



Discussion Paper

Introduction

The Ministry of Public Safety and Solicitor General is responsible for consumer protection legislation and is considering the creation of a licensing requirement for funeral and cemetery salespersons. Responsibility for oversight of business practices and for administering consumer protection laws in British Columbia belongs to the independent [Business Practices and Consumer Protection Authority](http://www.bccpa.ca) (<http://www.bccpa.ca>).

The Business Practices and Consumer Protection Authority (BPCP Authority) administers general consumer protection legislation under the Business Practices and Consumer Protection Act (BPCP Act) and the Cremation, Interment and Funeral Services Act (CIFSA) while promoting fairness and understanding in the marketplace. The BPCP Authority also receives and investigates consumer complaints, takes administrative actions to respond to those complaints and licenses the following industries or professions: bailiffs; collection agents; debt poolers; telemarketers; travel agents; travel wholesalers; operators of a place of interment or a crematorium; funeral providers; embalmers; and funeral directors.

The BPCP Authority consulted with their Cremation, Interment and Funeral Services Advisory Group regarding the need to license funeral and cemetery salespersons in British Columbia and the Advisory Group confirmed the need to introduce a licensing requirement.

This Discussion Paper invites you to respond to this initiative and includes an opportunity to provide feedback on the development of a licensing model. A questionnaire begins on page three and information on how to submit your responses are found on page five. Your views are important and will help government to design and shape a regulatory model for funeral and cemetery salespersons.

Background

Persons who sell funeral or cemetery services to consumers generally sell these services at a time when a consumer is vulnerable. They have typically just lost a loved one and are experiencing grief. Even when funeral services are sold in advance of death (referred to as “pre-need services”), cultural and societal norms associated with death can impact a person’s decision-making. Sometimes, consumers feel pressured to purchase more services or more expensive services than they would otherwise choose to purchase under different circumstances.

To ensure the consumer transaction associated with the sale of these services is conducted as fairly as possible, a licensing requirement would require funeral and cemetery salespersons to meet and adhere to various standards and conditions in order to obtain and maintain a licence.

A regulatory scheme would also create a means of enforcing the requirements and conditions of licensing and help to provide consumers with assurances that these salespersons perform their work at a high level of competency and based on common training standards.

Proposal

The following lays out what a licensing model could be expected to include for funeral and cemetery salespersons and provides some context for the questionnaire that follows.

Funeral and cemetery salespersons would be required to have completed a program of studies that includes a component related to ethics, fair trade law and unconscionable acts and practices. Licensing could also include a requirement for ongoing educational requirements.

The Director of the BPCP Authority would have the power to refuse to issue or renew a licence, to suspend or cancel a licence or to impose conditions on a licence. The Director could also suspend or cancel a licence because of a number of different reasons including things like a licensee contravening a provision in the BPCP Act, a licensee contravening a requirement or condition of a licence or engaging in a pattern of conduct that shows him or her to be, in the opinion of the Director, unfit to have a licence. Licensees would also be required to be employed by a licensed funeral provider.

Funeral directors who sell funeral or cemetery services would not be required to obtain a salesperson's licence as they are already regulated under the CIFSA.

There would be a transition plan that would include a period of 60 days during which funeral and cemetery salespersons who are currently employed could apply for a "conditional licence." Holders of these "conditional licences" would then have up to one year to complete the educational requirements needed for an unconditional licence.

The BPCP Authority would be responsible for enforcing the qualifications and requirements of the licence. Enforcement would include the suspension or revocation of a licence and/or the imposition of administrative penalties for failure to comply with the Business Practice and Consumer Protection Act, the CIFSA and regulations, or failure to comply with any of the requirements or conditions of a licence.

Question 1: The problem and the solution

1.1 Do you agree that additional consumer protection of some sort is needed with respect to the selling, or offering to sell, of funeral and cemetery services?

Yes

No

Comments:

1.2. If you answered “No” to question 1.1 above, please skip the following two questions (1.2 & 1.3). If you answered “Yes” to question 1.1 above, do you agree that licensing is the best solution to the problem?

Yes

No

Comments:

1.3 If you do not believe that licensing is the best solution, what do you think the best solution is?

A) Improved mechanisms to resolve individual complaints including improving consumer awareness of the consumer protection laws that currently apply, and the current avenues for addressing complaints; or

B) Amendments to legislation that currently applies to these transactions. For example, increase offence and penalty provisions for funeral providers who engage in unethical selling of funeral or cemetery services.

Comments:

Question 2: Licensing requirements

2.1 If a licensing requirement is established for funeral and cemetery salespersons do you agree that there should be a requirement to complete an approved training course?

Yes

No

Comments:

2.2 If licensing includes a training course requirement, should that training be conducted in-person or could the training be completed in a self-study format or over the Web?

A) Must be in-person

B) Should be available in a self-study format or over the Web

Comments:

2.3 How should course requirements be established and who should deliver and administer the training courses? For example, roles could be performed by the the BPCP Authority, the Industry Training Authority, private or public career training colleges, etc.

Your Response:

2.4 Should there be continuing education requirements for funeral salespersons, i.e. a certain number of continuing education courses completed every three years and for as long as the person remains a funeral and cemetery salesperson?

Yes

No

Comments:

2.5 If continuing education requirements are in place, please indicate how much continuing education there should be.

A) 2 hours every three years

B) 3 hours every three years

C) 4 hours every three years

D) Other _____

Question 3: General comments

Please provide general comments below or on a separate piece of paper.

Thank you for completing this questionnaire. Your views are important and will help the Ministry of Public Safety and Solicitor General to consider and develop this proposal. Please send your comments by August 25, 2006 to:

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This information is being collected for the purpose of determining whether and how to regulate funeral and cemetery salespersons in British Columbia. Any personal information you provide is subject to the Freedom of Information and Protection of Privacy Act. The information will be used to evaluate the results of the consultation, which may involve disclosing your comments to other institutions and interested parties during and after the consultation. Your name will not be disclosed without your consent.