

Funeral Service Ethics

Goal: For students to understand the diverse areas, both professional and personal, in which ethical behavior plays a vital role.

Objectives: When you have completed this course, you should better understand ethical considerations in relation to professional responsibilities, and be able to apply this knowledge in your decision-making processes. Each student also should be able to identify the broader contexts in which ethics can and should be applied.

Introduction: Ethics is a complex topic, and the subject of much thought by some of the greatest minds throughout history. From Plato to St. Augustine, Confucius to Kant, their writings on the 'right or wrong' of human behavior continue to shape contemporary values. For example: Is it ever ethical to lie or steal? Some philosophers, those we refer to as 'absolutists,' would say no. Even under the direst circumstances, such behavior is unacceptable. You shouldn't steal a loaf of bread even if your child is starving, or lie even if it means saving someone's life. Other philosophers, referred to as 'situationalists,' believe that ethics must be considered in the particular context in which the behavior occurs.

There are twelve case studies in the course based on actual situations that have occurred within the industry. In fact you may have experienced something similar to one or all of these scenarios so we ask that you carefully consider each one. The thumbs-up symbols used in the course highlight particularly useful points or ideas. Nevertheless, all information contained in the course is important and should be read thoroughly and thoughtfully.

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Test of Knowledge (16 Questions) and Evaluation

What Do We Mean by "Ethics"?

Ethics is the discipline dealing with what is 'good or bad,' 'right or wrong,' and with duty and obligation. The word 'discipline' is used here to refer not only to a field of study, but also to the fact that sometimes it *takes discipline* for a person to act in an ethical manner.

👍 In the Introduction to this course, we mentioned two very different perspectives on ethical behavior: the 'absolutist' and the 'situationalist'. In a sense, the 'absolutist' approach is less complicated: It defines ethics in a more or less black-and-white manner. If you shouldn't do something, like lying, you just don't – *no matter what*. However, because life is very complicated, most people would agree with 'situationalists,' who believe that different situations require different decisions and actions, so 'right or wrong' aren't usually clear cut.

Ethical Decisions Can Involve:

- | | |
|---------------|----------------------|
| > Truth | > Kindness |
| > Fairness | > Compassion |
| > Integrity | > Loyalty |
| > Genuineness | > Dependability |
| > Decency | > Forthrightness |
| > Esteem | > Impartiality |
| > Credibility | > Business Practices |

Of course this is only a partial list. The point is that ethical behavior should reflect the highest of human values. Whether on a personal or professional level, the decisions we make affect others.

Why is ethics often a required course for funeral industry professionals?

The primary goal is to maintain standards of professionalism. While it is impossible to provide the perfect resolution to every situation, ethical guidelines offer a framework for behavior. This is true for many other professionals as well (e.g., insurance agents, social workers).

👍 Another reason for studying ethics is vulnerability. We live in a very litigious society, and it is vital that all professionals conduct themselves in a manner that limits the risk or *perception* of improper behavior that may result in costly lawsuits.

There has been a significant increase in consumer complaints regarding unethical behavior. In many cases the complainants themselves are acting unethically, trying to take advantage of an honest businessperson. Yet while most funeral industry professionals are ethical, there are always a few bad apples in any bunch, and they can make it difficult for the others.

Ethical Responsibilities: Towards Whom?

- The family
- Clergy
- Medical and hospital personnel
- The cemetery and crematory
- Governmental agencies
- The public and the press
- Coworkers
- Other funeral industry professionals
- Yourself, and the business you own or work for

👍 As you can see, there are many people toward whom the funeral industry professional has a responsibility, including yourself! Naturally, all decisions don't necessarily affect everyone on the list. Nevertheless, there may be unintended consequences to our behavior. For example, an unethical decision on your part may reflect negatively on colleagues. While we may often think about or discuss ethics, it is our decisions and behavior that count. The word itself comes from the Greek word *ethos*, meaning 'character.'

Ethics Seeks to Create 'Win-Win' Situations 👍

Ethical behavior:

- Considers not only our own personal well-being, but also that of others and of society as a whole.
- Recognizes, and is based on, shared interests.

