

## PROPOSED Registrar's Directive – For Consultation

The Registrar, *Funeral, Burial and Cremation Services Act 2002 (FBCSA)*, proposes to issue the following Directive in respect of requirements for anyone conducting the transportation of deceased human bodies.

All interested persons are invited to provide comments to this email address: [proposed.directive@thebao.ca](mailto:proposed.directive@thebao.ca) by **January 31, 2018**.

### BACKGROUND:

An important part of any consumer protection regime is an effective licensing system which ensures that those operating within a profession are qualified and accountable.

The BAO is aware that there are various individuals and businesses providing the services of transporting dead human remains, either outside of the scope of their licence (such as a crematorium), or without being licensed at all (such as livery services.) Unlicensed providers pose an unacceptable risk to the public and to the reputation of the bereavement profession.

The FBCSA defines a *Transfer Service Operator* as anyone providing a service to the public with respect to the disposition of dead human bodies, including the transportation of dead human bodies and the filling out of the necessary documentation with respect to the disposition of - dead human bodies. The term "public" includes business-to-business transactions.

### DIRECTIVE:

Therefore, the Registrar directs the following:

Anyone engaged in transporting dead human bodies must be licensed as a Transfer Service Operator or Funeral Establishment Operator, or *employed directly* by a licensed Transfer Service Operator or Funeral Establishment Operator.

An operator cannot assign, contract-out or delegate the services authorized by their licence to other entities. A licensee may *employ one or more employees* within their establishment to carry-out activities authorized by their licence, as limited by the FBCSA.

### APPLICATION:

Crematoriums cannot provide the service of transporting dead human bodies unless they are also licensed as Transfer Service Operators or Funeral Establishments.

Livery Services cannot perform the service of transporting dead human bodies unless they are licensed as Transfer Service Operators or Funeral Establishment Operators. A livery service can rent or otherwise supply a vehicle to a licensed establishment, but the licensed establishment must provide *their own employee* to conduct the transportation of the dead human body, including occasions where the livery company provides a driver with the vehicle.

A Transfer Service Operator or a Funeral Establishment Operator can *directly employ* an unlicensed individual to assist with their operations, however a licensed operator cannot delegate or transfer the authority of their licence to an unlicensed business or out-of-class business (such as a livery, cemetery or crematorium.)

#### CONSULTATION PROCESS:

All stakeholders are invited to provide comments and suggestions via email to [proposed.directive@thebao.ca](mailto:proposed.directive@thebao.ca). The consultation period will end on **January 31, 2018**.

It is anticipated that a final Directive will be authored after the comments have been considered. A substantial lead time will be given before the Directive becomes in force to give stakeholders sufficient time to adjust their processes and apply for licensing.