

Code of Ethics and Rules of Professional Conduct

of the
Embalmers and Funeral Directors of
Newfoundland and Labrador

Developed as per the Embalmers and Funeral Directors Act, 2008

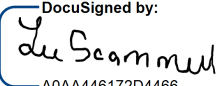
Amended 2012 c38 s8; 2013 c16 s25



CODE OF ETHICS AND RULES OF PROFESSIONAL CONDUCT

EMBALMERS AND FUNERAL DIRECTORS BOARD OF NEWFOUNDLAND AND LABRADOR

APPROVED, BY MAJORITY VOTE AT A MEETING OF THE BOARD DATED July 6, 2020 as per Embalmers and Funeral Directors Act, Section 8, Code of Ethics and Rules of Professional Conduct and as of the date of signing has become a part of the legislation governing the Funeral Industry in the Province of Newfoundland and Labrador

DocuSigned by:

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Chairperson

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Vice Chairperson

7/15/2020

7/15/2020

Date



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Interpretation:

In this Code of Ethics and Rules of Professional Conduct document:

1. The singular shall include the plural and the plural the singular. The word “person” shall include the Licensee, Apprentice, Funeral Director, Embalmer, or any licensed individual who is under the mandate of the Code of Ethics and Rules of Professional Conduct
2. “Members” shall refer to all Licensees, Funeral Directors, Embalmers, or any licensed individual who holds a license under the Embalmers and Funeral Directors Board of Newfoundland and Labrador.
3. The Embalmers and Funeral Directors Board of Newfoundland and Labrador shall be referred to as “EFDB”.
4. The “Acts” and “Regulations” shall refer to the Embalmers and Funeral Directors Act and Regulations of Newfoundland and Labrador.
5. “Decedent” shall refer to the deceased, the body, or the remains of a dead human being.
6. “Authorized Personnel” shall refer to a licensed person who is a funeral director, embalmer, assisting staff, medical examiners agent, board member, provincial inspector or law enforcement officer.
7. “The Code” shall refer to the Professional Code of Ethics and Rules of Professional Conduct.
8. “Professional Sector” shall refer to that of the funeral service profession.

Code of Ethics Introduction

The Code of Ethics and Rules of Professional Conduct of the Embalmers and Funeral Directors Board of Newfoundland and Labrador is developed under the authority of the Embalmers and Funeral Directors Act section 8. and is founded on the principles of trust, honesty, transparency, and professionalism. Failure to follow the same may result in a hearing, fines, reprimand, and/or suspension, or revocation of licenses.

Section 1: Services to Families and Clients

Licensees and Apprentices have a legal and ethical responsibility to provide fair, non-judgemental and professional information and service. They shall:

- a. Uphold in the strictest confidence matters pertaining to the family of the deceased.
- b. Provide funeral services that balance compassion for the family with care.
- c. Explain what products and services are required by law.
- d. Clearly indicate if products offered for sale or use, have been previously used.
- e. Ensure family decisions on all matters (including services, timing, and costs), have been fulfilled, whenever reasonable.
- f. Explain any document presented to a client, including any that require a signature; and provide copies.
- g. Explain the option of embalming and consequences of delayed embalming, when applicable.
- h. Obtain written permission of next-of- kin or designated representative, to embalm or cremate.
- i. Upon request, clearly advise the full range of available benefits, such as those available from all government departments to which the individual may be entitled.

Section 2: Obligations to the Families and Clients

Licenseses and Apprentices have an ethical obligation to serve each family in a professional and caring manner and to:

- a. Provide funeral services regardless of religion, race, ethnic background, national origin, gender, sexual orientation, or disability.
- b. Comply with all applicable federal and provincial laws and regulations relating to the prearrangement, prepayment or pre-financing of funeral services or merchandise.
- c. Refrain from using any funeral merchandise previously used without prior permission of the person selecting or purchasing of the merchandise.
- d. Protect confidential information pertaining to the deceased or the family of the deceased from public disclosure.
- e. Carry out all aspects of the funeral service in a professional and respectful manner.
- f. Properly account for and record documents and remit any monies, or personal property that belongs to others that comes into the licenseses' possession.
- g. Refrain from any unprofessional conduct of a character likely to deceive, defraud or harm the families served while providing professional services.

