

National Open University of Nigeria

Headquarters

University Village
Plot 91, Cadastral Zone,
Nnamdi Azikiwe Express way
Jabi, Abuja

Lagos Office
14/16 Ahmadu Bello Way
Victoria Island, Lagos

e-mail: centralinfo@noun.edu.ng

website: www.nouedu.net

Published by
National Open University of Nigeria

Printed 2015

ISBN: 978-058-163-1

All Rights Reserved

CONTENTS

PAGE

| | |
|--|------|
| Introduction | iv |
| What you will learn in this course | iv |
| Course Aim | v |
| Course objectives | v |
| Course materials | vii |
| Study Units | viii |
| The Assignment File | x |
| Tutor Marked Assignment /Continuous Assessment | x |
| Final Examination & Grading | x |
| Summary | x |

INTRODUCTION

HCM 340 is a semester course work of 2 credit units. It will be available to all students taking the B.Sc. Program in the School of Management Sciences (SMS).

This course of 15 units consists of Hospitality Laws & Travels. The course guide tells you what the course HCM 340 is all about, the materials you will be using and how to make the best use of the materials to ensure desirable successful outcome.

Other information that contained in the course includes how to make use of your time and the information on the Tutor Marked Assignment (TMA). There will be tutorial classes for students in 100-200 levels. Full details, concerning the tutorial classes will be conveyed to you at the appropriate time.

WHAT YOU WILL LEARN IN THIS COURSE R

This course content is composed of the Scope, concepts & definitions of hospitality Laws & travels , purpose, motivation and leisure for hospitality industry are amongst all that you will learn. It will also explain the meaning and perspectives of related occupational Health and Safety regulations relating to hospitality workplace & related traveling businesses.

Other areas of interest that you will be studying include, hotel contract negotiation, registration, and accommodation. Hospitality basic laws and regulation, including training and development on occupational health and safety hazards and observing and implementation of occupational health and safety codes and regulations.

It acquaints you with the necessary background knowledge required of a would-be-hotel manager, or international hospitality Attorney, hospitality manager and or tourism Director or policy and decision makers in travel and hospitality business as well as tourism industry. It introduces you to international hospitality laws and some regulatory bodies.

It also introduces you to the significance application of hospitality and travel laws, rules and regulation for implementing occupational health and safety codes and and laws. Regulatory guidance, law against violence at the work place. Ensuring the implementation of laws against discrimination in hospitality workplace.

Your focus and attention will be drawn on essence of meeting the ergonomic requirement in handling workplace body injuries and developing proactive preventive initiatives and skills in preventing workplace hazardous substances and implementing occupational health and safety regulations. Developing appropriate strategic planning for the hospitality industry and enabling environment for sustainable development in travel and hospitality business, and managing issues involving trespass, illness and death in guestroom and the duties and responsibilities of guests towards efficiency of operation and as well as monitoring performance. It also addresses some measures of seven steps to ensuring occupational health and safety in the hospitality workplace and overview of responsibilities, legal obligations and providing standard of care and analyzing the growing prospects of the hospitality industry.

COURSE AIM

The salient purpose of this course *HCM 340 Hospitality Laws & Travels* is to give you total emersion with critical thinking skills you need and knowledge you require, tools, and organizational agility and preemptive penetrative strategic communication skills, core competencies and prowess that are essential in today's hospitality industry with globalization of tourism business taking place in an increasingly technological-based fast global travel and tourists industry. You will also be acquainted with the nature, structure, role of international hospitality laws by some regulatory bodies to achieve benefits, face challenges and know how to ameliorate the barriers, effect effective and efficient operation and eliminating and controlling hazardous substances at the work place. At the end, you should be able to swiftly fit in operational occupational health and safety regulatory atmosphere professionally and ethically into busy information technology highway of globalization of hospitality and travel industry businesses. You will pursue relentless profitability with key success criteria and achieve competitive advantage in hospitality industry, while keeping pace with vision and collaborative zeal for sustainable hazardous substance free, healthy & safety workplace Environment.

COURSE OBJECTIVE

The Objective will be achieved by:

- Explaining the scope, definitions, meaning, concept and structure of formation of Hospitality laws and travel and implementing occupational health and safety regulations at the work place with other international hospitality laws and regulations will ensure best practices skills and realization of hospitality industry objectives.

- Defining and elaborating on meaning of travel and hospitality laws, rules and regulations, governing safe workplace within the hospitality industry and ensuring strategic business initiatives and sustainable development are permissible. Addressing the importance implementing occupational health and safety policies at the hospitality industry workplace. Other related issues in tourism destinations through initiative of critical growth management principles and implementation of proactive communication driven - strategic implementation of ideas that are preventive and proactive elimination and control strategies in hazardous substances at the workplace. Drug free and hazardous substance elimination and operational occupational health and safety work environment will act as catalyst that enriches the goals, objectives and strategic intent realization of globalization and competitive advantage with the tourism industry.
- Describing what hospitality laws are all about and is not about stranger and novice and how data is gathered and measured in tourism. It is about educating personnel and managers on preventive measure in eliminating and controlling hazardous substances in hospitality workplace & ensuring the regular implementation of occupational health and safety laws at the hospitality workplace.
- *Explaining* the meaning of globalization as it relates to tourism and *discuss* the importance of marketing concept in tourism, *identify* the significance of collaborative strategy in aviation & tourism industry and explain your *understanding of* the concept of collaborative competitive advantage and *explain* the importance of driving force underlining globalization as it relates to tourism. *Discuss* the importance of marketing concept in tourism and *identify* the essence of collaborative synergy in multinational hotels and other recreational institutions in tourism.
- Understanding and know how to relate the occupational health and safety policies and training of personnel to enhance economic influence, *socio-cultural Influence of English and Western Tourism*, Socio-cultural influence, psychological influence, intellectual influence and environmental influence on global hospitality and traveling laws and regulation sand its impact on Alternative Tourism.
- Outlining the key *drivers of Collaborative Effectiveness* in occupational health and safety in travel & hospitality industry and highlight the significance of collaboration practice with employee training and development on preventive and proactive measures in implementation of occupational health and safety laws and also in travels, that drive market forces and free

- enterprise ideals that stimulate hospitality and tourism and globalization.
- Knowing the salient role and demonstrate your understanding of the relevance of Technological Motivations and competitive advantage role as Catalyst for change and efficiency in tourism market segmentation at destination location.
 - *Initiating strategic planning in hospitality industry, market structure modification-related motives*, that reduce potential health and safety hazards, erect barriers to entry, alter the technological base of competition, as well as providing *market entry timing-related motives and able to* accelerate pace of entry into new and hazardous substance free workplace and workplace where occupational health and safety regulations are implemented and observed with due diligence. Initiate appropriate domains by accelerating pace of research and product development along with *resource use efficiency-related motives with the ability to* Lower production costs, Lower marketing costs, *Resource extension and risk reduction-related motives*, Pool resources in light of large, outlays required, Lower risk in the face of large resource outlays required, technological, uncertainties, market or other uncertainties, utilizing *skills enhancement-related motives* , *enhance* learning new skills from alliance partners *and* enhancement of present skills by working with alliance partners and stakeholders in hospitality laws, occupational and safety regulations.
 - Highlighting factors relevant in promoting hospitality laws and travel development and social justice, discuss how activities of hospitality create employment (direct and indirect), Elaborate on benefits of hospitality in promoting investment in infrastructure (e.g., roads),

COURSE MATERIALS

- The course Guide
- Study Units
- Text books Journals, conference papers and others
- Intellect resources to which you will be referred
- The Assignment file
- Tutor-marked Assignment

STUDY UNITS

There are 15 Units of this course which should be carefully studied and understood in an ascending order.

Module 1

| | |
|--------|--|
| Unit 1 | Scope, Concept and Definitions of Hospitality Law |
| Unit 2 | Travel, Purpose & Motivation for Leisure & Hospitality |
| Unit 3 | Front Office Booking Contract for Guests Registration & Accommodation |
| Unit 4 | Travel & Hospitality Basic Laws & B Regulations |
| Unit 5 | Occupational Health & Safety Laws in Hospitality Industry |

Module 2

| | |
|--------|--|
| Unit 1 | International Hospitality Laws & Regulatory Bodies |
| Unit 2 | Hospitality Workplace Health & Safety Laws & Responsibilities |
| Unit 3 | Law against Violence in Hospitality Workplace |
| Unit 4 | Regulatory Guidance for Travel & Hospitality |
| Unit 5 | Law Prohibiting Discriminatory Actions in Hospitality Industry |

Module 3

| | |
|--------|---|
| Unit 1 | Ergonomics Requirements for Musculoskeletal Injuries (MSI) |
| Unit 2 | Development of a Business Strategy in Leisure Travel & Hospitality Industry |
| Unit 3 | Trespass (Unlawful Entry), Illness and Death in Guestroom & Duties and Rights of the Guests |
| Unit 4 | Seven Steps to Health & Safety in Hospitality |
| Unit 5 | Overview of Legal Obligations, Duties and Standards of Care & Prospects of the Industry |

The first five units (module 1) are designed to give you a total emersion in hospitality laws and travel related issues. It includes, scope, definitions, meaning, hospitality laws, travel, purpose, motivation and leisure for hospitality industry. Other areas of interest that you will be studying include hotel contact negotiation, registration, and accommodation.

Hospitality basic laws and regulation, including training and development on occupational health and safety hazards and observing

and implementation of occupational health and safety codes and regulations.

It acquaints you with the necessary background knowledge required of a would-be-hotel manager, or international hospitality Attorney, hospitality manager and or tourism Director or policy and decision makers in travel and hospitality business as well as tourism industry.

Units 1 to 5 (module 2), introduces you to the significance application of hospitality and travel laws, rules and regulation for implementing occupational health and safety codes and and laws. Regulatory guidance, law against violence at the work place. Ensuring the implementation of laws against discrimination in hospitality workplace.

The last two units also focuses attention on essence of meeting the ergonomic requirement in handling workplace body injuries and developing proactive preventive initiatives and skills in preventing workplace hazardous substances and implementing occupational health and safety regulations. Developing appropriate strategic planning for the hospitality industry and enabling environment for sustainable development in travel and hospitality business, and managing issues involving trespass, illness and death in guestroom and the duties and responsibilities of guests towards efficiency of operation and as well as monitoring performance. It also addresses some measures of seven steps to ensuring occupational health and safety in the hospitality workplace and overview of responsibilities, legal obligations and providing standard of care and analyzing the growing prospects of the hospitality industry.

The last units also unravels various factors driving sustainable occupational and Safety regulations, training & development in awareness and training on hospitality laws & travels industry, where visitors and tourists business operates and flourish in full implementation of safe labour laws, and occupational health and safety laws. It also draws attention to challenges facing security personnel and to occupational health and safety inspectors, travel business consultants and managers and outlines necessary proactive criteria for overcoming the problems and barrier to achieving increased globalization in profitable hospitality & travel industry and sustainable development and growth.

Each study unit will take at least *two to three hours* of serious concentration and reading commitment and it includes the introductions, objectives, main content, exercises, conclusion, summary and references. Others are the *Continuous Assessment (CA) which is also called Tutor Marked Assignments (TMA)* You are required to study very hard at all times the materials and reflect on them and do the exercises appropriately.

Some of the exercises will require that you familiarize yourself with visit to some travel and tourist location and tourism firms and some global tourism ventures within your community and observe their operations for yourself. It is extremely important that you initiate a visit to any travel and global tourists' business concern and visitors' attraction centres and multinational hotels within your vicinity. You are also encouraged and strongly advised to study the text books and other recommended references.

