

# **Legislation And Ethics In Travel And Tourism Sector**

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## Introduction

Legislation and ethics play the most important role in the travel and tourism sector as it is linked with the different form of regulations on the basis of which activities are carried out in the particular sector. Further, the impact of every legislation on the travel and tourism sector is direct like in case of equality act it is necessary for the firms to deliver proper opportunities to the individuals who are working (McCabe and Diekmann, 2015). The health, safety and security related legislation have the direct impact on individuals working in the firm as through this proper safety environment is provided to the employees of the company, and in turn, they are able to operate efficiently through this. The role of regulatory bodies in the Travel and Tourism sector is to ensure that all the business practices are conducted in the right manner, rights of employees are protected and in turn, all the safety measures are taken for the benefit of the staff along with the service users also.

The present study carried out focuses on highlighting the importance of legislation and ethics in the travel and tourism sector. It covers the different safety and security legislation that are practiced in the sector.

## LO1: Task 1

### **AC 1.1 A report on the legal and regulatory framework of the English legal system, giving a brief analytical explanation of classification of laws, the court system and sources of law used to regulate the Travel and Tourism Sector**

The regulatory and the legal framework that is developed within the travel and tourism industry of England and Wales is quite crucial as it assists a lot by supporting businesses to conduct activities in the best possible manner. Further, the entire industry has the responsibility of various stakeholders such as government, suppliers, contractors, customers etc and for managing the interest of the stakeholders the role of regulatory framework along with legal is very important and it needs to be followed (Hall, et al. 2015).

Another reason behind the rising importance of legislation and regulatory framework is linked with the ways in which the selected stakeholders interact with each other. While rendering different travel and tourism services to the customers the different kind of businesses such as restaurant, hotels etc have to comply with the guidelines present in the legal and the regulatory framework. Below are some of the main legislation with respect to England and Wales:

#### **Tourism Act 1969**

The main objective behind the development of this act is to promote the actual development of tourism in areas such as Wales, Scotland and England. This act is considered to be highly crucial as it helps a lot in providing proper support to businesses such as restaurants, hotels etc in the form of finance etc (Lima, 2017). This act is playing a very important role in coordinating all the activities between the wide range of businesses that are operating in England and Wales.

### **Transport Act 1980 and 1985**

The above-mentioned act is for the public service vehicles that are operating in the travel and tourism sector. Further, the transport act 1980 and 1985 plays an important role in controlling and regulating private vehicles such as buses etc.

### **Package travel and tour regulation, 1922**

The package travel and tour regulation is mainly applicable to the different tour operators that are operating in the market of England and Wales. Mainly the regulation highlights the key duties and the responsibilities of the tour operators at the time of rendering services to the travellers (Mogaka, et al. 2017). This act has been introduced in England and Wales from the consumer protection point of view so that travellers can get the right package for which they are paying.

Hence, these are the main laws and the legal system that is present in England and Wales. Further, the travel and tourism businesses have to operate in accordance with the laws for conducting their operations smoothly and in the best possible manner.

## **AC 1.2 A report discussing the role of the respective regulatory bodies in the Travel and Tourism sector, paying attention to the legislation and International Conventions used to regulate the surface, sea and air transport sectors**

Within the Travel and tourism sector, different laws are present such as air, sea, and surface that help in regulating the overall activities that are carried out within the sector (Sigala, 2018). It has been identified that surface, air and sea laws help a lot in governing the passenger carriage in the sector and the overview of the laws is as follows:

### **Surface law**

This law within the nation is regulated and governed by “The International Carriage of Passenger by Road Act 1979”. The main motive behind the introduction of this law within the travel and tourism sector of UK is to protect the right of the passengers on board in the proper manner so that their expectations can be met. Along with this, the surface law is also helpful in dealing with the major claims of the passengers that are associated with physical injury or the mental disorder or the luggage related problem that is mainly looked after by “The Carriage by Railway Act, 1972”. One of the ultimate aim of the surface law is to manage and regulate the transport of different goods, passengers and luggage in a proper way (Burns, 2015). Apart from this, the law also assists in safeguarding the interest of the individuals who are disabled during the surface transport.