Section 3: Services to the Decedent

Licenseses and Apprentices are trusted with the remains of deceased people and have legal and ethical responsibilities implicit in that trust. In matters regarding the deceased, Funeral Directors must:

- a. Ensure that every deceased person is treated with care, dignity and respect at the time of receiving and during all transportation and all proceedings.
- b. Take possession, or seek to take possession, of a deceased person only when authorized by the designated representative.
- c. Safeguard any personal effects of the deceased and follow the wishes of the designated representative regarding the disposition of those items.
- d. Issue documents, such as a *Funeral Director's Statement/Certificate of Death*, only when Services are rendered and financial obligations are met to the satisfaction of the Funeral Director.
- e. Ensure pacemakers and other devices are removed for cremation.
- f. Ensure all technical steps are followed and overseen by licensed professionals.

Section 4: Obligations for the Care of the Decedent

Licenseses and Apprentices have an ethical obligation to care for each deceased person with the highest respect and dignity, and to transport, prepare and shelter the remains in a professional, caring, and conscientious manner.

- a. All deceased persons shall be treated with proper care, dignity and respect during the transfer from the place of death and subsequent transportation of the remains.
- b. Only authorized personnel of the funeral home shall be in attendance during the preparation of the remains.
- c. Only allow embalmers and apprentices, who are licensed to the extent required by provincial law, to embalm human remains.

- d. Licensees and Apprentices shall not knowingly dispose of parts of human remains that are received with the body, such as in postmortem examination cases.

Section 5: Services to the Public

Licensees and Apprentices have an obligation to provide services and products with clear information to enable informed decision making. In matters regarding the consumers and potential consumers, a Funeral Director must:

- a. Provide complete and honest information about all services.
- b. Provide a full written list of costs of the services the consumer has selected.
- c. Provide all communication in a clear and easily understood manner.
- d. Ensure all advertising, including products, services and pricing is clear, truthful, and presented in a manner that is not misleading.
- e. Protect the privacy of the deceased and the family, by protecting information from disclosure of use not permitted by law.
- f. Offer the consumer a reasonable period alone to consider options before signing any contract.

Section 6: Obligations to the Public

Members must have an ethical obligation to the public to offer their services and to operate their businesses in accordance with the highest principles of honesty, fairness, integrity, and professionalism. Licensees and Apprentices shall not:

- a. Engage in any unprofessional conduct which is likely to defraud or deceive the public.
- b. Engage in false or misleading advertising.
- c. Personally, or through an agent or employee, solicit deceased human remains, whether the solicitation occurs after death or while death is imminent; providing, however, that general advertising directed to the public at large would not constitute a violation of this section.
- d. Pay or offer to pay a commission or anything of value to third parties, such as medical personnel, nursing home and hospice organizations or employees, clergy, government official or others, to secure human remains for funeral or disposition services.
- e. Use alcohol or drugs during scheduled working hours.
- f. Be convicted of any offense or any crime involving immoral conduct.
- g. Offer to sell or arrange the sales of funeral goods or services on a preneed basis in violation of any applicable federal and provincial laws and regulations.

Section 7: Compliance with the Law and Respect for the Profession

Licensees and Apprentices have a legal and professional responsibility to comply with all applicable laws and regulations, and an ethical responsibility to represent the profession in an honorable manner. In matters regarding the laws and profession, a Funeral Director will:

- a. Comply with all licensing and permit requirements established by the members of the regulatory board.
- b. Comply with all laws and regulations relating to the profession.
- c. Comply with all consumer and environmental laws.
- d. Respect the authority and oversight of the EFDB
- e. Comply with requests to appear before the EFDB in a timely matter.
- f. Maintain a high level of professional courtesy by being respectful to and positive about colleagues.
- g. Ensure all staff are always aware of and comply with the Code of Ethics.
- h. Report any breaches of the Act, Regulation or Code of Ethics and Rules of Professional Conduct to EFDB, as soon as possible.