ASSIGNMENT FILE /EXERCISES

In each unit, you will find *Self-Assessment Questions and Answers to Self-Assessment Questions*, as well as Continuous Assessment (CA) which you are required to do. The exercise will enable you to understand and demonstrate better what you have learned.

COURSE ASSESSMENT

1. Tutor Market Assignment (TMA)

In doing the *Tutor marked assignments as your Continuous Assessment (CA)* you are expected to apply what you have learnt in the contents of the study unit. The assignments are expected to be turned in to your tutor for grading. They constitute 30% of the total score.

2. Final Written Examination

At the end of the course, you will write final examination. It will attract the remaining 70%.

This makes the final score to be 100%.

SUMMARY

The course HCM 340 Hospitality Laws & Travels gives you a total emersion on globalization and collaborative tourism's nature, scope of management of travel, tourists and operational concept of tourism industry. This course also introduces and exposes you to the understanding and knowledge of various salient tools and critical analytical skills, managerial prowess, procedures and strategic intent drives of *change-management skills* that will aid you, in the managing and ameliorating Occupational health and safety concerns and challenges, as well as planning, organizing and implementation Heath and safety, principles, laws and regulation management initiatives and policies and reaching realizeable objective and goals of effective Strategically planned program implementation for hazard free and injury free workplace.

It will also avail you opportunity to understand the parameters for formation, establishment training & development in hazard prevention and occupational health and safety risk assessment, labour laws, self safe guide and checklists operations management and running the hotel & travel business and hospitality firms profitably and efficiently. By the time you complete this course, you would have armed yourself with the necessary managerial skills, result-driven initiatives, tact, political acuity, proactive communication-driven strategy and continuous improvement-driven skills with organizational agility to manage and be familiar with hospitality health and safety laws and safety and proactive preventive health policies and directive in ensuring workplace free of health hazards, discrimination and non-violence successfully, even at turbulent economic times anywhere in the world.

**MAIN
COURSE**

| CONTENTS | PAGE |
|--|-------------|
| Module 1 | 1 |
| Unit 1 Scope, Concept and Definitions of Hospitality Law..... | 1 |
| Unit 2 Travel, Purpose & Motivation for Leisure & Hospitality..... | 8 |
| Unit 3 Front Office Booking Contract for Guests Registration & Accommodation..... | 17 |
| Unit 4 Travel & Hospitality Basic Laws & B Regulations..... | 25 |
| Unit 5 Occupational Health & Safety Laws in Hospitality Industry..... | 32 |
| Module 2 | 49 |
| Unit 1 International Hospitality Laws & Regulatory Bodies | 49 |
| Unit 2 Hospitality Workplace Health & Safety Laws & Responsibilities | 58 |
| Unit 3 Law against Violence in Hospitality Workplace | 67 |
| Unit 4 Regulatory Guidance for Travel & Hospitality | 75 |
| Unit 5 Law Prohibiting Discriminatory Actions in Hospitality Industry | 85 |
| Module 3 | 91 |
| Unit 1 Ergonomics Requirements for Musculoskeletal Injuries (MSI) | 91 |
| Unit 2 Development of a Business Strategy in Leisure Travel & Hospitality Industry | 109 |
| Unit 3 Trespass (Unlawful Entry), Illness and Death in Guestroom & Duties and Rights of the Guests | 123 |
| Unit 4 Seven Steps to Health & Safety in Hospitality | 133 |
| Unit 5 Overview of Legal Obligations, Duties and Standards of Care & Prospects of the Industry | 141 |

MODULE 1

| | |
|--------|---|
| Unit 1 | Scope, Concept and Definitions of Hospitality Law |
| Unit 2 | Travel, Purpose & Motivation for Leisure & Hospitality |
| Unit 3 | Front Office Booking Contract for Guests Registration & Accommodation |
| Unit 4 | Travel & Hospitality Basic Laws & B Regulations |
| Unit 5 | Occupational Health & Safety Laws in Hospitality Industry |

UNIT 1 SCOPE, CONCEPTS AND DEFINITIONS OF HOSPITALITY LAW CONTENTS

| | |
|-----|--|
| 1.0 | Introduction |
| 2.0 | Objective |
| 3.0 | Main Content |
| 3.1 | Definition of hospitality & hospitality industry |
| 3.2 | Hospitality industry |
| 3.3 | Classical world |
| 3.4 | Celtic Culture |
| 3.5 | Hospitality law |
| 3.6 | Hotels |
| 3.7 | Duty to guest property |
| 3.8 | Restaurants |
| 3.9 | Culinary Art |
| 4.0 | Conclusion |
| 5.0 | Summary |
| 6.0 | Tutor Marked Assignment |
| 7.0 | References/Further Reading |

1.0 INTRODUCTION

According to Jagels and Ralston (2006), the role of ethics is of high importance when it comes to developing or formulating strategies for ensuring success of business. The ethical aspects can be defined as the legal considerations that are to be observed to develop effective policies and practices which will enable an organization to take strategic decisions within a fixed time frame to meet the organizational goals and objectives.

In the opinion of Jayawardena (2008), by following the ethical code of conduct a company can maintain transparency in its work procedures along with attaining equality in retaining quality employees to retain and satisfy its customers on a long term basis. This will not only help in maintaining smooth flow of communication from all ends but also

will help in observing fair work methods to ensure good quality end products so that it can attract more numbers of customers to justify its brand reputation on a long term basis.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- explain the meaning of hospitality industry
- define any relevant hospitality law in the unit
- explain the importance of rights & duties of employees
- describe your understanding of travel regulation.

3.0 MAIN CONTENT

3.1 Definition of hospitality and Hospitality industry

3.1.1 Hospitality is the relationship between guest and host, or the act or practice of being hospitable. Specifically, this includes the reception and entertainment of guests, visitors, or strangers, resorts, membership clubs, conventions, attractions, special events, and other services for travelers and tourists.(Theobald, 1994)

The word hospitality derives from the Latin hospes, which is formed from hostis, which originally meant "to have power."

In the Western world today hospitality is rarely a matter of protection and survival, and is more associated with etiquette and entertainment. However, it still involves showing respect for one's guests, providing for their needs, and treating them as equals. Cultures and subcultures vary in the extent to which one is expected to show hospitality to strangers, as opposed to personal friends or members of one's in-group.(Gee, 1997)

3.1.2 Hospitality Industry

The hospitality service industry includes hotels, casinos, and resorts, which offer comfort and guidance to strangers, whether it be commercial (for monetary gain) or non-commercial (not for profit). The terms hospital, hospice, and hostel also derive from "hospitality," and these institutions preserve more of the connotation of personal care.Hospitality ethics is a discipline that studies this usage of hospitality (Caze, 1989)

3.1.3 Classical World

To the ancient Greeks, hospitality was a divine right. The host was expected to make sure the needs of his guests were seen to. The ancient Greek term *xenia*, or *theoxenia* when a god was involved, expressed this ritualized guest-friendship relation. In Greek society a person's ability to abide the laws to hospitality determined nobility and social standing.

3.1.4 Celtic cultures

Celtic societies also valued the concept of hospitality, especially in terms of protection. A host who granted a person's request for refuge was expected not only to provide food and shelter to his/her guest, but to make sure they did not come to harm while under their care. In India hospitality is based on the principle *Atithi Devo Bhava*, meaning "the guest is God." This principle is shown in a number of stories where a guest is literally a god who rewards the provider of hospitality. From this stems the Indian approach of graciousness towards guests at home, and in all social situations.

3.1.5 Hospitality law is the body of law relating to the foodservice, travel, and lodging industries. That is, it is the body of law governing the specific nuances of hotels, restaurants, bars, spas, country clubs, meeting and convention planners, and more. (Theobald)

Hospitality law doesn't just involve one area of law. It encompasses a wide variety of practice areas, including contracts, antitrust, tort law, and more.

Recent events have made hospitality law even more relevant. Food allergies are on the rise, making it increasingly important for restaurants to not only train staff about ingredients but to also have appropriate labels for food containing peanuts or wheat. The Mumbai terrorist attacks, which included a hostage situation at the Taj Mahal Hotel, among other places, and the 2009 Jakarta bombings at the JW Marriott and the Ritz-Carlton hotels, raise questions about what a hotel can legally do to ensure the safety of its guests.

While hospitality law covers many different entities, hotels and restaurants are the two most common hospitality businesses.

3.1.6 Hotels

Hotel operators in the all over the world have a duty to their guests and to their guests' property.

Duty to guest

Lodging operators have a duty of care to their guests. This duty does not insure the guests' safety, but does require the operator to "act prudently and use reasonable care."^[1] This means, among other things, that an operator can be held liable if he or she is found negligent.

An operator also must ensure that all of the guests' personal information is retained and destroyed according to proper and recommended procedure.

3.1.7 Duty to guest property

Common law held innkeepers liable for any loss of guest property when the guest was on their property. Nearly all states have abrogated that duty, placing limits on an innkeeper's liability, as long as the innkeeper complies with certain requirements. These requirements, usually regulated in the state's innkeeper statute, govern the placement of the law (many statutes require that the statute be placed in a common area, at the front desk, or behind the door of the room) and the size of the text of the displayed statute. Generally, to be protected under the statutes, the innkeeper and his employees cannot be complicit in the theft or the loss of property. Lastly, the innkeeper usually has to provide a safe for the safekeeping of the guests' property.

American statutes also govern bailments. A bailment is the "delivery of an item of property, for some purpose, with the expressed or implied understanding that the person receiving it shall return it in the same or similar condition in which it was received, when the purpose has been completed."^[2] Coat checks, safety deposit boxes, and luggage storage are common examples of bailments for the hospitality industry. It is important for lodging and restaurant^[3] operators to understand that they are responsible for the safety of the guest's property when a bailment is established.

3.1.8 Restaurants

Restaurant operators in the United States have a duty to sell food that is merchantable, that is, suitable for buying and selling.^[4] "Truth in Menu" laws govern descriptions of food in menus. These laws ensure that the customer receives what the menu says he or she will (e.g., one dozen oysters for a certain amount, instead of 11 oysters). They also govern the ingredients, nutritional descriptions, preparation style, and more. For example, a bill once introduced to the New York City Council required that the use of the words "homestyle" or "homemade" refer to dishes prepared "from scratch."^[5]

The federal government has had a long history of regulating food advertisement and sales. In 2003, the U.S. Food and Drug Administration (FDA) began to require labels to include trans fat content.

The National Restaurant Association produces a helpful guide for restaurateurs - A Practical Guide to the Nutrition Labeling Law -to help the restaurant industry understand what nutrition claims it can make on its menu items.

3.1.9 Culinary Art

Culinary art is the art of preparing and cooking foods. The word "culinary" is defined as something related to, or connected with, cooking. A culinarian is a person working in the culinary arts. A culinarian working in restaurants is commonly known as a cook or a chef. Culinary artists are responsible for skilfully preparing meals that are as pleasing to the palate as to the eye. They are required to have a knowledge of the science of food and an understanding of diet and nutrition. They work primarily in restaurants, delicatessens, hospitals and other institutions. Kitchen conditions vary depending on the type of business, restaurant, nursing home, etc.

4.0 CONCLUSION

Hospitality management provides a focus on management of hospitality operations including hotels, restaurants, cruise ships, amusement parks, destination marketing organizations, convention centers, country clubs, and related industries.

5.0 SUMMARY

Hospitality is rarely a matter of protection and survival, and is more associated with etiquette and entertainment. However, it still involves showing respect for one's guests, providing for their needs, and treating them as equals. Cultures and subcultures vary in the extent to which one is expected to show hospitality to strangers, as opposed to personal friends or members of one's in-group.

