

BEST PRACTICE GUIDELINES FOR THE SAFE MANAGEMENT OF OPEN GRAVES AT VICTORIAN CEMETERIES

Snapshot of the guidelines

These guidelines have been prepared by the Cemeteries & Crematoria Association of Victoria (**CCAV**) to help Cemetery Trusts understand their safety obligations. The focus of these guidelines is the management of falls risks associated with open graves.

This document outlines:

1. suggested steps Cemetery Trusts can take to minimise the risk of physical injury arising from open graves in cemeteries; and
2. processes Cemetery Trusts should put in place to engage and for work with Funeral Directors to ensure that the safety risks arising from open graves are minimised.

Who should read this document and why?

All Cemetery Trust employees, volunteers and board members should be familiar with these guidelines.

As employers and managers of workplaces, Cemetery Trusts are legally required to keep cemeteries safe and to comply with the Occupational Health & Safety Act 2004 (**OHS Act**).

Funeral Directors as employers and managers of workplaces (even temporary management of areas at cemeteries) owe a duty to ensure the safety of their employees and other persons.

As an employee, volunteer or board member of a Cemetery Trust, it is important you understand how you can help the Cemetery Trust satisfy its OHS obligations.

As an employee of a Cemetery Trust you owe a duty under the OHS Act to:

- look after your own safety and the safety of others; and
- to comply with any reasonable direction you receive from your employer to ensure you are working safely.

We understand that different Cemetery Trusts have different resources available to them and for that reason, there is no 'one-size-fits-all' approach.

However, it is important that all Cemetery Trusts, regardless of their size, do all that is reasonably practicable to ensure safety for people attending or working at cemeteries in Victoria. These people include:

- employees and contractors of Cemetery Trusts;
- and other persons at cemeteries such as visitors, Funeral Directors and their employees.

Safety around open graves

Open graves present a major risk to occupational health & safety. This is because graves are deep excavations (often more than two metres) and, depending on the cemetery, may be left open for several days before interment of a coffin. If there are no protective measures in place, there is a risk of visitors or people working at the cemetery slipping

or falling into an open grave. An open grave represents an obvious tripping and fall risk which can cause death or serious injury.



These guidelines outline the steps we recommend that Cemetery Trusts should take to reduce the risk of a safety incident occurring around open graves.

The guidelines have also been developed to help Cemetery Trusts work with Funeral Directors to ensure that both Cemetery Trusts and Funeral Directors minimise fall risks around open graves.

Duties owed under Occupational Health & Safety (OHS) Laws

Both Cemetery Trusts and Funeral Directors have obligations under OHS laws. These duties extend to the employees of Cemetery Trusts and of Funeral Directors.

Cemetery Trust

As controller and manager of a cemetery, Cemetery Trusts owe a duty to ensure that the cemetery is as safe as reasonably practicable.

A cemetery is a 'workplace' under OHS laws, because it is a place where "employees or self-employed persons work" and the Cemetery Trust has management or control of it.

The Trust needs to have processes in place to ensure that there are no physical risks associated with the cemetery, or if that is not practicable, reduce those physical risks to the greatest possible extent.

This means that Trusts will be responsible for the maintenance of physical infrastructure at the cemetery (i.e. roads, pathways and other physical infrastructure at the cemetery).

Funeral Directors

As Funeral Directors are also employers, they must also comply with those same OHS duties imposed on Cemetery Trusts.

Funeral Directors are required to:

1. Ensure that the workplace they control is as safe as reasonably practicable.
2. Ensure that they provide a safe working environment for their employees so far as reasonably practicable.
3. To ensure, so far as reasonably practicable, that their business activities do not constitute a risk to the health and safety of other persons (such as mourners at a funeral).

This requires that Funeral Directors ensure their employees are trained in relation to their work at funeral services. It also requires Funeral Directors to implement measures to ensure that mourners are kept safe at funeral services.

Whilst conducting grave-side services, Funeral Directors are exercising control and management of the grave which is considered to be its workplace, albeit temporarily.