Section 8: Obligations to the Embalmers and Funeral Directors Board

Licensees and Apprentices have an ethical obligation to promote, participate and support the Embalmers and Funeral Directors Board of Newfoundland and Labrador in its mission to help all members enhance the quality of funeral service provided to families. Members shall:

- a. Comply with the Act, Regulations, Code of Ethics and Rules of Professional Conduct as well as the By-laws of the EFDB.
- b. Conduct themselves in a proper and appropriate manner while attending or participating in EFDB sponsored events and in all communication with EFDB members.
- c. Cooperate in a timely, professional, and respectful manner in all phases of an investigation, hearing and resolution of a complaint brought before the EFDB.
- d. Maintain records that fully document and prove all your actions as related to any services and products provided to clients.

Section 9: Obligations of Licensees and Students

Every licensee or student shall comply with the Code of Ethics and Rules of Professional Conduct established by EFDB.

The definitions that preface The Embalmers and Funeral Directors Act of Newfoundland and Labrador shall apply to the Code of Ethics and Rules of Professional Conduct.

Adherence to the Code of Ethics and Rules of Professional Conduct will ensure service providers display a level of professionalism which will promote and enhance public confidence in funeral services delivered in Newfoundland and Labrador.

The EFDB or the EFDB's representative(s) shall determine the level of professional or unprofessional conduct or misconduct.

A licensee or student shall:

- a. Endeavor to protect and promote the best interests of the public in the provision of funeral services.
- b. Endeavor to protect the public from fraud, misrepresentation or unethical practice in the provision of services.
- c. Deal fairly, honestly and with integrity with the public, other licensees and third parties.
- d. Keep all personal information in confidence.
- e. Respect the rights of the public to free choice in the election of a service provider.
- f. Respect all customs, faiths, creeds, and preferences.
- g. Co-operate with the EFDB in fulfilling its duty to serve and protect the public interest.
- h. Comply with the Act, Regulations, Code of Ethics and Rules of Professional Conduct as well as, the By-laws of the EFDB.
- i. Strive to promote and assist in the education of persons entering the funeral service profession.
- j. Promptly report to the EFDB any perceived unlawful or unethical conduct on the part of another licensee or student when the conduct becomes known to the licensee or student.

A licensee, or student shall not:

- a. Engage in any unprofessional conduct which is likely to defraud, mislead the public or is inconsistent with the guiding principles identified in Section 4 or that could bring discredit to the funeral profession in Newfoundland and Labrador.
- b. Withhold information from an authorized decision maker where there has been an unlawful act impacting the services provided for a deceased person.
- c. Fail to ensure a purchaser is fully informed of all relevant information which will allow the purchaser to make an informed decision.

Section 10: Advertising

- a. "Advertising" means the use of paid space or time in a public medium, or the use of a publication or public display or a posting within a Funeral Home or on the property of a Funeral Home or property owned or managed by a Funeral Director, regardless of whether a licensee or corporation makes any contribution to the cost of the publication, production or distribution, to communicate with the public for the purpose of promoting services or enhancing the public image of the licensee or a corporation.
- b. Licensees and Apprentices shall not engage in advertising that is:
 - i. False.
 - ii. Inaccurate.
 - iii. Reasonably capable of misleading the recipient or intended recipient.
 - iv. Undignified.
 - v. Offensive or otherwise contrary to the best interests of the public, licensees or the funeral profession.
 - vi. Tends to harm the reputation of the funeral profession.
 - vii. Defaming of other licensees or corporations.

Conclusion

As a professional sector:

Our first responsibility is to those we serve:

- a. We shall maintain complete confidentiality and respect for individual customs and religious practices.
- b. We shall provide professional services of the highest quality with dignity and competence.
- c. We shall maintain records that fully document and prove our actions as related to any services and products provided to our clients.
- d. We shall comply with all provisions of the law enacted by all levels of government.
- e. We shall ensure that complete, clear, and detailed information regarding our services is available at any time and devoid of false or misleading representation.

Our second responsibility is to our colleagues:

- a. We shall ensure high standards of education, business, and professional integrity.
- b. We pledge our co-operation to all related professions serving the public.

Our third responsibility is to the communities in which we live:

- a. We shall be good citizens, support community activities and bear our share of civic costs.
- b. We shall maintain our facilities in good order.