

**Ministry of Government and
Consumer Services**

**Ministère des Services
gouvernementaux et des
Services aux consommateurs**



Office of the Deputy Minister

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April 30, 2021

Christopher Tyrell
Clerk of the Standing Committee on Public Accounts
Legislative Assembly of Ontario
Toronto, Ontario M7A 1A2
comm-publicaccounts@ola.org

Dear Mr. Tyrell,

Thank you for your letter dated March 1, 2021, requesting an update on the recommendations contained in the 2020 Annual Report of the Auditor General following the Value-for-Money Audit of the Bereavement Authority of Ontario (BAO). I am pleased to provide information on the Ministry of Government and Consumer Services' (ministry's) efforts to respond to the Auditor General's recommendations.

The ministry welcomes the recommendations to strengthen the BAO's operations and those directed at the ministry's oversight so that Ontario can continue to have a strong record of consumer protection. We were pleased to see that the Auditor General found that the BAO worked quickly and closely with other key stakeholders to minimize the impact of a potential surge of deaths from the COVID-19 pandemic on the bereavement sector. We look forward to continuing to work with the BAO to deliver its mandate and protect Ontario consumers.

The ministry takes its oversight of the BAO seriously. We are committed to examining areas where we can improve our oversight processes to provide greater assurances that the BAO is meeting its consumer protection mandate. The Auditor General outlined some areas for ministry review resulting in work that has already begun. For those recommendations directed at the BAO, the ministry has requested that the BAO develop an implementation plan to ensure that each recommendation is addressed in a timely and responsive manner. The BAO will be posting this plan publicly and reporting status against progress on a quarterly basis.

As part of its oversight responsibilities, the ministry has a structure in place to ensure regular communications with the BAO that will also enable us to monitor the BAO's progress in implementing the Auditor General's recommendations. This includes regular meetings at the staff and executive levels.

In addition, in close collaboration with BAO, we have also established a plan to implement the recommendations directed at the ministry. This plan was shared with the Office of Auditor General of Ontario on January 13, 2021 and is attached for your reference.

The ministry has already undertaken a number of actions to implement the Auditor General's recommendations, including:

- **Recommendation #1:** Changes have been made to Ontario Regulation 30/11 under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) to respond to the first recommendation from the Auditor General's value-for-money audit of the BAO. As of July 1, 2021, every bereavement service operator who maintains or makes use of a website to promote, or to enter contracts for, the sale or provision of a licensed supply or service will be required to make available in a clearly visible place on that website:
 - A free, printable electronic version of the operator's price list; and
 - A link to the consumer information guide prepared by the Registrar of the BAO.
- The ministry has also taken steps to implement the other recommendations directed at the ministry, including:
 - **Recommendation #3:** Engaging with the Ministry of Natural Resources and Forestry (MNRF), Ministry of the Environment, Conservation and Parks (MECP) and the BAO on the Auditor General's recommendation related to the management of abandoned cemeteries that are not located on municipal land.
 - **Recommendation #8:** Conducting research to identify best practices from other jurisdictions with respect to enforcement tools, such as administrative penalties.
 - **Recommendation #17:** Engaging with MECP, the Ministry of Labour, Training and Skills Development (MLTSD), the Ministry of Health (MOH), and Public Health Ontario (PHO) to discuss a potential approach to undertake research on the health and safety of emerging disposition technologies.
 - **Recommendation #19:** Consulting with the BAO on regulatory proposals to address Recommendation #1 of the Auditor General's report, as well as other regulatory proposals related to cemetery care and maintenance funds and accounts and burden reduction; an amending regulation was filed on April 6, 2021.
- The ministry has also met with every ministry that is impacted by the Auditor General's report, and connected them with the BAO where necessary, including engaging with:
 - **Recommendation #15, 16:** MECP on those recommendations related to protection of the environment and compliance with the Environmental Protection Act.
 - **Recommendation #12, 14:** The Ministry of the Solicitor General (SOLGEN) and the Office of the Chief Coroner (OCC) to discuss the Auditor General's recommendations directed at these ministries.
 - **Recommendation #18:** MOH, MLTSD and the BAO to discuss the Auditor General's recommendations regarding the coordination of inspections between the BAO, MLTSD and public health units (PHUs).