6.0 TUTOR MARKED ASSIGNMENT

1. What do you understand as culinary art in your own words?
2. What role does culinary art play in tourism and what challenges does it encounter?

7.0 REFERENCES/FURTHER READING

- Bartelmus, P. (1994.) Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) Marketing and Hospitality Industry Research(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). Alternative Tourism: Reflections on an Ambiguous Concept. *Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T. and Marquua, J.J. (2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al (1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.

- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*. (2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T., Makens, J.C. (2006). *Marketing for Hospitality & Tourism*. (4th ed.). Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand* (3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*. (3rd ed.). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J. (1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism* (3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 2 TRAVELS, PURPOSE & MOTIVATION FOR LEISURE & HOSPITALITY

CONTENTS

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Travel, purpose and motivation for hospitality
 - 3.1.1 Purpose and motivation
 - 3.1.2 Travel Safety
 - 3.1.3 Tourism
 - 3.1.4 Scope of tourist and tourism
 - 3.1.5 Visitors and tourism definitions
 - 3.1.6 The structure and dimension of travel
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

It is extremely difficult to define precisely the words *tourist* and *tourism* because these terms have different meanings to different people, and no universal definition has yet been adopted.

For example, *Webster's New University Dictionary* defines **tourism** as 'traveling for pleasure; the business of providing tours and services for tourists,' and **a tourist** as 'one who travels for pleasure.'

These terms are inadequate synonyms for travel, and their use as such adds further confusion when the field of travel is variously referred to as the *travel industry*, the *tourism industry*, the *hospitality industry*, and most recently, the *visitor industry*. Why is so much attention given to these definitions?

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define what is meant by the word "travel"
- explain what is meant by purpose of travel
- describe what you understand by motivation for travel
- explain what travel safety meant and what is it all about
- identify with example and explain what is meant by tourism.

3.0 MAIN CONTENT

3.1 Travel, Purpose and Motivation for Hospitality

Travel is the movement of people or objects (such as airplanes, boats, trains and other conveyances) between relatively distant geographical locations(Theobald)

Travel

The term "travel" originates from the Old French word *travail*. The term also covers all the activities performed during a travel (movement).^[4] A person who travels is spelled "traveler" in the United States, and "traveller" in the United Kingdom.(livingstone, 2005)

Reasons for traveling include recreation,^[5] tourism^[5] or vacationing,^[5] research travel^[5] for the gathering of information, for holiday to visit people, volunteer travel for charity, migration to begin life somewhere else, religious pilgrimages^[5] and mission trips, business travel,^[5] trade,^[5] commuting, and other reasons, such as to obtain health care^[5] or fleeing war or for the enjoyment of traveling. Travel may occur by human-powered transport such as walking or bicycling, or with vehicles, such as public transport, automobiles, trains and airplanes.(Gee 1997)

Motives to travel include pleasure,^[6] relaxation, discovery and exploration,^[5] getting to know other cultures^[5] and taking personal time for building interpersonal relationships. Travel may be local, regional, national (domestic) or international. In some countries, non-local internal travel may require an internal passport, while international travel typically requires a passport and visa. A trip may also be part of a round trip, which is a particular type of travel whereby a person moves from their usual residence to one or several locations and returns.

3.1.2 Travel safety

It's important to take precautions to ensure travel safety.^[7] When traveling abroad, the odds favor a safe and incident-free trip, however, travelers can be subject to difficulties, crime and violence.^[8] Some safety considerations include being aware of one's surroundings,^[7] avoiding being the target of a crime,^[7] leaving copies of one's passport and itinerary information with trusted people,^[7] obtaining medical insurance valid in the country being visited^[7] and registering with one's national embassy when arriving in a foreign country.^[7] Many countries do not recognize drivers' licenses from other countries; however most countries accept international driving permits.^[9] Automobile insurance policies issued in one's own country are often invalid in foreign countries, and it's often a requirement to obtain temporary auto

insurance valid in the country being visited.^[9] It's also advisable become oriented with the driving rules and regulations of destination countries.^[9] Wearing a seat belt is highly advisable for safety reasons and because many countries have penalties for violating seatbelt laws.(Gee,1997)

There are three main statistics which may be used to compare the safety of various forms of travel

3.1.3 Tourism

Tourism is travel for recreational, leisure or business purposes. The World Tourism Organization defines **tourists** as people "traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes".

Tourism has become a popular global leisure activity. In 2010, there were over 940 million international tourist arrivals worldwide, representing a growth of 6.6% when compared to 2009. International tourism receipts grew to US\$919 billion (€693 billion) in 2010, corresponding to an increase in real terms of 4.7%.^[2] As a result of the late-2000s recession, international travel demand suffered a strong slowdown from the second half of 2008 through the end of 2009. After a 5% increase in the first half of 2008, growth in international tourist arrivals moved into negative territory in the second half of 2008, and ended up only 2% for the year, compared to a 7% increase in 2007.^[3] This negative trend intensified during 2009, exacerbated in some countries due to the outbreak of the H1N1 influenza virus, resulting in a worldwide decline of 4.2% in 2009 to 880 million international tourists arrivals, and a 5.7% decline in international tourism receipts.(Gee, 1997)

Tourism is important and in some cases vital for many countries, such as France, Egypt, Greece, Lebanon, Israel, the United States, the United Kingdom, Spain, Italy, and Thailand, and many island nations, such as Mauritius, The Bahamas, Fiji, Maldives, Philippines and the Seychelles. It brings in large amounts of income in payment for goods and services available, contributing an estimated 5% to the worldwide gross domestic product (GDP), and it creates opportunities for employment in the service industries associated with tourism. These service industries include transportation services, such as airlines, cruise ships and taxicabs; hospitality services, such as accommodations, including hotels and resorts; and entertainment venues, such as amusement parks, casinos, shopping malls, music venues and theatres.

3.1.4 Scope of Tourist and Tourism

According to Gee, Makens, and Choy (1997), the concern is from both an academic and a practical perspective.

‘First, travel research requires a standard definition in order to establish parameters for research content, and second, without standard definitions, there can be no agreement on the measurement of tourism as an economic activity or its impact on the local, state, national or world economy.’

Therefore, comparable data are necessary requisites, *Global Tourism* and identical criteria must be used in order to obtain such data. For example, in North America, the U.S. Census Bureau and the U.S. Travel Data Center’s annual travel statistics consider only those trips taken that are 100 miles or more (one-way) away from home.

However, Waters (1987) argued that this criteria is unreasonably high, and proposed instead in his annual compendium on travel that similar to the U.S. National Tourism Resources Review Commission’s guidelines (1973), distances of 50 miles or more are a more realistic criteria.

On the other hand, the *Canadian government specifies that a tourist is one who travels at least 25 miles outside his community*. Therefore, each of these four annual data sets is quite different, and which (if any) contains the most accurate measurement of tourism activity?

The United Nations (UN) was so concerned about the impossible task of compiling comparative data on international tourism that they convened a Conference on Trade and Development, which issued guidelines for tourism statistics (UNCTAD Secretariat, 1971).

The ensuing report suggested that **the functions of a comprehensive system of national tourism statistics could serve:**

- (a) To measure from the demand side the volume and pattern of foreign (and domestic) tourism in the country (as well as outgoing tourism),
- (b) To provide information about the supply of accommodation and other facilities used by tourists, and
- (c) To permit an assessment to be made of the impact of tourism on the balance of payments and on the economy in general. Therefore, accurate statistical measurement of travel and tourism is important in order to assess its direct, indirect, and induced economic impacts; to assist in the planning and

development of new tourist facilities and resources; to determine current visitor patterns and help formulate marketing and promotional strategies, and to identify changes in tourist flows, patterns, and preferences.

3.1.5 Visitors and Tourism Definitions

- (i) *Visitor (V)*: Any person travelling to a place *other than that of his/her usual environment for up to 12 months* and whose main *purpose of trip* is leisure, business, pilgrimage, health, etc., other than the exercise of an activity remunerated from within the place visited or migration. Transport Crew and Commercial Travelers (even those travelling to different destinations over the year) may be regarded as travelling in their usual environment and excluded from visitors (Transport Crew are usually excluded from Frontier Control), also those travelling year round (or most the year) between two places of residence (e.g., weekend homes, residential study).
- (ii) *Tourist (T, stay-over/overnight)*: A visitor staying at least one night in the place visited (not necessarily in paid accommodation).
- (iii) *Same-day visitor (SDV, Excursionist, Day-visitor)*: A visitor who does not stay overnight in the place visited, e.g.:
 - (a) *Cruise Visitor (CV)*, who may tour for one or more days, staying overnight on the ship (includes foreign naval personnel off duty).
 - (b) *Border Shopper (BS)*, who may have high expenditures on purchases of food, drink, tobacco, petrol, etc.; excluding border workers.
- (iv) *Travelers*: Visitors and (a) *Direct Transit Travelers (DT)*, e.g., at an airport, between two nearby ports); (b) *Commuters*, routine travel for work, study, shopping, etc.; (c) *Other Non-commuting Travel (ONT)*, e.g., occasional local travel, transport crew or commercial traveler (to various destinations), migrants (including temporary work), diplomats (to/from their duty station).
- (v) *Passengers (PAX, Revenue)*: Travelers excluding crew, nonrevenue (or low revenue) travelers e.g., infants, free or travelling on a discount of up to 25%.
- (vi) *Tourism*: The activities of visitors, persons travelling to and staying in places outside their usual environment for up to 12 months for leisure, business, pilgrimage, etc. (a) *International*: (i) Inbound, (ii) Outbound: may include overnight stay(s) in country of residence, (b) *Domestic* (in country of residence).

- (vii) *Tourism Industry*: Establishments providing services and goods to visitors, including: (a) *Hospitality* (hotels, restaurants, etc.), (b) *Transport*, (c) *Tour Operators* and *Travel Agents*, *Attractions*, (d) Other branches of the economy supplying visitors (some of these may also provide a significant volume of services and goods to non-visitors, and the proportion of revenue etc. due to visitors is important in estimating receipts from tourism).
- (viii) *The Travel and Tourism Industry* (TTI): The tourism industry (and receipts from tourism, etc.) together with the provision of goods and services by establishments to other non-commuting travelers occasional local travelers, etc.

3.1.6 The Structure and Dimensions of Travel

Although technical definitions such as suggested previously should be applicable to both international and domestic tourism, such definitions are not necessarily used by all countries with respect to domestic tourism. However, most have adopted the three elements of the international definition:

- (i) purpose of trip,
 - (ii) distance travelled, and
 - (iii) duration of trip. In addition, two other dimensions or elements are sometimes used to define travelers. One that is often used is
 - (iv) residence of traveler, and one that is used less often is
 - (v) mode of transportation.
- (i) ***Purpose of trip***: The notion behind this tourism dimension was to include the major components of most travel today. However, there are a number of destination areas that only include non-obligated or discretionary travel in defining tourists. They view only leisure travelers as tourists, and purposely excluded travel *solely* for business purposes.

However, one might well argue that business travel is often combined with some amount of pleasure travel. In addition, business travel to attend meetings or conferences should be included because *The meaning, scope, and measurement of travel and tourism* it is considered to be discretionary travel rather than part of the normal, daily business routine.