Ethical Practice

👍 No guidelines, lecture, or course can specify the ethical choice for a funeral director in every circumstance. That requires each of us to analyze, think critically, and reflect. Every situation is at least a little different, and sometimes we make mistakes. The important thing is to reflect on the

error and understand what would need to be done differently next time. In that sense, it takes *practice* to be ethical.

Ethical Thinking

👍 According to the Funeral Ethics Association (FEA), almost every decision has ethical implications. It is also reasonable to say that to think ethically means to steer your thoughts toward:

1. Compliance with the rules and laws;
2. Contributions you can make; and
3. Consequences of your decisions.

Ethics vs. Law

Many laws are instituted as a result of unethical behavior, created to protect individuals and society from being taken advantage of. It has been said that “The law is too low a standard for ethical behavior.” Of course that statement can be interpreted two ways: It can suggest that whatever decisions we make, they must at least meet legal standards. It can also be read as saying that a given law may not meet the ethical standards each of us personally believes to be of value. Keep in mind, however, that basing a decision on personal ethics which defy the law, places a professional and the industry at risk. Ideally, a person’s character guides them in right and wrong and what is fair.

👍 In 1996, the Federal Trade Commission instituted the Funeral Rule Offenders Program. FROP was approved by the FTC in January 1996 as a joint effort by the NFDA and the FTC to increase compliance with the Funeral Rule. Since then, Commission staff has conducted several test shopping sweeps and has offered FROP as an alternative to litigation.

Under FROP, funeral homes found to be out of compliance make a voluntary payment to the U.S. Treasury or appropriate state fund for an amount less than what likely would be sought if the Commission authorized filing a lawsuit for civil penalties. In addition, the funeral homes participate in a compliance program run by the NFDA. The NFDA program includes a review of the price lists, on-site training of the staff, and follow-up testing and certification on compliance with the Funeral Rule. (Though we trust you’ll never need it, for more information go to: <http://www.ftc.gov/> and enter the word FROP in the ‘Search’ box.)

The Golden Rule

No discussion of ethics would be complete without mentioning the Golden Rule. Most of us are familiar with the phrase "Do unto others as you would have others do unto you." The earliest known roots of that idea have been traced to Confucius, the great Chinese philosopher. He put it a little differently, saying "Don't do to someone else what you wouldn't want them to do to you." The idea is the same.

There is yet a third concept of the Golden Rule, which implies something very different from the others. It says "The one with the gold, rules!" Though it is mentioned here somewhat in jest, some people really do believe it. Today's employers need to be especially sensitive to the needs of their staff members. A loyal and dependable workforce is best created by mutual respect. There are laws that protect employees from unfair treatment, but it's just good business to treat people well.

Principles for Ethical Practice

These are just a few of the guidelines that should be applied to your decision-making process:

1. Consider the well-being of others, including non-participants.

Follow the 'Golden Rule' without sacrificing your own interests, but as far as is reasonable, contribute to the general good and avoid consequences that hurt others.

2. Think as a member of the business community, not as an isolated individual.

Business has rules of propriety and fairness that allow it to prosper. Respecting contracts, paying debts, and selling decent products at a just price underpin the business community's existence.

3. Obey, but do not depend solely on, the law.

Ethical thinking goes beyond mere legal compliance. Many things that are not illegal, such as taking advantage of trust, are unethical.

4. Think of yourself and your company as part of society.

Business people are citizens, and business thrives because it serves society. Business is subject to the same ethical rules as the rest of society. Ignore social problems and you invite government regulation.

5. Think objectively.

To be disinterested, or think from a 'neutral' perspective, is essential to determine whether an action is truly 'right' and not just rationalized self-interest.

6. Ask: "What sort of person would do such a thing?"

Ethics is not so much obedience to rules as it is the upkeep of your personal and company character – your 'good name.' Peter Drucker summarizes business ethics as "being able to look at your face in the mirror in the morning."

7. Respect others customs, but not at the expense of your own ethics.

The hardest ethical dilemmas involve not a conflict between ethics and profits, but one between two ethical systems. "When in Rome ..." is a good rule of thumb, but if following a community's customs violates your moral values, stick to your own principles.