### **Air law**

The Warsaw Convention introduced in the year 1929 has clearly highlighted the laws and regulations that are laws and regulations that are associated with the international carriage with air transport. The convention also states the key documents that are required for the carriage of transport with the

assistance if air transport. Under the air law, the compensation associated with the injury or the death of the passenger at the time of air travel is also covered, and this act is practiced within the travel and tourism sector of UK (Ram, 2018). Under this regulation, the guideline along with the information associated with the right of the passenger to claim compensation or any other form of injury is also undertaken. Apart from this, “The Five Freedom Agreement of 1944” is also regarded to be the crucial aspect of the Air law and it undertakes the laws associated with the landing of airways in the different areas or regions.

### **Sea law**

This law mainly covers the safety and the security of the passengers at the time of shipping. Apart from this, the sea law also undertakes the factors associated with the environment that are mainly managed and regulated under the sea law. The main reason due to which this law is important as it undertakes the liability of the ship against the luggage and the passengers.

## **LO2: Task 2**

### **AC 2.1 As the Health and Safety Officer at Elegant Hotel, write a report to Mr Fred, the Hotel Director evaluating the impact of the health, safety and security legislation which he has to be aware of**

**To Mr Fred**

**Subject: Report regarding impact of health, safety and security legislations**

In the entire travel and tourism sector of UK the principles associated with health, safety and security are most important. Further, at the time of conducting business operations, it is required for Elegant Hotel to ensure that all the security and safety measures are undertaken in the best possible manner so that business practices are as per the interest of the travellers. The principles and overall laws associated with health, safety and security are considered to be highly crucial as they can support Elegant Hotel in identifying the range of hazards along with the accidents that can be avoided in the best possible manner (Goldstein, 2015).

The main objective of the health and safety regulations is to maintain a proper healthy and safe environment within the workplace so that safe practices can be carried out. It is the moral responsibility of Elegant hotel to determine the different hazards that can occur within the workplace and along with this the corrective actions that can be taken for reducing the adverse impact of such hazard in a proper way. The main regulation is health and safety at work 1974 that determines the different responsibilities of employers so as to maintain a proper healthy and safe environment within the workplace. For instance, if employees of Elegant Hotel are not provided with a fair working environment then in such case it will have a negative impact on the business (Kline, et al. 2017).

The guidelines that are mainly introduced in the health and safety regulations focus on ascertaining the fact that whether Elegant hotel is aware of the laws associated with workplace health, safety and

security or not. With the assistance of health and safety guidelines, the firm can easily make sure that its overall operations are in accordance with the different legislation and the laws that have a link with health and safety.

Moreover, the health and safety at work 1974 also undertake the approved code of practice that is also required to be considered by Elegant Hotel while offering its tour operator services to the target market. The law highlights the measures that are required to be undertaken while conducting hazardous work and use of materials within the workplace that causes injury. In case, if Elegant hotel commits any act that leads to the breach of the duty then in such case the company is liable for compensation (Andrades and Dimanche, 2017). This is the main reason due to which undertaking health and safety measures is quite crucial in the case of Elegant hotel. As per the health and safety act at work 1974 it is the responsibility of Elegant hotel to ensure that proper arrangement of light, first aid kit, fire and safety is done by the firm. Along with this, while hiring any new candidate it is necessary to highlight the health, safety and security measures taken within the workplace.

## **AC 2.2 You are also requested to write a second report to Mr Fred, analysing the Equality legislation in the English Legal System, which he should be aware of, when recruiting and managing employees of the Hotel**

**To Mr Fred**

**Subject: Report on equality legislation in the English legal system**

Maintaining equality and providing fair opportunities to the staff members within the workplace is considered to be very important. Further, it has been found that discrimination among the staff members has become one of the main issues and due to this reason, equality legislations play the most important role. The equality act introduced in the year 2010 is most important as the main stress of this act is on providing fair and equal treatment to the staff members along with the customers (Becker, 2016). For instance, if Elegant Hotel is unable to treat its employees in a fair manner then in such case the performance of the company will decline and it will be considered as an unfair act or unethical. The management of Elegant Hotel is required to ensure that all the employees are provided with equal opportunities to grow within the workplace.

At the time of hiring any new candidate for any specific position, it is necessary for Elegant Hotel to provide equal opportunity to every individual for representing his or her skills. Apart from this, the equal pay act introduced in the year 1970 is also important and this act is also required to be undertaken by Elegant Hotel from the point view of equality.