- (ii) ***Distance travelled***: For statistical purposes, when measuring travel away from home (nonlocal travel), a number of national, regional, and local agencies use total round-trip distance between place of residence and destination as the distinguishing statistical measurement factor. As indicated earlier, these distances can and do vary from zero to 100 miles (0 to 160

kilometers). Therefore, attractions that are less than the minimum prescribed distance(s) travelled are not counted in official estimates of tourism, thereby creating both artificial and arbitrary standards.

- (iii) ***Duration of trip:*** In order to meet the written criteria for defining travellers, most definitions of tourists and/or visitors include at least one overnight stay at the destination area. However, this overnight restriction then excludes many leisure-related one-day trips that often generate substantial business for attractions, restaurants, and other recreation resources.
- (iv) ***Residence of traveler:*** When businesses attempt to identify markets and associated marketing strategies, it is often more important for their business to identify where people live than to determine other demographic factors such as their nationality or citizenship.
- (v) ***Mode of transportation:*** Used primarily for planning purposes, a number of destination areas collect information on visitor travel patterns by collecting information on their mode of transportation, such as air, train, ship, coach, auto, or other means. Finally, according to Williams and Shaw (1991): Each national tourist organization may record different types of information. For example, duration of stay, mode of travel, expenditure, age, socioeconomic group, and number of accompanying persons are all important aspects of tourism but these are not recorded in all tourist enumerations.

4.0 CONCLUSION

To permit an assessment to be made of the impact of tourism on the balance of payments and on the economy in general. Therefore, accurate statistical measurement of travel and tourism is important in order to assess its direct, indirect, and induced economic impacts; to assist in the planning and development of new tourist facilities and resources; to determine current visitor patterns and help formulate marketing and promotional strategies, and to identify changes in tourist flows, patterns, and preferences.

5.0 SUMMARY

For statistical purposes, when measuring travel away from home (nonlocal travel), a number of national, regional, and local agencies use total round-trip distance between place of residence and destination as the distinguishing statistical measurement factor. As indicated earlier,

these distances can and do vary from zero to 100 miles (0 to 160 kilometers). Therefore, attractions that are less than the minimum prescribed distance(s) travelled are not counted in official estimates of tourism, thereby creating both artificial and arbitrary standards.

6.0 TUTOR-MARKED ASSIGNMENT

1. Define travel Safety and hospitality in your own word with examples and identify the purpose and motivation for tourism?

7.0 REFERENCES/ FURTHER READING

Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.

Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.

Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.

Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.

Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.

Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.

Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.

Databank(2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.

Eliot, E. (2008). *Travel. CMA Journal*. February 2: 271.

Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 3 FRONT OFFICE BOOKING CONTRACTS FOR GUESTS REGISTRATION AND ACCOMMODATION

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Booking contract for Guests registration and Accommodation
 - 3.1.1 Contract Basics
 - 3.1.2 Front Office Semantics-Contract (implied)
 - 3.1.3 Offer (Contract)
 - 3.1.4 Consideration(Contract)
 - 3.1.5 Acceptance (Contract)
 - 3.1.6 Accommodation of Guest
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References /Further Reading

1.0 INTRODUCTION

Roadmap 13.2 indicates that Front office manager (FOM) must know the basics of contract law that are applicable to guest reservations, registrations, and accommodations. FOMs enter into contract: when they make a room reservation for a guest or when they sign an agreement to purchase or lease front office equipment from a supplier. They may confront potential legal issues as contracts are managed, and these issues are the topics of this section.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define what is meant by contract between guest and hotelier
- explain the meaning of contract basics in your own words
- explain the meaning of offer in a contractual agreement
- discuss your understanding of acceptance in a contract
- identify with an example, what is meant by consideration in contract.

3.0 MAIN CONTENT

3.1 Booking contract for guests registration and accommodation

Contract: Legally enforceable agreement or promise involving two or more parties,

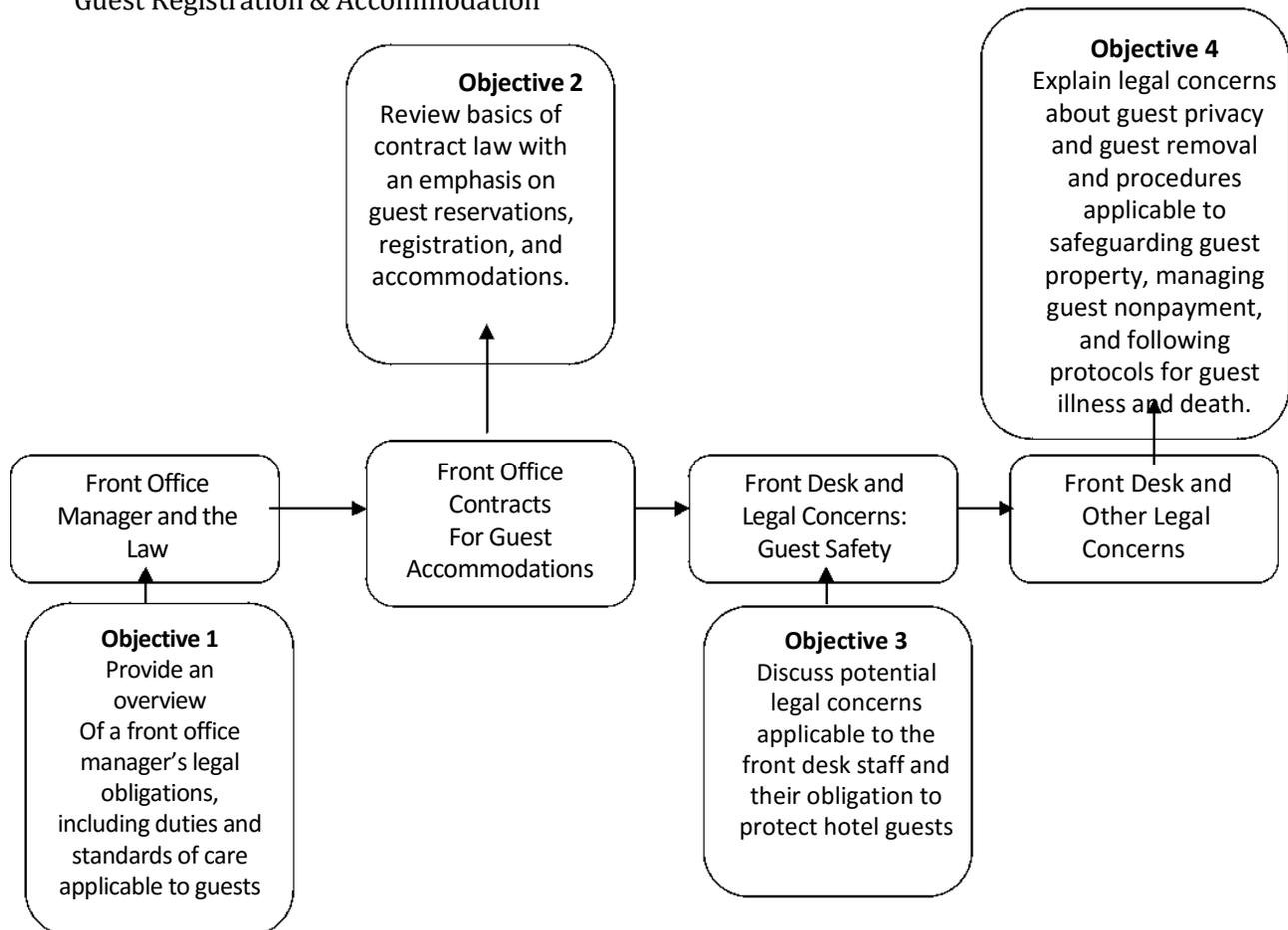
3.1.1 Contract Basics

Express contracts can involve oral or written words, and contracts of both types are leg: and binding if they are enforceable. To be a legal contract, the parties to Contract.

Roadmap 13.2 indicates that Front office manager(FOM)below:

Source” FOM, Front office Management, Best western, London, Ontario p.221 2006

Guest Registration & Accommodation



must be of a specified minimum age, the parties must be mentally competent to understand the contract's terms, and the purpose of the contract must not violate the law. Implied contracts do not involve words; instead, they are inferred by the active of one or both of the parties. For example, a guest may call the front desk agent to: about a one-night rental cost for a roll-away bed. On learning the cost, the guest sa "Please deliver the bed to my room before 8:00 p.m." Although there was no writ or oral agreement such as, "Okay, I wish to rent a bed," the guest implies acceptant and an implied contract has been entered into when the delivery request is made.

3.1.2 Front Office Semantics-Contract (implied)

Contract (implied): Agreement that is not in writing but that is created by the behavior of both parties who suggest that they are acting under an agreement Both express and implied contracts have the following elements: offer, consecration, and acceptance.

- Offer. An offer indicates what one entity is willing to do and what that en expects in return. For example, a hotel's registration card is a contract between the property and a guest. When a prospective guest reads a hotel's registrar card, such as the one illustrated in Figure 13.1, he or she is learning about hotel's offer to supply a specified type of room for a specified length of time a specified price.

3.1.3 Offer (contract): Element in a legal contract that indicates what one entity is willing to do and what entity expects in return.

- Consideration. Consideration relates to money, property, or a exchanged for the promise made in a contract. In the example of the guest istration contract, the consideration is a room rental for a stated rental rat,

Contract (express): Contract that involves oral or written words.

Legal contract: Contract in which the parties to the agreement are of a specified minimum age, parties are mentally competent to understand the contract's terms, and the purpose of the contract does not violate the law.

Many contracts are expressed. Assume that a guest makes a guaranteed reservation for a specific night. The reservations agent explains that the guest's credit card will be charged for the one night's stay if the guest does not cancel the reservation before 6:00 p.m. on the date of arrival. The guest agrees, and an express contract has been made. The hotel

could charge the guest if the individual is a no-show on the arrival date. Detailed information about alternative types of reservations and examples of times when a guest may not be charged for a guaranteed reservation (even the hotel is legally able to do so) are presented in unit 11.

3.1.4 Consideration (contract): Element in a legal contract that relates to money, property, or a part exchanged for the promise made in a contract.

- Acceptance. An acceptance is an agreement by the second party in a contra the terms and conditions of the offer. Agreement to a contract's terms made by fax, mail, express delivery service, or even e-mail; however, in to business world, many contracts are written. If contracts concern a non recurring issue such as guestroom rental, standardized documents are use necessary, they are modified by agreement of both contractual parties.

3.1.5 Acceptance (contract): Agreement by the second party in a contract to the terms and conditions offer.

Offers can be accepted orally: "Yes, I will pay \$75 to rent the guestroom for.;~~ more day." Offers can also be accepted in writing: for example, the guest who sign the registration card illustrated in Figure 13.1 is providing written acceptance offer agreement. Additionally, acceptance can be made with money. This occurs when example, a guest makes a deposit to reserve a room or when a partial or full payment is made when meeting space is reserved.

What happens if a contract for a room is broken by a hotel that cannot honor d guest's reservation, for example, because it is overbooked? Legally, the guest could formally seek damages in a court of law. However, the amount of harm caused to the guest would typically be small; therefore, many times a lawsuit is not worth the time of effort of the guest or the courts. Instead, it is common industry practice for the hate

3.2 Accommodation of Guests

Issues of potential legal consequence can arise before a prospective guest checks in to the hotel. Recall that common law has historically required that a hotel accept persons who desire and are able to pay for a guestroom. This judicial code, which is hundreds of years old, has been strengthened by many statutes and by state and federal government civil rights laws that prohibit places of public accommodations from discriminating against any persons because of their race, color, religion,

or national origin. There are special situations, however, in which hotels have a right to refuse room rental by potential guests or in which hotels may be found negligent if they do allow rental:

Persons who are under age (and, therefore, cannot be a legal party to a contract)

- Persons who are drunk or disorderly or who are suffering from a contagious disease
- Persons carrying property such as explosives or guns that may harm others
- Persons desiring to bring in pets that are not accepted by hotel policy
- Persons who cannot or will not pay for the hotel's products and services

The hotel has no rooms available for rent (The issue of a hotel needing to refuse potential guests who arrive with an appropriate reservation is discussed in detail in earlier unit.

