

**DRAFT CODE OF CONDUCT FOR
FUNERAL SERVICES PRACTITIONERS**

Table of Contents

A	OBJECTIVES OF THE PROPOSED CODE	3
B	EXISTING CODES AND TRADE ASSOCIATIONS	4
C	ENGAGEMENT OF THE FUNERAL DIRECTOR	4
1	Responsibilities and obligations towards the Client	4
2	Care of the deceased and the premises used by the funeral director	5
3	Planning of the funeral service according to the wishes of the deceased and bereaved persons	8
4	Obligations to the government.....	9
D	COMPLAINTS	10

1 The Proposed Code of Ethics and Professional Conduct Standards (the Code) was created to promote a fair and informed marketplace by protecting consumer rights, enhancing industry professionalism in the provision of funeral services by members of the funeral services industry.

A OBJECTIVES OF THE PROPOSED CODE

2 The Code is premised on the following objectives:

- To promote and advance the reputation and credibility of the funeral profession in South Africa.
- To provide directives and guidance to members of the funeral services industry in the rendering their services.
- To raise clients' awareness as to what standard of service may be expected from funeral professionals and to assist members of the public to avoid unscrupulous funeral service providers.
- To provide clients and the public with assurance that high standards of services are promoted, maintained and enforced for their benefit.
- To ensure that every person in the Republic of South Africa has a dignified and respectful funeral, and bereaved families can be reassured that good standards of care will be provided.

3 The Code requires funeral directors to adhere to good standards of care of the deceased and to provide transparency in the goods and services offered to the bereaved. The Code applies to all funeral directors carrying out the activities of a funeral director in the Republic of South Africa, regardless of where their business is based. The Code does not negate the responsibility of the funeral director to adhere to and take account of other legislation and regulations. It is the responsibility of each funeral director to ensure that they are operating in accordance with all relevant legislation.

4 The Code will ultimately be submitted to the National Consumer Commission in terms of section 82 (3) of the Consumer Protection Act 68 of 2008 for it to be recommended for accreditation by the Minister.

B EXISTING CODES AND TRADE ASSOCIATIONS

5 For many years, trade associations have played an important role in promoting best practice and in improving operational practice amongst their members. This Code will be further developed in collaboration with the trade associations and other members of the profession. It recognises the trade associations' own existing codes of practice, best practice guidance and codes of conduct. The Code is organised in the following sections:

- Responsibilities and obligations towards the client.
- Care of the deceased and the premises used by the funeral director.
- Planning of the funeral service according to the wishes of the deceased and bereaved persons.
- Obligations to government.
- Complaints.

C ENGAGEMENT OF THE FUNERAL DIRECTOR

1 Responsibilities and obligations towards the Client

6 In the engagement with the client a funeral director must:

- (a) respect the client's rights and comply with the Code and all relevant legislation and regulations pertaining to whole of their engagement with the client;
- (b) be transparent with the client about the goods and services they offer;
- (c) clearly and sensitively describe their services for care of the deceased to the client;
- (d) not pressure or exploit the clients, and advice should be given to them by experienced and/or trained staff in a clear manner using plain language. The funeral director must be mindful of the difficult circumstances the client is likely to be experiencing;
- (e) provide clients with full and detailed information in writing and in language and a format that the client is likely to understand regarding the services offered, product descriptions or specifications and services scope;

- (f) provide an accurate, itemised and up to date price list to the client as soon as the client expresses an intention to engage the services of the funeral director. The price list must include all fees and disbursements due to third parties;
- (g) provide the client with an itemised quote (i.e. once agreement has been reached) that lists the full price of the funeral;
- (h) where aspects of care of the deceased are being carried out by a third party, clearly and sensitively inform the client which aspects of the care of the deceased these are;
- (i) protect confidential information pertaining to the client(s) from unauthorised disclosure or use;
- (j) not engage in any conduct likely to deceive, mislead, discredit or harm the client in the course of providing professional services;
- (k) have practical and effective processes and procedures in place for dealing with all reasonable client enquiries before, during and after the service has been completed, including an accessible and transparent complaints resolution process;
- (l) carry out all aspects of the funeral service in a competent, diligent and professional manner having due regard to the dignity, sensitivity and decorum of the occasion;
- (m) properly and accurately account for payment for the services and remit any money, documents, or personal property that belongs to others that comes into the funeral director's possession or that of his or her employees or associates; and
- (n) retain a comprehensive record of all deceased persons who have been in their care.

2 Care of the deceased and the premises used by the funeral director

7 Before transferring the deceased into their care the funeral director must ensure that:

- (a) The premises used for the storage and preparation of the deceased comply with the Regulations Relating to the Management of Human Remains and that the equipment to be used is suitable, sufficient and well maintained.

- (b) The staff involved in the transfer of the deceased are trained to do so.
- (c) The vehicle used to transfer the deceased must be specifically for that purpose, clean and well maintained.
- (d) The deceased is treated with care and dignity.
- (e) Consideration is given to any bereaved persons present.
- (f) The client must be told the location(s) at which the deceased will be cared for or kept.
- (g) Protect confidential information pertaining to the deceased from unauthorised disclosure or use.
- (h) Ensure that they obtain and maintain the necessary statutory or regulatory authorisation or permits required to lawfully transport, prepare, store and dispose of remains.
- (i) Only allow authorised and qualified persons access to the remains for the purposes of transport, preparation, storage and disposition of remains and ensure that storage and preparation premises or facilities are visually and physically accessible only by authorised persons.
- (j) provide clear information to the client about embalming in order that the client can make an informed decision about whether or not to instruct embalming.
- (k) ensure that those performing embalming on behalf of their business are adequately trained/qualified to do so and are meeting the necessary health and safety requirements.
- (l) obtain the client's informed and written permission before embalming can take place, unless it is necessary under the circumstances, to perform an emergency invasive procedure with the intent of preserving the deceased to a good standard.
- (m) In the event of these circumstances occurring, the funeral director must make reasonable attempts to contact the client and explain the circumstances in advance of performing the procedure.
- (n) No person shall convey any human remains in any manner that may endanger public health.