Moreover, it is a well-known fact that maintaining equality within the workplace is considered to be important as it helps in developing the fair environment within the workplace. The top authority or the executives are required to ensure that female along with the male employees of the Elegant Hotel are given proper and equal opportunities who are working on the same position and this is necessary to be followed within the workplace (Boniface, et al. 2016). Along with this, some additional laws have been

introduced by the government of UK from the equality point of view. It involves Equality act 2004, sex discrimination act 1975, race relation act 1976, equality regulations 2003 etc. Every act has its own importance within the workplace and it helps in providing equal opportunities to the staff, and their expectations can be met in a proper manner. For instance, if the sex discrimination act is practiced within the workplace then in such case all the male and female employees will be provided with proper opportunities and they can work actively.

Hence, through the analysis, it can be stated that equality legislation is most important for the Elegant Hotel while recruitment, selection or during the management of human resource.

### **L03: Task 3**

Formation of a valid contract requires several elements to be undertaken. Further, the contract is formed in between travellers and the company that offers travel and tourism service. Along with this, the consumer protection legislations are also crucial as they assist a lot in protecting right and interest of consumers.

#### **AC 3.1 A report explaining the general features of the following legislation giving examples of contract law in the Travel and Tourism sector**

Contract law undertakes the main elements that are required at the time of forming contract in the travel and tourism sector (Coccosis, 2017). The key elements are offer, acceptance, consideration etc. In the modern era, the businesses and customers in the travel and tourism sector have binding contract at the time when customer purchases any specific product or service offered by the firm. As per the binding contract it is mandatory for the tourism operators to provide the information linked with products and services at the time of offering. For instance, if Cox and Kings as one of the operator has sold tour package to specific individual then in such case full information has to be provided such as actual price, taxes, services that involves food, accommodation, hospitality etc.

In case if proper information is not shared then the contract is unfair. Further, in case if the tour operator fails to provide proper and up-to-date information to the travellers then in such case customers have the full right or the authority to cancel the contract.

**i) The Unfair Contract Terms Act 1977:** It is an act of parliament that helps in regulating the contracts by restricting the operation and legality of the some contracts (Font and McCabe, 2017). This law states that at the time of offering services the tour operators must be fair in their practices.

**ii) Unfair Terms in Consumer Contract Regulation 1999:** This act has been implemented by EU. The regulations are mainly developed so as to render ineffective terms that benefit the seller of the services against the consumer interest.

**iii) Sale of Goods Act 1979:** This act mainly applies to the sale of goods. Further, contract of sale must be present between owners and other. Minor does not possess capacity to enter into the contract and contract of sale can be made in written or oral (Forno and Garibaldi, 2015).

**iv) Supply of Goods and Services Act 1982:** It is also the act of parliament that requires traders or the providers of service to deliver proper services to the users. It also states that within the reasonable time proper service must be delivered as promised.

**v) The Consumer Rights Act 2015:** This act provides remedies and proper support to the consumers at the time when they purchase travel service. It states that consumers have right to reject the service or product if it is not as per the contract. It is necessary that service must be performed with reasonable care (Gibson, 2016). No such unfair terms must be present that can adversely affect consumers.

Certain valid elements are present in the contract and such elements are as follows:

**Offer:** This element is regarded to be most important at the time of forming any particular contract that is associated with the travel and tourism industry. Further, offer mainly involves offeror and offeree. Offeror is the main party who makes offer and offeree is the second party. For instance, in every case tour operator is offeror and offeree is customer.

**Acceptance:** It is considered as one of the major element in the contract and absence of acceptance as the main element is regard to be illegal in the contract. In case if the customer accepts the offer of tour package or any other travel and tourism service then it leads to formation of valid contract (Guttentag, 2015).

**Consideration:** It refers to the overall price at which the customer is ready to purchase the service. For the service rendered by the tour operator the traveller is ready to pay specific price in return. Hence, this is regarded to be consideration.

**Capacity:** This reflects represents that parties in the contract are capable enough of entering into the contract. Further, the individuals above 18 years age can only enter into the contract otherwise not.

**Certainty:** It is the last main element in the formation of contract that highlights the parties present in the contract must be well aware about the terms and conditions in the contract. Further, it is necessary to ensure that no such miscommunication is present between tour operator and customer (Ram, 2018).

