BPCPA and CIFSA gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person
- Inspect, audit or examine any record, goods or other things or the provision of services in the premises
- Inspect a vehicle or vessel that is being used for business purposes
- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things

- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premise, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection

Once the inspection is complete, the inspector may review the results with you or the manager on duty at the time of the inspection. The inspector may discuss any non-compliance identified during the inspection at this time. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you at the email address identified in your My Account set up with Consumer Protection BC.

In order to receive the digital copy of the Certificate of Inspection, you must have your My Account set up. If your email is not entered into the My Account, you will not receive the Certificate of Inspection and other pertinent documents related to the inspection. To setup your My Account, please go to www.consumerprotectionbc.ca and select “MyAccount Login” or contact operations@consumerprotectionbc.ca for assistance.

Post Inspection Report and follow up

After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will update the Inspection Checklist¹ and email you a report with the results of the inspection to the email address you provided in My Account. The report will identify any alleged violations that you must correct and/or any alleged violations for which the inspector recommends that enforcement action be taken by the Director. Any further instruction(s) will be noted in the inspector’s notes in the report.

For more information on the enforcement process, please see the section below entitled “Enforcement.”

We may conduct a follow up inspection to ensure that non-compliance found at the previous inspection is corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement hearing, they will notify you of these alleged contraventions in the report issued after the inspection. The inspector will also prepare a Report to the Director (RD) document for the Director of Inspections & Case Management. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to enforcement hearing and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegations made in the RD. A decision-maker will then

¹ See Appendix – Inspection Checklist

decide whether the allegation took place, and whether statutory action such as an administrative penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or the delegated decision maker.

Before deciding to impose an Administrative Monetary Penalty (“AMP”) and calculating the amount of the AMP, the decision-maker will consider the factors set out in section 164(2) of the BPCPA. To calculate the amount of the AMP the decision-maker will normally apply the policy of Consumer Protection BC, “Calculating Administrative Monetary Penalties Policy and Procedures.”, including its AMP Penalty Matrix. This policy is available on the website of Consumer Protection BC at www.consumerprotectionbc.ca. You can access the policy electronically by clicking the following link: [Admin Penalty Policy and Procedure](#).

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

What will be inspected

Remember that while inspectors attend businesses to test for compliance with the laws we administer and any conditions we have imposed on a licence, they are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the laws we administer.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a licence for any issues that are identified;
- Inspect the physical layout of the business;
- Inspect legal, financial and other business records;
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance;
- Identify any contraventions;
- Answer your questions and help you understand your obligations

To find out what an inspector will examine during the inspection, please read a sample inspection checklist (Appendix-Inspection Checklist). Note: the items on the checklist are not an exhaustive list of the items an inspector may examine.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection in advance so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention of the law.

Appendix – Inspection Checklist

The following are the types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 CONSUMER PROTECTION BC					Licence #: _____	
					Date of inspection: _____	
Question	CREMATORIUM INSPECTION REPORT	Y	N	N/A		
GENERAL FACILITY						
1	Does the Operator deal directly with the public or does it only conduct business with funeral providers?					
2	BPCPA 31(2)(a) If the Operator deals with consumers directly, has the Operator displayed the price list in an area accessible to the public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3	BPCPA 31(2)(b) If the Operator deals with consumers directly, can the Operator give a copy of the price list to a consumer when requested to do so?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4	CIFSR 11 Is the Operator using only the registered name or DBA when carrying on business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5	CIFSR 12(1) Is the Operator using only the registered name or DBA when carrying on business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6	CIFSR 12(2) If applicable, does the Operator disclose the fact that it is owned by a public company in their advertising, representations, advertising and marketing materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7	CIFSA 11(a) Does the Operator accept compliant containers provided by someone other than the Operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
CREMATORIUM BYLAWS						
8	CIFSA 39(2)(a)(i) Does the Operator have bylaws/rules and regulations respecting the organization, operation and management of the crematorium?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
9	CIFSA 39(2)(a)(ii) Does the Operator have bylaws /rules and regulations about the rights, privileges and responsibilities of the Operator, suppliers and others who attend the crematorium?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Question	CREMATORIUM INSPECTION REPORT	Y	N	N/A
OBLIGATIONS OF THE CREMATORIUM OPERATOR				
10	CIFSR 29(1) Has the Operator received approval from the Director for appliances added or modified since their original licence application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECORDS RELATED TO CREMATION				
11	CIFSR 30(1)(a) Does the Operator keep records that have name of each deceased for which it performed a cremation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	CIFSR 30(1)(b) Does the Operator keep records that have the date of each cremation performed by the Operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	CIFSR 30(1)(b) Does the Operator keep records that indicate the time each cremation performed by the Operator started?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	CIFSR 30(1)(b) Does the Operator keep records that indicate the time each cremation performed by the Operator ended?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	CIFSR 30(1)(c) Does the Operator keep records that indicate name and address information of a person with a kinship relation to each deceased cremated by the Operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	CIFSR 30(1)(d) Does the Operator keep records that indicate to whom each cremated remains were released?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	CIFSR 30(1)(e) For all cremations performed, has the Operator kept a copy of the written authorization required under CIFSA 8(1) from the person who had the right to control the disposition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	CIFSR 30(1)(f) Do the Operator's records indicate type of container used in each cremation it performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISPOSITION OF UNCLAIMED CREMATED REMAINS				
19	Is the Operator storing cremated remains?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	If the Operator stores cremated remains, how may at the time of inspection?			
21	CIFSR 8(1)(a) If applicable, has the Operator disposed of unclaimed cremated remains with proper notifications?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	If the Operator has disposed of unclaimed cremated remains, what was the most recent date and method?			

Question	CREMATORIUM INSPECTION REPORT	Y	N	N/A
23	Was the Operator sent Certificate of Inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.