

CORK COUNTY LOCAL AUTHORITIES

PROCEDURES IN RELATION TO GRAVE DIGGING

June 2012

1.0 Background

Cork County Council established a working group in 2008 to examine the current practices of grave digging in cemeteries owned and/or controlled by Cork County Local Authorities. The overall aim of the working group was to:

- Benchmark current practices against health and safety(H&S) legislation
- Propose improvements to ensure compliance with H&S so as to ensure the safety of all those who operate in these cemeteries
- Propose improvements so as to mitigate risks associated with all visitors to these cemeteries

1.1 Proposed improvements

Following detailed examination and consultation with various stakeholders including Undertakers and Grave diggers the working group produced procedures entitled 'Safety, Health and Welfare Requirements for Cork County Local Authority Employees, Contractors, Grave Diggers, Masons and Undertakers carrying out works in Cork County Local Authority Cemeteries'. Cognisance was given to relevant H&S legislation, regulations and guidelines (both Irish and British) and Cork County Council Cemetery Bye-Laws 2006.

The procedures outline safe practices for normal interments, exhumations, masonry works, and cleaning and maintenance of graves. In order to implement the new procedures, the working group concluded that a list of pre-approved grave diggers who could demonstrate compliance with the procedures be prepared.

Cork County Council Local Authorities would then insist that anyone employing grave diggers (i.e. an Undertaker or directly by the bereaved family) must appoint one from the pre-approved list. The group also prepared and issued a protocol document for Undertakers operating in council owned/operated cemeteries to abide by the new procedures.

During the consultative process traditions whereby in some instances members and/or friends of the bereaved family undertook grave digging was noted and the procedures permitted symbolic digging to a depth of half a meter provided that an approved grave digger permitted and supervised the works. Such practices were to be phased out within 12 months of the implementation of the procedures.

1.2 Background to Implementation

Cork County Council invited persons to be considered for inclusion on the pre-approved grave digger list. The council proposed to commence implementation of the pre-approved list of grave diggers on 1st March 2011 and erected signs on all council owned/operated cemeteries advising visitors to cemeteries of this fact. By April 2011 35 applicants covering over 40 grave diggers had been included on the pre-approved list and further applications were being processed on an ongoing basis.

1.3 First Implementation stalled

Elected representatives of Cork County Council discussed the matter at a meeting of full council on 28th March 2011 where they expressed strong opposition to the new procedures, in particular in relation to members of the public following local traditions of digging graves for their deceased relatives. As a consequence the County Manager agreed to defer the issue to afford him time to obtain further advice on the matter i.e. clarification from the Health and Safety Authority and also legal opinion on how to mitigate risks.

1.4 Agreed policy

Legal opinion and clarification from the HSA has now been obtained and the following is noted:

When a grave is being dug by employees (regardless of who the employer is) the full remit of the Occupational Health and Safety Legislation applies and the roles and function of the HSA apply.

When a grave is dug by someone other than an employee i.e. in a voluntary capacity such as a family member or neighbour of a bereaved family the Occupational Health and Safety legislation does not apply.

Cork County Local Authorities have responsibility under other legislation such as the Occupiers Liability Act and the Non Fatal Offences against the Person Act.

The following policy will be implemented with effect from **18th June 2012**.

1. Cork County Local Authorities will not prohibit volunteers digging graves but advise that they do so at their own risk.
2. Cork County Local Authorities will place signs on cemeteries owned/operated by the council advising the public of the dangers associated with grave digging and directing them to avail of a grave digger from the pre-approved list. (Appendix 1).
3. Cork County Local Authorities will continue to maintain and promote the pre-approved grave diggers list and occupational health and safety legislation applies to any employee involved in grave digging practices regardless of whom the employer is.
4. Cork County Local Authorities will implement a system to subsidise mandatory training costs of a select number of qualified gravediggers i.e. gravediggers who dig 3 or less graves per annum (see appendix 2)

5. Cork County Local Authorities will not provide equipment or storage facilities to any third party, to any private gravedigger or to council employees who operate as grave diggers in a private capacity and will remove any equipment provided heretofore.

6. Cork County Local Authorities will instruct council employees that they must not supervise any works associated with grave digging.

7. Cork County Local Authorities will advise interested parties including undertakers, grave diggers, burial ground registrars and caretakers, elected representatives and the general public of these changes.



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WARNING, GRAVE DIGGING IS A DANGEROUS ACTIVITY AND SHOULD NOT BE UNDERTAKEN BY UNAPPROVED PERSONS.

FOR DETAILS OF APPROVED GRAVE DIGGERS PLEASE CONTACT CORK COUNTY COUNCIL or visit www.corkcoco.ie

TAKE NOTICE THAT CORK COUNTY LOCAL AUTHORITIES ACCEPT NO LIABILITY FOR ANY INJURIES CAUSED BY GRAVE DIGGING ACTIVITIES INCLUDING THOSE ENGAGED IN VOLUNTARY GRAVE DIGGING.

Appendix 2

Proposed subsidised scheme towards the cost of mandatory training of grave diggers

Introduction

It is recognised that in some instances grave diggers confine their work to their local cemetery. It is acknowledged that it is prudent to encourage these grave diggers to apply for inclusion on the Cork County Local Authorities approved grave diggers list as their knowledge and experience of their local cemetery is valuable.

Proposal

Gravediggers who dig 3 or less graves per annum will be considered for a 50% reimbursement on the costs of mandatory training. Anyone who is doing training for specific tasks such as excavator or digger probably do not relate to the small-time grave digger that we are targeting for this scheme.

Mandatory training is outlined as the following:

Mandatory Training Course	Course Cost
Safe pass	€125
Manual Handling (Job Specific)	€125
Grave Digging & Risk Assessment	€210
Total Cost	€460
50% Reimbursement	€230

Conditions:

1. Applicant grave digger can apply for reimbursement for a limited period, **by 5 pm. on 16th July 2012.**
2. Applicant grave digger must provide evidence that they only had 3 or less grave diggings in total in the last 12 months from date of application (confirmation checks can be conducted based on interment records).
3. Applicant grave digger must have all mandatory training completed **within two months from the date of application** for consideration on the subsidised scheme, and have produced all required supporting documentation to Cork County Council so that they are included in the approved list at time of applying for reimbursement.