8. Acknowledge and respect moral codes.

While morality can be very subjective, there are some decisions that are clearly right or wrong. In such cases, let your actions be guided by the appropriate moral considerations.

Commitment to Ethics

Such commitments are made in order to foster and perpetuate high ethical standards of funeral service. Many funeral establishments, associations, and individual professionals commit to a code of ethics that spells out the philosophies, ethical responsibilities, and behaviors they pledge to do business by. The following is a compilation of several funeral service codes of ethics.

We Pledge:

- To perform all services in a dignified and respectful manner.
- To respect the confidence of each family served.
- Sincere respect to all creeds, careful observance of the religion and customs of every family, and cooperation with the clergy.
- To set an example of good citizenship by honesty and fairness in all dealings.
- To be ever mindful of the welfare of co-workers.
- To encourage the advancement of all facets of funeral service.
- To extend any assistance necessary in offering service in individual cases of actual hardship.
- To refrain from using advertising that could and might foster misunderstanding by the public, concerning the fair cost of funeral service.
- To refrain from offering service and/or merchandise to any group or organization that is not offered to the general public.
- Fair and honorable relations with other members of the profession.
- To conduct ourselves as never to warrant, or justifiably provoke, unfavorable comment against the profession or us.
- Compliance with, and adherence to, the laws, rules and regulations affecting our professions.

Case Studies

The following case studies are based on actual situations that have occurred within the industry. We seek to stimulate thinking, so carefully consider each situation. We also encourage you to discuss them with colleagues. If, in the course of your personal consideration or group discussions, you find it helpful to flesh out (so to speak) the scenarios, please do so; that will likely enrich the process for everyone involved.

Case Study 1

During the arrangement conference, the family states that they want to be the only ones to view the deceased. The funeral director agrees to their wishes. Prior to the private viewing, friends arrive at the funeral home where the casket had been opened for the private viewing, and the uninformed staff on duty let them view the body.

The family finds out and is furious. Later, you receive a letter from an attorney citing breach of contract, and asking for consideration on the \$6,000 funeral and threatening a suit. Your ethical analysis leads you to one of the following options:

1. Contact your insurance company and get their advice.
2. Ask the lawyer what he has in mind, and try to settle for less.
3. Explain to the family that the casket was open for their private viewing, but that you can't be expected to have guards on duty.
4. Do nothing but wait and see what happens.

A better solution is:

Case Study 2

In a small local cemetery, the deceased is buried in the wrong grave because the stone was engraved on the wrong side of the marker. Your ethical analysis leads you to:

1. Tell the cemetery they made an error and ask them to correct it.
2. Contact your client and explain the circumstances.
3. Call the monument company and explain they should reset the marker or replace it.
4. Remain silent and see what happens.

A better solution is:

Case Study 3

Ryan was just 13 when he was killed in a car crash. It was a tragedy for family and friends. There was a large crowd, both during the visitation and at the funeral.

When you close the sealer casket before the start of the service, the mechanism simply doesn't work and you don't have a comparable unit. What do you do?

1. Say nothing, because the vault acts as a sealer so no harm is done.
2. Proceed with the funeral. Then return the remains to the funeral home, borrow or order the right casket, and have committal later in the week.
3. Call the supplier and request large consideration for the family.

4. Quietly notify the family. Explain the circumstance. Agree to reduce the price to a non-sealer level and let the family decide what to do.

A better solution is:

Case Study 4

Mr. Nelson, a prominent person in the community, died. His wife preceded him in death a year ago. There are four adult children. Two wish to cremate their father and two wish to have earth burial. All agree there should be a visitation and services. They look to you for resolution.

1. You explain you will proceed on whatever basis the family can mutually agree to, and you are available to answer questions.
2. You ask if they were satisfied with their mother's burial and, if so, suggest the same.
3. You describe the benefits of cremation and burial, explaining that burial would be more expensive because of the need for a vault, opening and closing charge, and a grave space.
4. You suggest they seek counsel.

A better solution is:

Case Study 5

Regional organ banks have been encouraging more tissue and organ donations. There have been some undue delays and some complications that affect presentation of the remains.

