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| 2019 Review of Manitoba Bereavement Legislation: Questionnaire Introduction: The Government of Manitoba committed to a review of bereavement legislation in the Speech from the Throne on November 20, 2018. The Funeral Board of Manitoba (FBOM) is leading this review that includes the following Acts:   * *The Cemeteries Act* (and its accompanying Cemeteries, Crematories and Perpetual Care Funds Regulation); * *The Funeral Directors and Embalmers Act* (and its accompanying Funeral Directors and Embalmers Regulation, and Embalmers and Funeral Directors Board Allowances Regulation); * *The Prearranged Funeral Services Act* (and its accompanying Funeral Directors Regulation).  Purpose of the Review: The purpose of the review is to modernize, standardize and consolidate existing bereavement legislation. Sections of the current legislation are outdated, difficult to monitor and/or applied inconsistently across different sectors of the industry. In addition, technological advances and emerging trends such as alkaline hydrolysis or green burials are not included in existing legislation. Purpose of the Questionnaire: This questionnaire is designed to facilitate discussion and learn your views as part of the consultation process for the review of the current bereavement legislation. The questionnaire focuses on aspects of the legislation that are inconsistent, outdated, confusing and/or could be streamlined to make it more responsive to the diverse needs of Manitobans. It also includes some questions about administrative and monitoring processes and additional topics/issues that should be considered in drafting new legislation.  The questionnaire is divided into six parts:   1. Licensing and Education 2. Monitoring Compliance and Undertaking Enforcement 3. Cemeteries, Crematoriums and Burial Sites 4. Consumer Protection 5. Pre-arranged Plans 6. Trusts  Part 1: Licensing and Education  1. Manitoba currently licenses the following individuals and/or corporations: funeral directors, embalmers, funeral directors and their agents wishing to enter prearranged funeral plans, operators of cemeteries, columbaria, mausoleums and/or crematoriums, and agents acting on behalf of the owner of a cemetery, columbarium or mausoleum. Manitoba also requires the registration of the owner of a business that offers the services of an embalmer or a funeral director or both and a licence for the maintenance and operation of a cemetery, columbarium or mausoleum not owned and operated by a religious denomination, a religious auxiliary, or a municipality.   Are there other entities within the bereavement sector that should be licensed (some examples: agents, sales representatives, cremationists, transfer services, monument services, and death doulas)?  Yes |  No  If yes, please identify the entities:   1. Manitoba legislation identifies the educational requirements necessary for an individual to become a licensed funeral director and/or embalmer.   Are there other entities within the bereavement sector that should have educational requirements identified in legislation (some examples: agents, sales representatives, cremationists, transfer services, death doulas)?  Yes |  No  If yes, please identify the entities:   1. Currently licensed funeral directors and embalmers must comply with a Code of Ethics.   Do you believe that compliance with a Code of Ethics should be a condition of every licence issued under bereavement legislation?  Yes |  No Part 2: Monitoring Compliance and Undertaking Enforcement  1. Current legislation requires that the FBOM approve contract forms and fee changes related to products and services. The approval process functions like a registration, with the FBOM keeping records of forms and fees without recommending changes to them. This is intended to ensure that clients are subject to the same contract conditions and pay the same fees for similar services.   Do you believe that the FBOM should continue to approve contract forms and fee changes related to products and services?  Yes |  No  If no, please suggest how contracts and fee changes could be monitored by the FBOM.   1. Upon completion of an investigation into an allegation of non-compliance, the investigator may either refer the complaint to the FBOM for a hearing or determine no further action be taken.   Do you believe that the investigator should have other options or administrative enforcement tools to deal with matters of non-compliance?  Yes |  No  If yes, please suggest changes/additions: Part 3: Cemeteries, Crematoriums and Burial Sites **Do you believe that current legislation is sufficient to deal with the following issues:**   1. Establishment of a cemetery or crematorium?   Yes |  No  If no, please suggest changes/additions:   1. Closing a cemetery or crematorium?   Yes |  No  If no, please suggest changes/additions:   1. Interment and scattering rights?   Yes |  No   1. Disturbing burial sites?   Yes |  No  If no, please suggest changes/additions:   1. Unmarked burial sites?   Yes |  No  If no, please suggest changes/additions:   1. Indigenous people’s burial ground(s)?   Yes |  No  If no, please suggest changes/additions:   1. War graves?   Yes |  No  If no, please suggest changes/additions:   1. Abandoned cemeteries?   Yes |  No  If no, please suggest changes/additions:   1. Repurposing of unused lots, plots, compartments, or other spaces?   Yes |  No  If no, please suggest changes/additions:   1. Natural/green burials?   Yes |  No  If no, please suggest changes/additions:   1. Installation of goods and/or services purchased outside a cemetery?   Yes |  No    If no, please suggest changes/additions:   1. Tracking and record keeping of cremated remains?   Yes |  No  If no, please suggest changes/additions:   1. Disposal of unclaimed cremated remains?   Yes |  No  If no, please suggest changes/additions:   1. The duty to set aside perpetual care funds currently applies to all cemeteries, columbaria or mausoleums in Manitoba, with the exception of those excluded under The Cemeteries Act (ex: those owned and operated by a religious denomination, a religious auxiliary, a municipality or a non-profit organization organized exclusively for the purpose of owning and operating a cemetery).   Do you believe that the duty to set aside perpetual care funds should continue as legislated?  Yes |  No  If yes, please suggest changes/additions:   1. Owners who set aside perpetual care funds must submit to the FBOM at least every five years an account of the owner’s dealings with the perpetual care funds that must be examined, audited and passed by the board.   Do you believe that this “passing of accounts” should continue as legislated?  Yes |  No  If no, please suggest ways that the FBOM could monitor perpetual care funds: Part 4: Consumer Protection **Do you believe that current legislation is sufficient to deal with the following issues:**   1. Protection of consumers of a licensee or former licensee in situations where criminal proceedings or proceedings in relation to contravention of bereavement legislation are about to be or have been instituted against the licensee or former licensee?   Yes |  No  If no, please suggest ways consumers could be better protected:   1. Who can claim a body/plan a funeral is cases of blended families or family disputes?   Yes |  No  If no, please suggest changes/additions:   1. Unfair selling practices i.e. false advertising, soliciting vulnerable people, and/or tiered selling?   Yes |  No  If no, please suggest changes/additions:   1. Contract requirements for purchased goods and services?   Yes |  No  If no, please suggest changes/additions:   1. Cancellation rights?   Yes |  No  If no, please suggest changes/additions:   1. Do you believe that a fund should be established by the industry to compensate a person who suffers a financial loss due to a failure on the part of a licensee to comply with bereavement legislation?   Yes |  No  If yes, please suggest how this fund should be financed: Part 5: Pre-arranged Plans  1. Do you believe there should be a central registry for pre-arranged funeral and cemetery services?   Yes |  No  If yes, please suggest how this registry could be set up:   1. Do you believe that all repayment of fees, whether set up in trust or through an insurance policy, must include a pre-arranged funeral/cemetery plan?   Yes |  No Part 6: Trusts  1. Do you believe that all interest derived from a trust account must be returned to the trust?   Yes |  No  If no, please suggest changes/additions:   1. Currently authorized trustees are listed in regulation. Do you believe this practice should continue?   Yes |  No  If no, please suggest changes/additions:   1. Do you believe there should be a central registry of trust accounts?   Yes |  No  If yes, please suggest how this registry could be set up: |  |
| THANK YOU FOR COMPLETING THIS QUESTIONNAIRE  All individual responses will be kept confidential. |  |