Since passage of the Americans with Disabilities Act (ADA) in the early 1990s, there have been legal requirements in the United States that mandate hoteliers to accommodate disabled guests. The ADA also requires hoteliers to accommodate disabled employees; however, that discussion is beyond the scope of this unit.

ADA requirements pertain to the hotel building, parking lots, grounds, and public areas, in addition to the guestrooms. The requirements are designed to ensure that the hotel, as a public facility, is accessible to those with physical disabilities, and they apply to lodging operations with more than five guestrooms if they are not occupied by or are the residence of the proprietor. Thus, a small B&B operation would likely not be covered by ADA requirements.

ADA requirements are extensive and begin with the number of accessible guestrooms that are required. For example, a hotel with 1 to 25 rooms must have one accessible room; a hotel with 301 to 400 rooms must have 8 accessible rooms, including 4 with roll-in showers. In addition, accommodations must be available for persons with hearing impairments (e.g., visual alarms, notification devices, and appropriate telephones).

Accessible (guestroom): Guestroom that is designed to accommodate persons with disabilities by removing barriers that otherwise limit or prevent them from obtaining the services that are offered.

ADA regulations require that accessible sleeping rooms and suites be dispersed among the types of rooms available to other guests based on,

for example, .roof size, cost, amenities, and number of beds. The regulations do allow construction a accessible rooms to be limited to rooms used for multiple occupancy, if they are rented to individuals with disabilities at the cost of a single-occupancy room when requested. Rooms must be located in an area of the hotel that is accessible to guests with disabilities. ADA requirements provide many details about maneuvering spaces within the guestroom; widths of doors and doorways; accessibility of cable shelves, closets, and drawers; and special requirements for bathroom facilities

Complete details about ADA standards for accessible transient lodging facilities be found at www.usdoj.gov/crtlada/reg3a.html#anchor-54325.

Many persons with disabilities covered by the ADA are aware of the for requirements relating to accommodations. Those that do will likely make adv reservations to ensure that an accessible room will be available for their use when arrive at the property. FOMs must develop policies about holding these room guests who have made a reservation for them and about renting these access rooms to walk-in guests who are not in need of them. Front desk agents us trained to consistently comply with these policies so that eligible guests are denied equal access to the property.

4.0 CONCLUSION

Recall that common law has historically required that a hotel accept persons who desire and are able to pay for a guestroom. This judicial code, which is hundreds of years old, has been strengthened by many statutes and by state and federal government civil rights laws that prohibit places of public accommodations from discriminating against any persons because of their race, color, religion, or national origin. There are special situations, however, in which hotels have a right to refuse room rental by potential guests or in which hotels may be found negligent if they do allow rental

5.0 SUMMARY

The regulations do allow construction a accessible rooms to be limited to rooms used for multiple occupancy, if they are rented to individuals with disabilities at the cost of a single-occupancy room when requested. Rooms must be located in an area of the hotel that is accessible to guests with disabilities. ADA requirements provide many details about maneuvering spaces within the guestroom; widths of doors and doorways; accessibility of cable shelves, closets, and drawers

6.0 TUTOR MARKED ASSIGNMENT

1. Define the following legal terms: Contract basics, consideration, offer and acceptance and give example of each to illustrate your clear understanding of them?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.
- Eliot, E. (2008). *Travel. CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

UNIT 4 TRAVEL, TOURISM AND HOSPITALITY BASIC LAWS & REGULATIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Tourism and hospitality in relation to other laws
 - 3.1.1 Anti-Trust Laws
 - 3.1.2 Contracts
 - 3.1.3 Tort Laws
 - 3.1.4 Hospitality laws and Regulations
 - 3.1.5 Organizations related to Hospitality Laws
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Hospitality Law: Managing Legal Issues in the Hospitality Industry (4th Edition)" to their offering.

When faced with the possibility of paying substantial legal fees, astute hospitality managers recognize the alternative - managing their businesses responsibility to avoid litigation.

With prevention and compliance at its core, Hospitality Law, shows students and practicing hospitality managers how to effectively manage their legal environment. By learning to think proactively, readers consider how their actions will be viewed in a legal context, thereby precluding many legal difficulties.

This practical text familiarizes readers with hospitality legalities, provides relevant exercises, and applies lessons learned to real-world hospitality management situations.

Enhanced coverage of travel and tourism, with an increased international perspective Added information on tipping and social media policies Updates on safety and security, including Payment Card Industry compliance and guest privacy .Increased coverage of the civil litigation process, including evolving issues like bed bugs and the revised Americans with Disabilities Act and provide readers with a solid base to learn how to make effective decisions in a hospitality operation

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- identify and explain what is meant by anti-trust laws
- define & explain what is meant by hospitality industry
- explain what a contract is and stands for in hotel business
- discuss your understanding of tort laws i hospitality industry
- explain why hospitality is associated much with cultural norms or value.

1.0 MAIN CONTENT

3.1 Tourism and hospitality in Relation to other laws

Hospitality as a cultural norm or value is an established sociological phenomenon that people study and write papers about Hospitality ethics. Some regions have become stereotyped as exhibiting a particular style of hospitality.

3.1.1 Anti-trust laws

Anti-trust laws regulate business conduct to preserve competition and to prevent economic coercion. Hotel operators should not enter into an understanding regarding 1) room rates and conditions and terms of providing rooms or 2) scope of operations.^[6]

It is important to remember that a hotel operator is ordinarily responsible if its managers or employees violate antitrust laws

3.1.2 Contracts

There are two main types of contracts applicable to the hospitality industry: franchise contracts and management contracts.

A franchise agreement dictates the terms, rights, and responsibilities between the franchisee and the franchisor. It covers termination policies, each party's responsibilities, indemnification, and more. Franchise agreements should be carefully reviewed by an attorney.

A management contract covers the duties and responsibilities between a management company and the business owner. Management contracts covers fees, the management company's investment or ownership, exclusivity, and more.

3.1.3 Tort laws

Torts, including negligence (as described above), intentional acts, assault, and more, are also relevant for the hospitality industry. Lodging operators need to be aware of their duties to guests in parking lots. Restaurant operators that serve alcohol should also be aware of their duties to their guests when patrons become belligerent or hostile to each other or to other guests.

Hospitality Law covers a wide range of legal issues which include contracts, hotel liability, duty of hotels toward guests, employment laws, antitrust legislation, alcohol licensing and food safety to name a few. Industries such as transportation, hotels, bars, motels and other various leisure establishments and services must comply with all laws set forth by the various governing authorities of this area of practice.

3.1.4 Hospitality Laws and Regulation

ABA - Hospitality Law Overview

Hospitality law has evolved as a specialty within the legal profession in the last several decades. It is also offered as a course on the undergraduate and graduate levels as well as in some law schools. A typical hospitality law course covers the history of hospitality law, the impact of federal and state civil rights laws on the hospitality industry, and an extensive discussion of contract law, including discussions of remedies for overbooking and a guest's breach of the contract regarding a reservation.

- **Food Safety - Inspections and Compliance**
The food industry is responsible for producing safe food. Government agencies are responsible for setting food safety standards, conducting inspections, ensuring that standards are met, and maintaining a strong enforcement program to deal with those who do not comply with standards.
- **Hospitality Law - Definition**
Hospitality law is the body of law relating to the foodservice, travel, and lodging industries. That is, it is the body of law governing the specific nuances of hotels, restaurants, bars, spas, country clubs, meeting and convention planners, and more. Hospitality law doesn't just involve one area of law. It encompasses a wide variety of practice areas, including contracts, antitrust, tort law, and more.
- **Hospitality Risk Solutions**
Business interruption insurance (also known as business income coverage) helps businesses in situations like this. Many businesses without the business income coverage, shut down their business operations after their business is completely shuttered due to some

unforeseen event. It covers the loss of income and helps a business return to the financial position as it was in prior to the disaster.

- **Restaurants and Food Service Businesses**
[Business.gov](http://www.business.gov) helps small business owners stay abreast of legal and regulatory issues affecting their daily lives. This guide provides an overview of federal regulations that affect restaurants and other food service businesses, including links to guidance that help restaurateurs stay in compliance with federal regulations.
- **United States Hotel Liability**
 Hotel guests should be aware of certain laws and regulations or policies that could impact their visits. Special concerns affect the "hospitality industry" because its establishments hold their property open to the public at large. For hotels (collectively referred to as "innkeepers" under many state laws), duties owed to the public at large are based on the historic consideration that when weary travelers reached wayside inns as night approached, they were not to be arbitrarily turned away into the dark (the roads were filled with robbers) or otherwise subjected to the arbitrary mercy of the innkeeper with regard to prices or adequacy of quarters.

3.1.5 Organizations Related to Hospitality Law

- **American Hotel and Lodging Association**
 Serving the hospitality industry for nearly a century, AH&LA is the sole national association representing all sectors and stakeholders in the lodging industry, including individual hotel property members, hotel companies, student and faculty members, and industry suppliers. Headquartered in Washington, D.C., AH&LA provides members with national advocacy on Capitol Hill, public relations and image management, education, research and information, and other value-added services to provide bottom line savings and ensure a positive business climate for the lodging industry.
- **Cornell's Center for Hospitality Research Roundtables**
 Center roundtables are a meeting place for invited senior-level hospitality industry executives and Cornell faculty members. Each roundtable lasts one day and is divided into four or five sessions. Sessions begin with a short research presentation (by a Cornell faculty member, faculty from another institution, or an industry leader) that lasts five to ten minutes. Immediately following, one or two industry discussants either support or contest the researcher's hypothesis or conclusion. The conversation is then opened up to the entire roundtable for discussion.
- **Hospitality Law Conference - Hospitality Net**
 The annual Hospitality Law Conference is a one-of-a-kind opportunity designed for participants to share legal insight and best

practices, and to gain a better understanding of the latest industry developments. It is the only program in the country and in the world devoted exclusively to legal, safety and security issues impacting the hotel, restaurant, and travel industries.

- **Hospitality Trends**
Founded in 1998 by Thomas Wahl and initially focusing on the hotel industry, the Nevistas network has evolved into the leading online information and knowledge base for not only the hospitality industry, but also the all and many other channels.
- **National Restaurant Association**
The National Restaurant Association now represents more than 380,000 of those businesses — from restaurants and suppliers to educators and nonprofits — and provides each one with the valuable resources needed to stay ahead in a fast-paced industry.

4.0 CONCLUSION

Hotel guests should be aware of certain laws and regulations or policies that could impact their visits. Special concerns affect the "hospitality industry" because its establishments hold their property open to the public at large. For hotels (collectively referred to as "innkeepers" under many state laws), duties owed to the public at large are based on the historic consideration that when weary travelers reached wayside inns as night approached, they were not to be arbitrarily turned away into the dark (the roads were filled with robbers) or otherwise subjected to the arbitrary mercy of the innkeeper with regard to prices or adequacy of quarters.

5.0 SUMMARY

Hospitality law has evolved as a specialty within the legal profession in the last several decades. It is also offered as a course on the undergraduate and graduate levels as well as in some law schools. A typical hospitality law course covers the history of hospitality law, the impact of federal and state civil rights laws on the hospitality industry, and an extensive discussion of contract law, including discussions of remedies for overbooking and a guest's breach of the contract regarding a reservation.