### **AC 3.2 A report explaining the consumer protection legislation relating to package holidays which Tour Operators should take into consideration to avoid civil or criminal liability, when organising such holidays for customers**

Consumer protection legislations are regarded to be most important as they assist a lot in protecting the right of the consumers and they can easily obtain right services as per their expectations. The main motive behind introduction of consumer protection legislation related with package holiday is to ensure that right along with the interest of consumers are protected and they are not exploited (McCabe and Diekmann, 2015). One of the main act is Trade Description Act 1968 where in the accordance with this act it is required for the firm to ensure that false information is not shared with the customers like price of service, accommodation etc.



Apart from this, it is necessary to ensure that no such hidden charges are present. Proper transparency of the information must be present. Along with this, the consumer protection legislation also prevents companies or the tour operators from offering services that are of low quality. Moreover, the firms must have proper license and documents as a proof of permission from the government so that they can offer travel and tourism services properly.

Recently in the year 2018, the Europe's Package Travel Directive has been introduced and the main reason behind the introduction is to protect the interest of the consumers in the best possible manner (Calder, 2018). In case, if the companies or the tour operators do not comply with EU regulations then they have to refund full amount to the travellers for the service they have purchased.

## **LO4: Task 4**

### **AC 4.1 Identify and analyse instances of ethical dilemmas which their Corporation could face and how to deal with those dilemmas**

Ethical dilemmas have direct impact on the business operations and in turn it is necessarily required to take corrective actions for dealing with the same. They are most important as through this it becomes easy for the firms to understand what is right and wrong. The main reason behind rising significance of ethical dilemmas is that they undertake the different factors that need to be undertaken or regulated within the industry. One of the main ethical dilemmas that is popular is unethical competition. Further, it is a well known fact that level of competition in the industry is increasing at faster pace and to deal with this issue companies have started to adopt unethical practices (Mogaka, et al. 2017). The main outcome is that companies are indulged into the practice of unfair marketing so as to attract customers of the competitors and spoiling their market share. The real impact of the unethical competition is that companies have started to face difficulties in attracting and retaining customers in the market. Moreover, the ethical dilemma that is associated with corruption and bribery have also acted as the main hurdle in conducting the business practices and it is necessarily required to take some corrective actions. In short, the rise in level of bribery is one of the main threat to travel and tourism businesses operating in the market.

Along with this, the ethical dilemma also involves discrimination, sexual harassment etc. Offering unhealthy items to the customers is also considered to be part of ethical dilemma. Sometime, the managers within the firm can practice discrimination in between the staff or exploitation of the customers can take place when they will not be offered right services (Kline, et al. 2017). Therefore, in order to deal with this issue proper planning is required and the management of tour operators must ensure that customers are served in fair manner and employees are not discriminated. So, this can help in dealing with ethical dilemma.

### **AC 4.2 Analyse the Corporate Social Responsibility of their Corporate**

The corporation is indulged into the practice of building holiday homes in the Caribbean Island and as stated above different ethical dilemmas can be faced. So, in this case there are certain corporate social responsibilities of the firm. Mainly the responsibility of the firm is to safeguard the interest of its

customers so that they may not be exploited. The company is required to deliver right kind of product or service as promised to the customer (Kline, et al. 2017). No unethical practice must be present such as hidden charges that customers have to pay afterwards etc. Along with this, the social responsibility of the firm is to manage competition in the market through proper practices that are totally fair. It is required to ensure that marketing is carried out in proper manner like no such unfair advertisement practices. Main social responsibility is towards consumers like they must not be exploited in any manner and right product has to be delivered on time for which they have paid. The social responsibility is towards environment like the company must not conduct any practice that has unfavourable impact on the environment or surroundings such as pollution etc.

## **Conclusion**

Hence, from the overall study it can be stated that legislation and ethics plays most significant role in the travel and tourism sector. Further, it has been found that health and safety related issues are major where the travel companies must ensure that safe working environment is provided to the staff members. Along with this, consumer safety must be kept on the top of the priority as it is also crucial. Moreover, different consumer protection legislations are present where it is necessary to deliver holiday package to the customers for which they have paid, no such hidden charges must be present and proper quality must be maintained.

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