A family is considering organ donation. What action do you take?

1. Explain to the family that they can expect surprise delays you can't control, and that the harvesting process raises your costs \$50 - \$150 more than if a donation was not involved.
2. Recognize that medical technology is capable of saving lives, but this may include some inconvenience. Be prepared to reinforce a family's decision to approve donation.
3. Ask the organ bank to pick up your additional costs for restoring remains to viewable condition.
4. Meet with organ bank representatives. Outline your experiences on delays and problems with excess harvesting, then offer to cooperate with the organization as a team member.

A better solution is:

Case Study 6

The cemetery in your area runs water into the grave as it is refilling it with dirt. They claim that this helps settle the ground quicker and makes the gravesite look better. What do you think is the best ethical course of action?

1. Complain to cemetery administrators, because the water gets into concrete liners and ruins the casket.
2. Tell families of deceased persons and leave it to them.
3. Insist that the cemetery fill the grave with dirt only, and not try to make their work easier at the sake of others.
4. Do nothing: Few people know about this.

A better solution is:

Case Study 7

Mrs. Roth made her prearranged, prefunded funeral agreement with you six years ago. There is now \$7,000 in trust, which would more than adequately cover her selected arrangements. At her death, the family decides that instead of the traditional funeral service she chose, they prefer a direct cremation, followed by a memorial service. As this would dramatically decrease the amount to be spent, you decide the proper approach is:

1. Inform the family you can conduct the funeral, as arranged, and there would still be almost \$1,300 remaining.
2. Remind the family that their mother had specific wishes that were within her right to make, and that you agreed to fulfill.
3. Make any changes the family requests.
4. Refer the family to an attorney.

A better solution is:

Case Study 8

You are aware that a fellow employee is drinking on the job, and you suspect it is a serious problem. Another friend encourages you to confront the person instead of informing the funeral home owner. What should you do?

1. Speak to your coworker and encourage him to get help.
2. Elect to tell your supervisor that you suspect and employee is drinking on the job.
3. Confront your coworker, saying you will tell the boss if the drinking doesn't stop.
4. Remain silent. It's none of your business.

A better solution is:

Case Study 9

A family you have served calls you for advice. Their teenage son is on life support following a car wreck, and will not recover. They have been asked to consider organ and tissue donation, including eye enucleation. The procuring agency takes long bones, skin, and you would have a tremendous reconstruction job on your hands. You take what action?

1. You encourage the family and commend them for their willingness to let the son's remains provide life-giving opportunities for others.
2. Tell the family there is no telling when the funeral can be held, when you will receive the remains, or the conditions you will need to overcome.

3. Inform the family that donation creates unsightly swelling and additional costs for reconstruction.
4. If they decide on donation, they should ask the procurer to pay for your extra costs.

A better solution is:

Case Study 10

You have overheard coworkers in the preparation room talking inappropriately about the deceased and their family. What do you do?

1. Let it go, the dead person doesn't know anyway.
2. Jump in and change the subject.
3. Tell them that you are not comfortable with the conversation.
4. Tell the owner.

A better solution is:

Case Study 11

You have an employee, Hank, who has worked for you since you started your business 20 years ago. After the death of his wife and daughter in an auto accident six months ago, his attendance and performance declined. He's too old to start another career, but too young to retire. Other employees are beginning to grumble, and there is no other position you can offer him because your business just isn't that big. How do you handle the situation?

1. Tell the other workers they'll just have to continue picking up the slack.
2. Recommend to Hank that he get professional help.
3. Meet with Hank and agree to specific goals and deadlines for improving his performance.
4. Terminate Hank, along with your sincere apologies.

A better solution is:

Case Study 12

A family comes in to arrange for a funeral and you learn that the cause of death was Cruetzfeldt-Jakob Disease. You are aware of the risks, as well as the fact that OSHA requires you to provide for the safety of your employees. How do you proceed?

1. Explain that a true embalming literally is not possible because the body cannot be fully disinfected, and limit your services to cremation.
2. Educate the family on the limitations, but offer to 'embalm' and handle the case yourself.
3. Provide full protective clothing/equipment to whichever worker is assigned to the case.
4. Tell the family you are not equipped to handle this kind of case, and then make a referral.