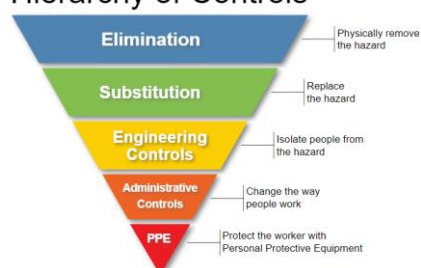
Control of Risk of Falls

Under Part 3.3 of the *Occupational Health and Safety Regulations 2017* (Vic) an employer with control or management of a workplace must ensure that it eliminates, or if that is not possible, minimise a risk of a fall at that workplace. A fall is defined as any involuntary fall from a height of two metres or more.

Most graves are dug to a depth of over two metres. Even when graves are shallower than this, employers are required to eliminate or minimise fall risks.

Under the OHS Regulations employers (including Cemetery Trusts) are obliged to implement the hierarchy of controls to manage fall risks.

Hierarchy of Controls



The hierarchy of controls requires employers to implement the most effective risk management and highest control measure available.

Employers must first consider whether the risk can be eliminated.

As graves require excavation, fall risks cannot be eliminated until the grave is filled. Further, it is not possible to substitute the task of excavating graves.

In accordance with the hierarchy of controls, the next highest control measure to manage the risk of falls is an engineering control in the form of a passive fall prevention device. In relation to open graves such a physical device will include temporary guarding/fencing or temporary grave covers.

Where those measures are unavailable employers must implement administrative measures which are effectively directions. These controls include include warning signs and training employees about the falls risks and how to manage them.

Employers will often be required to use a combination of engineering controls and administrative controls to mitigate falls risks.

Best practice to ensure safety around open graves

In preparing these guidelines we appreciate that some Cemetery Trusts (i.e. Class A Trusts) are significantly larger and more well-resourced than other Trusts (i.e. Class B Trusts). We also note that Class A cemeteries are larger and usually busier, meaning the likelihood of persons encountering open graves is increased.

The recommendations below should be viewed in that context.

Wherever possible open graves should be filled as quickly as possible from initial excavation to interment.

Where there is delay between the excavation and filling, we recommend the following measures are employed.

1. *Temporary barricade around the grave, at least one metre back from the edge of the grave (engineering control)*

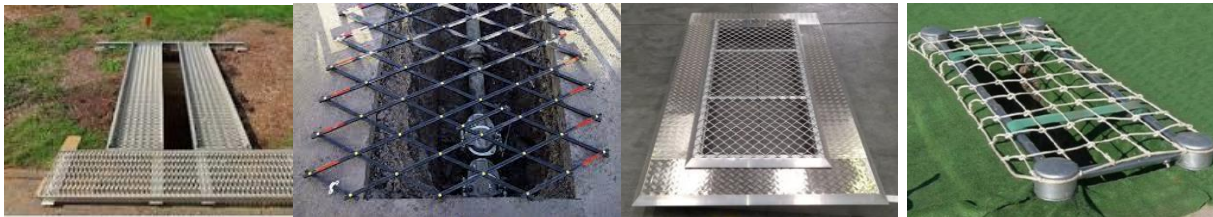
Temporary guarding in the form of a solid temporary fencing (Left) is preferable to simple star-pickets and webbing (Right).



2. *Temporary cover over the grave (clearly marked to show the possible danger), that is heavy enough to hold the weight of an adult (engineering control)*

There are commercially available temporary grave covers which some Cemetery Trusts use.

Any solid, load-bearing, cover that can be affixed to the ground is capable of being used as a temporary cover.



3. *Putting up a temporary sign next to the grave to warn of the possible danger (administrative control)*

Ideally, and especially for Class A Cemetery Trusts, signage should be used *in addition to* putting a temporary barricade around the grave or a temporary cover over the grave.



Class B Cemetery Trusts should put a warning sign (similar to those above) next to open graves *as a minimum* and only if temporary fencing or some other barrier are unavailable.

Guarding measures such as temporary fencing, covers, tape or other signage are likely to be readily available and reasonably inexpensive to all Cemetery Trusts.

4. Training and instruction for employees (administrative control)

Employees of Cemetery Trusts and Funeral must receive instruction and training in relation to:

- The risks associated with open graves and falls;
- The measures used to mitigate these risks;
- Co-ordination of management of the grave site between Cemetery Trusts and Funeral Directors.