The ministry and the BAO share a common goal to protect Ontario consumers. Implementing

the recommendations made by the Auditor General will help strengthen our efforts in this area.

I trust you have found this information useful. Should you or any member of the Standing Committee on Public Accounts have questions about the information provided, I would be happy to respond.

Please accept my best wishes.

Sincerely,

A handwritten signature in black ink that reads "Karen Hughes". The signature is fluid and cursive, with the first name "Karen" and the last name "Hughes" clearly distinguishable.

Karen Hughes
Deputy Minister

c: Carey Smith, Registrar and CEO, BAO
Michèle Sanborn, Assistant Deputy Minister, MGCS

OAGO Report Recommendations – Expected Timelines For Implementation

Report Year: 2020_____

VFM Report Title: _Bereavement Authority of Ontario_____

		[Ministry of Government and Consumer Services] expected timeframe for Implementation					
Number	Recommendation and action item	1 Yr	2 Yrs	3 Yrs	4 Yrs	5+ Yrs	If over 2 years, please provide a rationale
Rec 1	To protect consumers when making bereavement-related purchases, we recommend that the Ministry of Government and Consumer Services work with the Bereavement Authority of Ontario to develop effective strategies to increase the transparency of price information to consumers (such as requiring all licensed operators to provide their price lists online as well as an electronic copy or a link to the Bereavement Authority's consumer information guide), and determine where it will be necessary as a result to amend legislation and/or regulations.	X					The ministry will develop a proposal for the government's consideration in Year 1.
Rec 3 (bullet 5)	So that all cemetery operators that conduct business in Ontario are licensed to do so, and cannot be licensed if they are not operating appropriately, we recommend that the BAO: ...Work with the Ministry of Government and Consumer Services to manage the remaining cemeteries that are considered to be abandoned	X					The ministry will engage the BAO and affected ministries (MNR, MGCS-realty, IO, IAO) to determine potential next steps related to managing abandoned cemeteries where they are located on land without a designated municipality.

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OAGO Report Recommendations – Expected Timelines For Implementation

		[Ministry of Government and Consumer Services] expected timeframe for Implementation					
Number	Recommendation and action item	1 Yr	2 Yrs	3 Yrs	4 Yrs	5+ Yrs	If over 2 years, please provide a rationale
	under the Funeral, Burial and Cremation Services Act, 2002....						
Rec 8	To help protect consumers against financial harm and increase deterrence, we recommend that the BAO: ...Work with the Ministry of Government and Consumers Services to adopt best practices from other jurisdictions to expand enforcement tools such as the ability to levy an administrative penalty...	X					The ministry will develop a proposal for the government's consideration in Year 1.
Rec 17	To protect the public and the environment, we recommend that the Ministry of Government and Consumer Services work with the Bereavement Authority of Ontario to: conduct research on emerging technologies for disposing human remains; and		X				The ministry will work with the BAO to determine how best to conduct research on emerging technologies for disposing of human remains.
	allow for licensing to be delayed until the safety of the new technology is determined and decide on amendments to the legislation and/or regulations, where needed.	X					The ministry will develop a proposal for the government's consideration in Year 1.

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OAGO Report Recommendations – Expected Timelines For Implementation

		[Ministry of Government and Consumer Services] expected timeframe for Implementation					
Number	Recommendation and action item	1 Yr	2 Yrs	3 Yrs	4 Yrs	5+ Yrs	If over 2 years, please provide a rationale
Rec 19	To improve the oversight of the Bereavement Authority of Ontario (Bereavement Authority) and increase consumer representation, we recommend that the Ministry of Government and Consumer Services work with the Bereavement Authority to: increase public awareness of the Bereavement Authority;		X				Sufficient time is needed for the BAO to develop and launch an appropriate consumer education approach, and to consider the ministry's role in increasing public awareness of the BAO. The ministry and the BAO also need to determine a way to assess whether there has been an increase in public awareness.
	establish additional performance measures and targets to evaluate its effectiveness in achieving its mandate;	X					
	approve agreed-upon regulation changes in a timely manner;	X					
	effectively communicate and consult with each other regularly on key areas;	X					
	reduce the number of Board members to the appropriate staffing ratio; and	X					
	to elect or appoint Board member(s) who advocate for consumers.		X				

I have reviewed the above recommendations and agree with the expected timelines for implementation.

[DATE]

[DEPUTY MINISTER]

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