A better solution is:

Ethics: The Bigger Picture

As mentioned earlier, 'ethics' comes from the Greek word 'ethos,' which means 'character.' So of course all professional decisions cannot be evaluated in ethical terms. If someone innocently orders too much of a particular supply, for example, that decision might be described as "lacking good sense." On the other hand, if someone chooses to order too much of a particular supply because of a bribe, by ethical standards that is clearly wrong. Such a decision reflects a lack of 'character.'

The example presented reflects the way most of us view and apply ethics, that is, on a personal 'case-by-case' level. This course asks that you consider the bigger picture, by viewing ethics in a larger context:

- Does your business or the business you work for have a mission statement?
- What are the values reflected by that statement?
- Are employees treated ethically?
- How do they treat each other?

Systems

The word 'systems' can be applied to many things: There are computer systems, and systems of government; our bodies have circulatory and digestive systems. By definition, a system has different components that must work together in order to be effective. The stronger, or healthier each component is, the more effective the system functions. A broken computer keyboard would make it very difficult to enter data. If your stomach doesn't maintain the proper balance of bacteria, digestion can be a challenge.

👉 Organizations and businesses have systems also. Such systems usually involve people, and can most often be described as procedures, techniques, or a philosophy that helps things run smoothly.

For example, whether you run your own business or work for someone else there are probably hiring procedures. The 'hiring system' (usually a part of the Human Resources or Personnel Department), involves identifying a need, placing an ad, interviewing candidates, and hiring the best person for the job.

There are also systems for firing people. The words 'pink slip' provoke anxiety in most of us. Of course it is actually only a piece of colored paper.

What we are really responding to is the fact that getting one means we will likely become part of the unemployment system.

As you can see, systems can be large or small. There are also systems within systems. An effective billing department will generate more cash flow, which in turn yields a greater profit for the company. The greater a company's profits, the better the yield for investors (and, hopefully, employees as well). The larger systems are the business and investors; the smaller systems are the billing department and employees.

👍 If a company's philosophy is to treat each employee with dignity, and to keep the customer satisfied, those ideals help create a system intended to guide the decision-making process of everyone from the CEO to the line worker. When that philosophy is effectively put into practice, it can impact profits as positively as an efficient billing department.

Because systems usually involve people, they need to be adaptable. For any business or organization to adapt, it needs to understand, or analyze, the different systems it controls and for which it is responsible. Though important, focusing on one element alone (customer relations, for example) is usually not enough to create an effective overall system.

The analysis of a system involves, as one example, consideration of the values set for workers, management, and the organization itself. Equally important is how these elements relate to each other. Treating managers well, who, in turn, treat workers as second-class citizens, creates an environment of resentment that will likely be reflected in how the workers treat customers. Focusing on customer service alone, under those circumstances, is not likely to improve the situation at a consistent level.

People and Systems

👍 This brings us to the fascinating field of 'Ergonomics,' which focuses on how human beings *interact* with systems. Many people are familiar with the word because of computers. For example: Traditional computer keyboards look similar to those on typewriters. 'Ergonomic' keyboards are contoured in order to follow the natural flow of our forearms, hands, and fingers.

As the field developed, however, Ergonomics found new applications. One such application looks at the relationship between the individual and ethics, as applied through decision-making systems. Think of the decision-making system as a computer keyboard. The traditional business ethic was solely

the pursuit of profit. It didn't matter how you did it, just make money! Like the flat, rectangular keyboard, it served a basic purpose, but at a price (e.g., abusing the environment; physical stress for workers). Modern ethics are like the new keyboards, 'contoured' to be more effective because they are created with a bigger picture in mind. That bigger picture includes, as examples: being socially conscious, respecting the environment, and acknowledging the importance of acting with integrity in all business dealings, including how workers are treated.

In businesses that provide service, the greatest expense is almost always for labor. Just look at any car repair or plumbing bill, and you know that most of what you pay for is the labor. We might complain about it, but the fact is that people are also the most essential part of providing service. Without workers the job doesn't get done. Their 'working conditions' are, therefore, a critical asset to focus upon.