8 Provision for at least the following must be made on funeral directors and mortuary premises:

- (a) a preparation room for the preparation of human remains;
- (b) change-rooms, separate for each sex, for the use by the employees employed at such premises;
- (c) refrigeration facilities for the refrigeration of human remains;
- (d) facilities for the washing and cleansing of utensils and equipment inside the building;
- (e) facilities for the cleansing of vehicles on such premises, equipped with approved drainage systems;
- (f) facilities for the loading and unloading of human remains;
- (g) facilities for back-up source of electricity, in the case of power failure; and
- (h) a preparation room which enable obnoxious odours and vapours to be adequately eliminated;

9. Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary must ensure that -

- (a) employees and all other persons involved in handling of human remains are provided with clean and appropriate protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
- (b) premises are kept free of insects, offensive odours, gases and fumes;
- (c) all working areas or surfaces at such premises where human remains are prepared are cleaned and disinfected immediately after the preparation of any human remains;
- (d) cause all equipment used for the preparation of human remains to be washed and disinfected immediately after use;
- (e) cause all used protective clothing to be washed, cleansed and disinfected daily on the premises;
- (f) if a human remain has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such human remains has been removed; and

- (g) the number of human remains (corpses) kept within the premises shall not exceed the number of removable trays available to accommodate such human remains (corpses) in the refrigerators or cold chambers.

10 All solid waste on the premises of a funeral undertaker or mortuary shall be kept in corrosion resistant and rodent proof containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the local government concerned.

11. Any person transporting any human remains from the Republic across an inland border to an area outside the Republic or to the Republic across an inland border from an area outside the Republic must ensure-

- (a) in the case of public transportation, that the human remains are sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
- (b) in any other way, that the human remains have been placed in an approved coffin or container.

12. No coffin or container in which the human remains have been placed may be conveyed using public transportation unless -

- (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such human remains; and
- (b) any offensive odours are eliminated.

13. The person responsible for the conveyance of a human remains shall, at all cost ensure that should any leakages, secretions or odours emanating from the container of the human remain conveyed, such coffin or container is taken forthwith to the nearest mortuary or undertaker's premises, where the necessary measures shall be taken to eliminate such conditions.

3 Planning of the funeral service according to the wishes of the deceased and bereaved persons

14. The funeral director must deliver the funeral service according to the wishes of the deceased and the bereaved persons. To that end, the funeral director must:

- (a) treat clients, the deceased, peers and the community with respect, dignity and compassion;
- (b) be sensitive to cultural and religious beliefs of clients, the deceased, peers and the community;
- (c) offer or be able to facilitate viewing of the deceased to the client as a service;
- (d) ensure that bereaved persons are afforded privacy when viewing the deceased;
- (e) sensitively advise clients if viewing is not recommended entirely or is recommended under specific measures and make an effort to support the wishes of the client in relation to that advice;
- (f) where the funeral director has advised against viewing but the client does not accept that advice, the funeral director must keep a record of this.
- (g) carry out the funeral service and final disposition of the deceased in accordance with the wishes of the client and in compliance with the law;
- (h) not withhold the release of the deceased if the bereaved family wishes to engage the services of another funeral director to undertake the funeral service; and
- (i) ensure that the deceased is presented in accordance with the wishes and instructions of the client.

4 Obligations to the government

15. Funeral directors have the following legal and ethical obligations towards government and the National Consumer Commission:

- (a) to maintain strict compliance with the letter and spirit of all laws and regulations that impact the consumers of funeral services, the funeral profession, and public health;
- (b) to treat consumers of funeral services fairly;
- (c) to put in place appropriate internal complaints handling processes to deal with complaints from consumers;
- (d) not to personally or through an agent or employee solicit deceased human remains, whether the solicitation occurs after death or while death is imminent; provided, however, that general advertising directed to the public at large would not constitute a violation of this section;

- (e) to not pay or offer to pay a commission or anything of value to third parties, such as medical personnel, nursing home and hospice organisations or employees, clergy, government officials or others, to secure deceased human remains for funeral or disposition services;
- (f) to offer their services and to operate their businesses in accordance with the highest principles of honesty, fair dealing and professionalism;
- (g) to charge only reasonable fees for the transporting, care and storage of the deceased if the bereaved family wishes to use the services of another funeral director for the funeral service;
- (h) if the bereaved family wishes to use the services of another funeral director for the funeral service, not to withhold the release of the deceased against payment of a “release” fee; and
- (i) to allow clients to provide coffins, flowers and other goods obtained from other service providers which will be used in connection with the funeral service.

D COMPLAINTS

16 The funeral director must have a written complaints procedure that is readily accessible to the client. In the event of a complaint, this complaint procedure must be followed and must include:

- (a) Advice for the client on how to make a formal complaint.
- (b) Procedures for dealing with complaints and timelines for a response.
- (c) A requirement that any complaint resolution or answer will be provided in writing to the client.

17 Where a complaint relates to the care of the deceased, the funeral director must inform the Environmental Health Practitioner employed by the municipality within which he or she carry on business within 48 hours.

- 18 In the event of a complaint made against the funeral director, the client may:
- (a) Raise a complaint with the funeral director directly. The funeral director must genuinely attempt to seek a resolution within a reasonable amount of time.
 - (b) Raise a complaint with a funeral parlour association to which the funeral director belongs, if applicable.
 - (c) Refer the complaint to an ombud for funeral practitioners.