6.0 TUTOR-MARKED ASSIGNMENT

1. What do you understand by hospitality laws explain your answer with example?
2. Differentiate with example the difference between anti-trust laws and tort law?

7.0 REFERENCES/ FURTHER READINGS

- Bartelmus, P. (1994.) Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) Marketing and Hospitality Industry Research(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). Alternative Tourism: Reflections on an Ambiguous Concept. *Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.

- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). Marketing for Hospitality & Tourism.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). Professional Front Office Management.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) Code of Ethics: Hospitality Services and Tourism Industry, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press.
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth District. Economic Review, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 5 OCCUPATIONAL HEALTH & SAFETY LAWS IN HOSPITALITY INDUSTRY

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Health and Safety laws
 - 3.1.1 OHS&W Laws
 - 3.1.2 Approved codes of practice
 - 3.1.3 The occupational health & safety & welfare act
 - 3.1.4 Purpose of the Act
 - 3.1.5 Employee Duties
 - 3.1.6 Provide adequate welfare facilities
 - 3.1.7 Employer Duties
 - 3.1.8 The rule of the HSR
 - 3.2 Occupational health, safety and welfare regulations
 - 3.2.1 hazard management principles
 - 3.2.2 Hazard identification
 - 3.2.3 Risk control Assessment
 - 3.2.4 Elimination
 - 3.2.5 Substitution
 - 3.2.6 Information, instruction and training
 - 3.2.7 Hazardous Substances
 - 3.2.8 Managing incidences and injuries
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

This guide to OHS & W law has been developed for you by the Hospitality Industry OHS & W Committee with the assistance of WorkCover Corporation, under the SAfer Industries Program.

Like most small employers, you probably know that there is legislation about occupational health, safety and welfare (OHS&W) and compensation. Many employers realise that they need to do something about it, but sometimes — for one reason or another — don't get around to addressing health and safety issues.

Waiting for an accident may be leaving it too late to take action. Apart from the possible increase in insurance levies and all the other associated

costs with an accident, you may be prosecuted and fines now range from \$1,000 to \$100,000.

That is a lot of money to find over and above the indirect costs of a worker being injured. Research shows that this is usually around nine times more than the direct costs — money that comes straight off your bottom line.

The content gives you a clear picture of your responsibilities for prevention and injury management. It is not meant to scare you, it is just meant to make you aware that you and your staff have duties. You and your staff have an obligation to comply with these duties.

It would pay you to read this guide now and do something before it is too late. This guide is designed as a plain language summary of the Occupational Health, Safety and Welfare Act 1986 and the Regulations that apply to the hospitality industry employers and employees in South Australia. It should not be seen as a substitute for those laws and you are advised to obtain a copy of the Acts, the Regulations and the approved codes of practice that are recommended in this document.

You are advised to read them and apply them to your workplace as required. It is a good idea to seek further professional assistance if you are unsure about what you need to do.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- describe how safety laws protects workers
- explain the meaning of welfare act of 1986
- identify two hazard management principles
- outline three duties of a employer in relation to health safety
- identify responsibilities of employees with regards to health safety

3.0 MAIN CONTENT

3.1 Health and Safety Law

Health and Safety Laws protect all workers in South Australia, irrespective of their occupation or the size of the business. These laws provide guidance on how occupational health, safety and welfare (OHS&W) should be managed as well as providing a framework for prosecution if the laws are not complied with.

There are two main areas of law that affect business operations

- Occupational Health and Safety, and
- Worker Rehabilitation and Compensation.

Through this booklet you will be given information on both of these laws as to what your duties are as employers, and how you might be able to satisfy those duties. (Burtcart,1981)

3.1.1 OHS&W Law

The OHS&W law is made up of three parts. All of these documents have different purposes but failure to comply with any of them may mean that you have broken the law and you may be prosecuted.

The three parts are:

The Occupational Health, Safety and Welfare Act 1986 (the **Act**), which is the principle legislation and determines who is responsible for what and therefore who is prosecuted when things go wrong.

The Occupational Health, Safety and Welfare Regulations 1995 (the **Regulations**), which support the Act and provide further information about duties and how to satisfy them. The Regulations have the same authority as the Act, but provide much more information on how to fix the problem.

3.1.2 Approved Codes of Practice

Codes of Practice provide more detailed information and practical guidance for an industry or employer on how to achieve a particular standard of workplace health and safety.

3.1.3 The Occupational Health, Safety and Welfare Act

This Act applies to all workplaces and sets out the general requirements and responsibilities for OHS&W in the workplace. It is made up of 71 Sections and the following are the most relevant for employers of small businesses.

3.1.4 Purpose of the Act

The purpose of the Act is to prevent injuries and illness to people at work. It also aims to: involve employers and employees in OHS&W matters encourage employer and employee associations to promote workplace health and safety protect the public from injury or illness arising from workplaces

3.1.5 Employer Duties

If you employ another person in any capacity — whether they are casual, permanent, full-time, part-time, contractors or even family — you are responsible for complying with these sections. You have a duty of care to ensure the safety and well-being of these people.

As an employer you must:

- provide a safe place of work for your staff! The work environment such as the kitchen, front of house (customer) areas and back of house (bar areas, kitchens etc) must be free of hazards and risks to the health and safety of your staff.
- provide a safe system of work for your staff! This means the way the work is done, the work instructions and procedures that are used by your staff.
- provide safe plant and equipment for your staff to use! This means the cookers, mixers, washers and even the hand tools such as knives and other implements have to be provided in good safe condition and maintained in that condition.
- make sure that your staff get training and supervision relevant to the job they are doing! You cannot just hire a staff member and leave them to do their job; you
- have to provide training in the way you want that person to do their job and for a period of time you should provide supervision to help them do the job.

3.1.7 provide adequate welfare facilities

You need to make sure that your staff have access to adequate meal areas, toilets, and first aid facilities.

As an employer, you are also required to:

- monitor working conditions and the health and welfare of your staff
- keep records of accidents and injuries
- make sure your staff are given information about hazards
- make sure that your supervisors know what they have to do.

Documentation

Section 20 also requires that you prepare and maintain a *policy* that is a written statement of your intention to keep the workplace safe and written procedures as to how you are going to do that. These documents must be developed in consultation with your staff and should be reviewed regularly to make sure they are appropriate.

3.1.8 Employee Duties

As an employer, you should also be aware of what your staff are responsible for.

You must comply with these requirements as well.

All employees must:

- protect their own health and safety at work
- not do anything that may affect the health and safety of others
- use any equipment provided for health and safety purposes
- obey instructions relating to health and safety
- make sure that they do not cause harm to themselves or others
- at work as a result of being affected by drugs or alcohol.

6 Managing

3.1.9 The Role of the HSR

The role of the HSR is to represent their nominated work group on issues relating to OHS&W and to work with management to resolve those issues.

Once elected, the HSR has the right to:

- undertake certain inspections of the workplace for safety hazards
- be consulted on OHS&W issues in their work area and especially to
- be notified of any accident that affects a member of their work group
- be involved with the visit of any Workplace Services (Department for Administrative & Information Services) inspector
- take action on unsafe conditions or work such as issuing default notices and
- speaking directly to Workplace Services
- be present at any interview with another employee relating to OHS & W if the other employee requests it.

Election of a Safety Representative

If one of your employees asks for an HSR to be elected, you have 14 days to begin the process of having one or more elected. While the employees are responsible for electing the HSR, as the employer you will play a significant role in assisting the process.

Any employee who is a member of the workgroup can nominate as an HSR.

The election process will require you to:

1. set up work groups that ensure equal representation. This is done in consultation with your employees and may consider things such as:
 - the number of people working in an area
 - or that do certain types of work in that area
 - the range of operations or work done by those people
 - shift work, overtime or the hours worked
 - the hazards that staff are exposed to in that area.
 - assist with the appointment of a returning officer to conduct the election
 - process. This can be anyone, as long as at least 50% of the employees agree with that person being appointed.

The Returning Officer will:

1. call for nominations, stating the day, time and place for the election. Any employee is allowed to nominate as an HSR. If only one nomination is received, that person will be the HSR. If more than one nomination is received it will have to go to a vote.
2. conduct the election. If one person asks for a secret ballot then one must be conducted. Otherwise a show of hands is sufficient to determine who the HSR will be. Management personnel should not vote in the election.

The HSR is elected for a three-year term, unless they leave the company, leave that workgroup, or at least two thirds of the work group are not happy with having that person as an HSR.

The Returning Officer has to keep copies of all nominations and ballots for six months.

The HSR is responsible for sending a Notification of Election (as shown in the Managing

OHS in the Hospitality Industry booklets) to WorkCover Corporation within 14 days.

Deputy HSRs can be elected if there is more than one nomination for that role. The election process for the Deputy can be either to appoint the person with the second most votes, to hold another election directly after, or to hold a separate election. The Deputy will only be involved if the HSR is not available for any reason.

3.2 The Occupational Health, Safety and Welfare Regulations

The Regulations not only provide further information on how to satisfy duties under the Act, they also provide a framework for your hazard management.

Where the Act provides minimum standards, the Regulations provide principles and practical steps for the management of hazards. Using these steps can ensure that the safe systems of work required by the Act are developed and implemented.

3.2.1 Hazard Management Principles

A **hazard** is something that has the potential to cause injury or illness to somebody.

The employer is responsible for knowing what hazards exist in their work place and for having appropriate controls in place to minimise the risks to their employees.

Hazards can range from harmful chemicals to a slippery floor, a load that is too heavy for a person to lift safely, prolonged standing or the stress associated with front of house activities.

The Regulations provide a three-step process to manage hazards.

You have to:

1. identify all hazards in the workplace
2. assess the risks associated with these hazards
3. control the risks to health and safety arising from these hazards
4. evaluate the effectiveness of the controls.

3.2.2 Hazard Identification

Methods for identifying hazards include:

- inspecting the workplace, using a checklist to identify potential hazards
- consulting with your staff to see what problems they have noticed
- checking records of injuries and incidents which have occurred in the workplace, or in other similar workplaces
- checking regulations, codes of practice, supplier's information and other relevant publications for information about what might be hazardous.

3.2.3 Risk Assessment

Risk is a combination of the **likelihood** and the **severity** of accidents being caused by a hazard. For each hazard identified, you must determine the level of risk created by the hazard by undertaking a **risk assessment**.

This is best done in consultation with your staff and using a Risk Assessment Tool such as presented in the 'How To Guide' for managing OHS&W. It may also be necessary to get further information from experts or documentation while doing the assessments.

3.2.4 Risk Control

When the risks have been assessed you should be able to prioritise them for action, dealing with the highest risks first. You then have to develop and implement appropriate controls to eliminate or minimise the risk to your staff and others.

The Regulations provide a priority order, or hierarchy, for risk control. With the hierarchy, control measures from the top of the hierarchy are the most effective and should be the first choice wherever possible.

Those at the bottom of the hierarchy are less reliable and more difficult to maintain.

The hierarchy is:

3.2.5 Elimination

The hazard should be eliminated at its source rather than trying to make an employee work safely in a dangerous environment. This can be done through the elimination of the job entirely or the elimination of the hazard completely.

Example: A damaged mat or carpet that is posing a tripping hazard may be able to be removed completely.

If that is not practicable you should consider substitution.

3.2.6 Substitution

You may be able to substitute the hazardous aspect of the operation with a less hazardous option.

Example: You may be able to use a less harmful chemical for cleaning, or get heavy objects supplied in smaller packs to reduce the risk of manual handling injuries.