This evolution has been driven in large part by consumers and, in turn, the legal system. Increasingly we learn that a modern business ethic must reflect concerns for social responsibility as well as profit. Famous people have seen their enterprises nearly destroyed because garments sold under their label were produced by child labor in third-world countries. The funeral industry is another that has had its reputation tarnished because of a handful of practitioners motivated solely by profit.

Consumers make or break a business. As they become more educated, there is an increasing demand for honesty and accountability. It is necessary, then, to have ethical values reflected in all aspects of decision making. How are employees treated? How do they treat each other? Vendors? Consumers?

👍 Profit, responsibility, and values are no longer exclusive, but related to each other. As a result, mission statements and ethical codes are getting priority when it comes to working with people inside as well as outside the business.

Tools for Enhancing Ethical Conduct

We will look briefly at three concepts that can help to create a more ethical business *and* work environment. These are mission statements, codes of ethics, and codes of conduct.

Mission Statements

👍 A mission statement describes the purpose of a business or organization, by saying what it does and how it does it. A mission statement needs to be as simple as possible, and is usually achieved in a single sentence. Here are some examples:

"To provide funeral services with *integrity*, and to treat each client with *dignity, pride, and respect.*"

"To enable everyone to participate in counseling services, regardless of their ability to pay."

"To provide clean energy from renewable resources."

👍 The values of a business or organization are reflected in its mission statement. Words like 'integrity,' then, must inform decision making. A power company cannot declare that it provides clean energy from renewable resources, and then decide to conduct strip-mining for coal.

Does your company have a mission statement? There was a time when such statements were primarily developed for charitable or not-for-profit organizations. Today, even in the corporate world, a mission statement is as essential as a business plan! If you don't have one, begin thinking about it. If you are an employee, perhaps you can suggest to the owner that one be developed. If the idea is rejected, you can start by creating one for yourself. What do *you* do, and *how* do you do it? Examples are:

"To provide engaging courses that are well researched and accurate."

"To support the sales team by providing timely fulfillment of orders."

"To respond as rapidly and efficiently as possible to all calls for service."

While the focus of this part of the course is the bigger picture, and it is certainly preferable that there be a corporate mission to help guide you, beginning on the personal level can enable you to take pride in what you do; it can also serve as consideration when you are looking for a job. Are *your* values reflected in the mission statement of a potential employer?

Codes of Ethics

Codes of ethics 'give body' to mission statements, and abound in the professional world. These state, in detail, the values that any given professional is expected to adhere to. There are codes of ethics for medical professionals, social workers, and so on. As noted earlier, there are also ethics that relate to various industries. Though some people jokingly suggest that 'business ethics' is an oxymoron, some of the most successful companies today are highly ethical, both in their treatment of employees and consumers. This is reflected in lists like the "100 Best Companies to Work For."

Codes of Conduct

👍 Ethics are 'values in action.' While codes of ethics provide essential guidelines for a given industry, it is even more important that those guidelines be translated into actual behavior. A company is responsible for making it possible to fulfill those guidelines; for making them able to happen. If a code of ethics is not implemented, it is just superficial advertising. Here's an example:

If a code of ethics includes a statement relating to consumer satisfaction, but your company doesn't have a department for handling complaints, then there is no process to implement the 'value' of consumer satisfaction, and so it is meaningless. If there *is* a complaint department but workers there have not received adequate training in terms of how to behave with a customer, or what will happen to the worker if he or she fails to behave appropriately, the value of consumer satisfaction cannot be fully acted upon. Codes of conduct must be supported not only by a code of ethics but also by appropriate training, support, and follow up.

Concluding Comments

The 'bottom line' is now being defined in greater terms than just profit. Concerns about quality, human relations, and social values require businesses and employees to take a holistic view of what they do, not only in terms of working with customers, but also in terms of working with each other. Analyzing systems, and how they work together, is proving to be a highly effective tool for both ethical and organizational development. By *applying* ethical values, a company supports and strengthens both its human and environmental resources, as well as its profit margins.