Best practice collaboration between Cemetery Trusts and Funeral Directors (administrative controls)

It is the responsibility of both Cemetery Trusts and Funeral Directors to keep cemeteries safe.

As such, there needs to be a clear understanding in place between Cemetery Trusts and Funeral Directors that ensures that falls risks are managed before, during and after funeral services. The people responsible for activities before, during and after funeral services need to actively manage those risks.

Managing risks before handing over to the Funeral Director

After a grave has been excavated at cemeteries, the Cemetery Trust will often hand over responsibility for the grave to Funeral Directors, who take responsibility for management or control of the gravesite for the purposes of the interment and any graveside service.

Before the handover from Cemetery Trust to Funeral Director happens, **best practice** would be to ensure that any open grave is **physically guarded** using a cover or other temporary physical barrier to reduce the risk of falls. If covers or physical barriers are not used (or available), it is recommended that some other device (such as ropes) or signage, warning people of the open grave, is required, as a minimum.

Handover between Cemetery Trust and Funeral Director before funeral service begins

The **best practice** would be for Cemetery Trusts to have a **formal handover process** in place between Funeral Directors and Cemetery Trusts.

- ❖ This handover process can be detailed in the **attached** checklist to ensure responsibility for actions are taken to manage safety risks around open graves is identified.
- ❖ Funeral Directors should be reminded to ensure that mourners are kept at a safe distance from open graves during the interment process.

Class B Cemetery Trusts should communicate with the Funeral Directors to confirm what safety measures have been taken around the open grave or tell the Funeral Director what they need to do in preparation for the graveside service (i.e. remove the signage or guarding).

Safety measures after the funeral service

After interment, it is the responsibility of the Cemetery Trust to fill the grave. After the graveside service has finished and the coffin interred, the Funeral Directors should notify

the Cemetery Trust immediately to let them know that the service has concluded and to arrange for the grave to be filled.

- ❖ **Best practice** is formal notification between Funeral Directors and Cemetery Trusts, so that Cemetery Trusts can quickly arrange for the grave to be filled.
- ❖ For smaller or Class B Cemetery Trusts, some form of notification or communication should be made between Funeral Directors and the Trust.

After the Funeral Service, it may be necessary for the Funeral Director to arrange to secure the open grave, again using either a cover, guard or some other device designed to ensure that people are aware of, and protected from, the fall hazard.

Best practice is that, resources permitting, Cemetery Trusts will have staff attending a service to immediately assume control of a grave when a funeral service ends.

The protection of open graves through putting up temporary guarding, or, if that is unavailable, obvious signage, is likely to be reasonably practicable and should be used by Trusts and by Funeral Directors, particularly if there will not be immediate handover of the gravesite back to the Trust at the end of the interment service.

Who do I speak to for more information?

If you have questions about these guidelines, contact Norelle Cole from CCAV by executiveofficer@ccav.org.au

Relevant Documents

Occupational Health and Safety Act 2004 (Vic)

Occupational health and Safety Regulations 2017 (Vic)

Cemeteries and Crematoria Act 2003 (Vic)

Cemeteries and Crematoria Regulations 2015 (Vic)

WorkSafe Victoria's "Safety Around Graves"

Manual for Victorian Cemetery Trusts

Checklist for Cemetery Trusts

Date of first contact from Funeral Director to Trust arrange funeral and interment:	
Date of funeral service:	
Date of excavation of grave by Trust:	
Measures in place to protect risk of falls from open grave pending funeral service:	<p>Temporary fencing Y/N (if no explain why not)</p> <p>-----</p> <p>Grave/excavation cover Y/N (if no explain why not)</p> <p>-----</p> <p>Warning signage Y/N (if no explain why not)</p> <p>-----</p>
Date and time of removal of measures to pending interment service:	
Date and time that Funeral Director informs Trust that service has finalised (if Trust staff not already in attendance)	
Measures in place to protect risk of falls from open grave post funeral service (if Trust staff don't immediately fill):	<p>Temporary fencing Y/N (if no explain why not)</p> <p>-----</p> <p>Grave/excavation cover Y/N (if no explain why not)</p> <p>-----</p> <p>Warning signage Y/N (if no explain why not)</p> <p>-----</p>
Date and time that grave filled	