If that is not practicable you should consider engineering controls.

Engineering controls

Try to design out the risk or provide some form of mechanical assistance. You can isolate some hazards with barriers or guarding. In other instances you may have to modify switches or similar.

Example: Exhaust ventilation can remove harmful fumes from the work area.

If that is not practicable you should consider using administrative controls.

Administrative controls

You may be able to change work schedules, standard operating procedures and training in safe work practices.

Example: With heavy lifting a team of workers could share the load.

If that is not practicable you need to consider using personal protective equipment.

Personal protective equipment

The last level of control is the use of personal protective equipment (PPE).

Example: Gloves or protective aprons in some areas will protect people from splashes of hot or hazardous substances.

3.2.7 Information, Instruction and Training

In all businesses key people need to have training to be aware of their duties and role.

You have to provide staff with appropriate information, instruction and training relevant to the hazards they are exposed to and their level of knowledge and skill.

This is especially so for:

- managers and supervisors who have a key role in the OHS&W process
- staff that have to do hazardous work which is new to them

- changes to the workplace that could increase the risk of injury
- inexperienced and new employees
- Health and Safety Representatives (entitled to five days approved training per year)
- other personnel who will play a role in the OHS&W process.

Managing

Plant (machinery and equipment)

Your staff work with a lot of equipment, some of it motorised such as mixers and washing machines and some of it hand tools or equipment. You have a duty to make sure this equipment is in good condition and suitable for the job being done.

You are required to undertake individual risk assessments for all powered plant that your staff uses and to have effective controls in place.

3.2.8 Hazardous Substances

Hazardous substances are chemicals and other substances that can affect workers' health.

The hazardous substances regulations detail the duties of employers and suppliers regarding:

- Material Safety Data Sheets labelling
- risk assessment and control
- information and training
- health surveillance and record keeping.

3.2.9 Managing incidents and injuries

The Regulations also provide information on what to do when all the control measures fail, or if something unexpected happens.

First Aid

Employers must provide first aid facilities for their employees. This includes the provision of first aid kits and one or more staff with a current first aid certificate.

If you have more than 50 employees you also have to provide a first aid room.

There is an *Approved Code of Practice for Occupational Health and First Aid in the Workplace* that gives more details on your first aid requirements.

3.2.9 Investigating and Reporting Incidents and Injuries

Employers must investigate accidents and injuries and act to prevent similar future occurrences. If possible the HSR has to be notified of the accident if it affects a member of their work group. They are entitled to be involved in the investigation.

In addition there are certain serious workplace injuries and occurrences that you must report to Workplace Services (Department for Administrative and Information Services) immediately. The injuries include:

- any death
- any acute symptoms from exposure to a hazardous substance
- any injury requiring in-patient hospital treatment.

The occurrences include:

- any collapse of plant, construction or part of a building
- an uncontrolled explosion or fire and an electrical short circuit or fire.

Such incidents may need to be investigated immediately by an inspector from Workplace

Services. A free information sheet *Notification of Work Related Injuries and Dangerous Occurrences* is available from WorkCover Corporation.

Employers also need to forward certain forms to their claims agents when an employee is claiming workers compensation for a work-related injury or illness, (see Rehabilitation and Return to Work below).

Managing

Keeping Records

Employers must keep records of all injuries that occur to employees. These records must be kept for at least three years after the date of the injury.

Australian Standard 1885.1 — *Workplace injury and disease recording standard* is an approved Code of Practice under this Regulation.

Overlapping Responsibilities

When responsibilities under the Act or the Regulations overlap and more than one party has a duty, the parties will need to negotiate with each other about how best to achieve the requirement.

Remember that if an accident occurs, each person with a responsibility may be held liable to the extent that they had control over the situation.

3.3. Enforcement of OHS&W Legislation

Act is enforced by inspectors from Workplace Services (Department for Administrative and Information Services), who have the authority to make sure that health and safety laws are obeyed. The inspectors visit workplaces to provide advice, to check that health and safety is being managed correctly and to investigate serious incidents.

Where inspectors find breaches of the legislation, they may issue an improvement notice; or in cases where there is an immediate risk to health a safety they may issue a prohibition notice forbidding any further work until the matter has been remedied.

Inspectors can also initiate prosecutions for breaches of the legislation, which may result in fines ranging from \$1,000 to \$100,000.

3.3.1 Workers Rehabilitation and Compensation Law

While it is every employer's duty to minimise the risk of an accident happening and the duty of all employees to work safely, it is still possible that somebody may be hurt as a result of a workplace injury. When this happens it is important that the worker is given every opportunity to return to their duties as soon as possible and that they do not lose out financially because of the accident.

The Workers Rehabilitation and Compensation Act 1986 is designed to provide guidance as to how you should manage both the claim and the injury so that your staff are not disadvantaged, and that they have an early and successful return to work.

3.3.2 Objects of the Act

The law has a number of objectives, including:

- the effective rehabilitation and early return to work of injured workers
- the fair compensation for employment related injuries
- preventing abuses of the system
- reducing the incidence of employment related injuries
- reducing litigation because of work related injuries.

14 Managing

3.3.3 Rehabilitation and Return to Work

Under this Act, all South Australian workers are covered for workers compensation if they need time off work or medical treatment because of a work related injury or illness.

Employers have an obligation to assist in the rehabilitation and return to meaningful and productive work of injured or ill employees as soon as practicable.

Work Cover Corporation has licensed a selection of insurance agents to administer workers compensation claims. These claims agents deal directly with employers and employees in the day to day management of workers rehabilitation claims. Employers can refer to their claims agent for help with rehabilitation and return to work policies, programs and practices.

5.3. Compensation

In order to be entitled to receive compensation under this Act, the person must be one of your staff (or what are referred to as 'workers' in the Act). The person must have a disability as a result of their work with you that stopped them from working. This does not cover home injuries, or any received on the way to or from work. There are some gray areas in this and if in doubt your WorkCover Corporation Claims Agent will be able to clarify any issues.

Processing a Claim

To make a claim for compensation:

Your employee must notify you within 24 hours by filling out a **Worker Report Form (green copy)** and handing it to you or their supervisor.

If there are no medical expenses or time off work you do not have to send anything to WorkCover Corporation at this stage but you must store the forms securely.

If the work injury involves medical expenses or time off work, the employee has to fill out the **Claim for Compensation (pink copy)** and hand it to you. They have up to six months from when they were injured to do this but the form has to be accompanied by a prescribed **Medical Certificate** issued by the medical provider.

You then fill in the **Employer Report Form** and forward it to your WorkCover Corporation Claims Agent within five days along with the following forms:

- the Notice of Work Related Injury Form
- the Claim for Compensation Form
- the Employer Report Form
- any medical certificates and accounts.

Under Section 52(5) of the Workers Rehabilitation and Compensation Act, you may incur a penalty of up to \$1,000 if you fail to meet this requirement.

You should have forms available in the event of one of your employees making a claim. Forms are available from most post offices or by telephoning WorkCover Corporation or your claims agent.

Benefits

Your staff member will be entitled to the following benefits if their claim is accepted.

Weekly Payments

If your staff member cannot work because of the injury they are entitled to the same weekly payments they would have been getting if they were working. They are entitled to 100% of pre-injury average weekly earnings for the first 52 weeks.

You are responsible for the first two weeks income.

After 12 months their income is reduced to 80% and if they still can't work after two years their payments will be reviewed and may be reduced even further. Otherwise these payments will continue until the worker does one of these things:

- returns to work
- ceases to have a certificate from a recognised medical expert
- refuses an offer of suitable employment
- fails to participate in a rehabilitation program
- refuses or fails to submit to medical treatment
- (except for surgery or administration of a drug)
- fails to submit to a medical examination organised by the claims agent
- refuses to take reasonable steps to find suitable employment is dismissed from employment for serious and willful misconduct
- consents to the weekly payments being stopped.

'Average weekly earnings' (AWE) is the amount your staff member worker would have earned for a week's work if they had not been disabled. This is easy for full time staff but you may have some difficulty with part time or casual staff. You will be asked to look at the average weekly earnings for that staff member or a similar one over the previous twelve months to help determine this.

If your staff member was working somewhere else as well, the total earnings from all employment will be used to calculate their average weekly earnings.

Overtime will not be included unless it was a regular and established pattern over a period of time that would have been continuing if the person had not been injured.

3.3.6 Reasonable Medical / Hospital Expenses

Costs for medical services will be met for services required as a result of the work-related disability. Treatment must be administered by a medical expert or under the direct supervision or control of a medical expert who must be registered with the relevant board of their profession.

Other Benefits

The worker may be entitled to other benefits including: reimbursement of any costs for travel for the purpose of receiving medical services, hospitalisation, or rehabilitation costs of accommodation where the person has to be away from home for medical treatment medicines prescribed by a medical expert for the purpose of effectively treating the work injury, support bandages, heat packs etc compensation for funeral expenses in the case of the death of a worker reimbursement for damages to therapeutic appliances, clothes, personal effects or tools of trade as a result of the accident a lump sum payable for permanent disability. This is separate to all other payments and will be determined by the Claims Agent and WorkCover Corporation.

3.3.7 Rehabilitation Programs

Work Cover Corporation (through its agents) will establish or approve a rehabilitation program to help your employee achieve the best physical and mental recovery, and to return to the workforce.

4.0 CONCLUSION

Employers must investigate accidents and injuries and act to prevent similar future occurrences. If possible the HSR has to be notified of the accident if it affects a member of their work group. They are entitled to be involved in the investigation.

In addition there are certain serious workplace injuries and occurrences that you must report to Workplace Services (Department for Administrative and Information Services).

5.0 SUMMARY

The content gives you a clear picture of your responsibilities for prevention and injury management. It is not meant to scare you, it is just meant to make you aware that you and your staff have duties. You and your staff have an obligation to comply with these duties.

It would pay you to read this guide now and do something before it is too late.

This guide is designed as a plain language summary of the Occupational Health, Safety and Welfare Act 1986 and the Regulations that apply to the hospitality industry employers and employees in South Australia. It should not be seen as a substitute for those laws and you are advised to obtain a copy of the Acts, the Regulations and the approved codes of practice that are recommended in this document.

6.0 TUTOR-MARKED ASSIGNMENT

1. What do you understand by occupational health and safety rules and what aspect of this rule affects the hospitality industry most?
2. What are the immediate and rote consequences of any violation of these rules by hoteliers and their management?

7.0 REFERENCES/FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.

- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann.
- Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

MODULE 2

| | |
|--------|--|
| Unit 1 | International Hospitality Laws & Regulatory Bodies |
| Unit 2 | Hospitality Workplace Health & Safety Laws & Responsibilities |
| Unit 3 | Law against Violence in Hospitality Workplace |
| Unit 4 | Regulatory Guidance for Travel & Hospitality |
| Unit 5 | Law Prohibiting Discriminatory Actions in Hospitality Industry |

UNIT 1 INTERNATIONAL HOSPITALITY LAWS & REGULATORY BODIES

CONTENT

| | |
|-------|---|
| 1.0 | Introduction |
| 2.0 | Objective |
| 3.0 | Main Content |
| 3.1 | International Air Transport Association(AITA) Regulatory Body |
| 3.1.1 | World Tourism Organization |
| 3.1.2 | The International civil Aviation Organization (ICAO) |
| 3.1.3 | World Health Organization (WHO) |
| 3.1.4 | IATA Price setting function of flight/air tickets |
| 3.1.5 | Other activities of AITA |
| 3.2 | Warsaw Conventions |
| 3.2.1 | Carrier Luggage Check of Passenger |
| 3.2.2 | Financial limitation of liability |
| 4.0 | Conclusion |
| 5.0 | Summary |
| 6.0 | Tutor-Marked Assignment |
| 7.0 | References /Further Reading |

1.0 INTRODUCTION

In many parts of the world, the hospitality industry is referred to as the “travel and tourism” industry or the “tourism” industry.

Several global organizations are in place to improve and promote the global travel industry, including the World Tourism Organization (WTO), the International Civil Aviation Organization (ICAO), and the World Health Organization(WHO).

The **International Air Transport Association (IATA)** is an international industry trade group of airlines headquartered in Montreal, Quebec, Canada, where the International Civil Aviation Organization is also headquartered. The executive offices are at the Geneva Airport in Switzerland

IATA's mission is to represent, lead, and serve the airline industry. IATA represents some 240 airlines comprising 84% of scheduled international air traffic.^[1] The Director General and Chief Executive Officer is Tony Tyler. Currently, IATA is present in over 150 countries covered through 101 offices around the globe.

IATA was formed on 19 April 1945, in Havana, Cuba. It is the successor to the International Air Traffic Association, founded in The Hague in 1919, the year of the world's first international scheduled services. At its founding, IATA had 57 members from 31 nations, mostly in Europe and North America. Today it has about 240 members from more than 126 nations in every part of the world.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- describe the role of IATA in travel and tourism
- explain how IATA regulate the price setting of tickets
- identify important role of Warsaw Convention to carriers
- discuss how Warsaw convention directs carrier to issue baggage check

3.0 MAIN CONTENT

3.1 International Air Transport Association(IATA) Regulatory Body

ATA's stated mission is to represent, lead and serve the airline industry. All the Airline rules and regulations are defined by IATA. The main aim of IATA is to provide safe and secure transportation to its passengers.

3.1.1. World Tourism Organization (WTO)-regulating body on activities of global tourism and issues resolution.

3.1.2 The International Civil Aviation Organization (ICAO),is a regulatory body or aviation industry.

3.1.3 World Health Organization (WHO). Regulatory body for health related issues.

3.1.4 IATA Price setting Function

One of its core functions was to act as a price setting body for international airfare. In an arrangement going back to 1944, international fare prices have been set through bilateral governmental agreements rather than through market mechanisms. Airlines had been granted a special exemption by each of the main regulatory authorities in the world to consult prices with each other through this body.

Originally both domestic and international aviation were highly regulated by IATA. Since 1978 in US and later in Europe, domestic deregulation highlighted the benefits of open markets to consumers in terms of lower fares and companies in terms of more efficient networks. This led to the formation of bilateral "open skies" agreements that weakened IATA's price fixing role. Negotiations are underway since 2003 to create a completely deregulated aviation market covering European and US airspace. [2]

In recent years the organisation has been accused of acting as a cartel, and many low cost carriers are not full IATA members. The European Union's competition authorities are currently investigating the IATA. In 2005, Neelie Kroes, the European Commissioner for Competition, made a proposal to lift the exception to consult prices. In July 2006, the United States Department of Transportation also proposed to withdraw antitrust immunity.^[3] IATA teamed with SITA for an electronic ticketing solution.^[4]

The effect of the antitrust investigations has been that 'IATA fares' have been withdrawn [3] -

1. Within EU at the end of 2006
2. Between EU-USA and between EU-Australia at the end of June 2007
3. Between EU and the rest of the world ended the end of October 2007
4. Australian competition authority ACCC ended immunity in June 2008 for markets to/from Australia

IATA has responded to the demise of the IATA fares by introducing a new fareclass - Flexfares [4]. However, these new fares are not replacement of the earlier full IATA fare, and a number of airlines (including Lufthansa [5]) are not participating in this.

For fare calculations IATA has divided the world in three regions:

1. South, Central and North America.

2. Europe, Middle East and Africa. IATA Europe includes the geographical Europe and Turkey, Israel, Morocco, Algeria and Tunisia.
3. Asia, Australia, New Zealand and the islands of the Pacific Ocean.

3.1.5 Other activities

IATA assigns 3-letter IATA Airport Codes and 2-letter IATA airline designators, which are commonly used worldwide. ICAO also assigns airport and airline codes. For Rail&Fly systems, IATA also assigns IATA train station codes. For delay codes, IATA assigns IATA Delay Codes.

IATA is pivotal in the worldwide accreditation of travel agents. In the U.S., agents who wish to sell airline tickets must also achieve accreditation with the Airlines Reporting Corporation. Over 80% of airlines' sales come from IATA accredited agents. The IATA / IATAN ID Card is a globally recognized industry credential for travel professionals.

IATA administrates worldwide the Billing and Settlement Plan (BSP) and Cargo Accounts Settlement Systems (CASS) that serve as a facilitator of the sales, reporting and remittance of accredited travel and cargo agencies. Both settlement programmes are ruled by standards and resolutions.

IATA regulates the shipping of dangerous goods and publishes the *IATA Dangerous Goods Regulations* manual (DGR)^[5] yearly, a globally accepted (*de facto*) field source reference for airlines' shipping of hazardous materials.

IATA coordinates the Scheduling process which governs the allocation and exchange of slots at congested airports worldwide, applying fair, transparent and non-discriminatory principles. In consultation with the airline and airport coordinator communities, IATA manages and publishes the industry standards in the Worldwide Scheduling Guidelines (WSG) intended to provide guidance on managing the allocation of slots at airports.

IATA maintains the Timatic database containing cross border passenger documentation requirements. It is used by airlines to determine whether a passenger can be carried, as well as by airlines and travel agents to provide this information to travelers at the time of booking.

IATA publishes standards for use in the airline industry. The Bar Coded Boarding Pass (BCBP) standard defines the 2-dimensional (2D) bar code printed on paper boarding passes or sent to mobile phones as electronic boarding passes.

IATA publishes the *IATA Rates of Exchange (IROE)* four times per year, used with the Neutral Unit of Construction (NUC) fare currency-neutral construction system that superseded the older Fare Construction Unit (FCU) system in 1989.

In 2004, IATA launched Simplifying the Business - a set of five initiatives which it says will save the industry US\$6.5 billion every year. These projects are BCBP, IATA e-freight, CUSS (common use self-service), Baggage Improvement Programme (BIP) and the Fast Travel Programme.

In 2003, the IATA Operational Safety Audit (IOSA) was launched with the aim to serve as a standard and worldwide recognized certification of airlines' operational management. The IOSA certification has now become a mandatory requisite for all IATA member airlines.

IATA is a member of the Air Transport Action Group (ATAG)

Source: World Trade Organization, Almanac, 2008, pp.119

- Organizations based in Montreal

International Air Transport Association

| | |
|---|--|
| <p>International Air Transport Association</p>  | |
| Abbreviation | IATA |
| Formation | April 19, 194 (66 years ago), Havana, Cuba |
| Type | international trade association |
| Purpose/focus | represent, lead, and serve airline industry |
| Headquarters | 800 Place Victoria (rue Gauvin), Montreal, Canada |
| Coordinates |  45°30'02" 73°33'42"W45.5006°N73.5617°W |
| Membership | 240 airlines (2 11) ^[1] |
| DG and CEO | Tony Tyler |
| Website | iata.org |

3.2 The Warsaw Convention is an international convention which regulates liability for international carriage of persons, luggage or goods performed by aircraft for reward.

Originally signed in 1929 in Warsaw (hence the name), it was amended in 1955 at The Hague and in 1975 in Montreal. United States courts have held that, at least for some purposes, the Warsaw Convention is a different instrument from the Warsaw Convention as Amended by the Hague Protocol.

The Convention was written originally in French and the original of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland.

3.2.1 Carrier Luggage Check of Travelers

In particular, the Warsaw Convention:

- mandates carriers to issue passenger tickets;
- requires carriers to issue baggage checks for checked luggage;
- creates a limitation period of 2 years within which a claim must be brought (Article 29); and
- limits a carrier's liability to at most:
 - 250,000 Francs or 16,600 special drawing rights (SDR) for personal injury;
 - 17 SDR per kilogram for checked luggage and cargo, or \$20USD per kilogram for non-signatories of the amended Montreal Protocols.
 - 5,000 Francs or 332 SDR for the hand luggage of a traveller.

3.2.2 Financial limitation of Liability

The sums limiting liability were originally given in gold francs (defined in terms of a particular quantity of gold by article 22 paragraph 5 of the convention). These sums were amended by the Montreal Additional Protocol No. 2 to substitute an expression given in terms of SDR's. These sums are valid in the absence of a differing agreement (on a higher sum) with the carrier. Agreements on *lower* sums are null and void.

On June 1, 2009, the exchange rate was 1.00 SDR = 1.088 EUR or 1.00 S R = 1.548 USD.

A court may also award a claiming party's costs, unless the carrier made an offer within 6 months of the loss (or at least 6 months before the

beginning of any legal proceedings) which the claiming party has failed to beat.

The Montreal Convention, signed in 1999, replaced the Warsaw Convention system.

This article about aviation is a stub. You can help Wikipedia by expanding it.



This article related to international law is a stub. You can help Wikipedia by expanding it.



Source: World trade organization Almanac 2008, p282

Warsaw Convention

Convention for the Unification of certain rules relating to international carriage by air

| | |
|-------------------|----------------------|
| Signed | 12 October 1929 |
| Location | Warsaw |
| Effective | 13 February 1933 |
| Parties | 152 |
| Depositary | Government of Poland |
| Language | French |

4.0 CONCLUSION

IATA coordinates the Scheduling process which governs the allocation and exchange of slots at congested airports worldwide, applying fair, transparent and non-discriminatory principles. In consultation with the airline and airport coordinator communities, IATA manages and publishes the industry standards in the Worldwide Scheduling Guidelines (WSG) intended to provide guidance on managing the allocation of slots at airports.

The Warsaw Convention is an international convention which regulates liability for international carriage of persons, luggage or goods performed by aircraft for reward.

5.0 SUMMARY

IATA maintains the Timatic database containing cross border passenger documentation requirements. It is used by airlines to determine whether a passenger can be carried, as well as by airlines and travel agents to

provide this information to travelers at the time of booking. IATA publishes standards for use in the airline industry. The Bar Coded Boarding Pass (BCBP) standard defines the 2-dimensional (2D) bar code printed on paper boarding passes or sent to mobile phones as electronic boarding passes.

The sums limiting liability were originally given in gold francs (defined in terms of a particular quantity of gold by article 22 paragraph 5 of the convention). These sums were amended by the Montreal Additional Protocol No. 2 to substitute an expression given in terms of SDR's. These sums are valid in the absence of a differing agreement (on a higher sum) with the carrier. Agreements on *lower* sums are null and void.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain your understanding of the functions and roles of the AITA and Warsaw Convention in hospitality industry?
2. What are the potential challenges, do you think is confronting the two governing bodies and why?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.

- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank (2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) Code of Ethics: Hospitality Services and Tourism Industry, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth
- District. Economic Review, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 2 HOSPITALITY WORKPLACE HEALTH & SAFETY LAWS & RESPONSIBILITIES

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Hospitality workplace health & Safety employer duties
 - 3.1.1 Health and Safety
 - 3.1.2 Hospitality Business Responsibility
 - 3.1.3 Particular problems in casinos
 - 3.1.4 Other health concerns
 - 3.2 Workers Compensation Act
 - 3.2.1 General duties of workers
 - 3.2.2 General duties of Supervisors
 - 3.2.3 Coordination of multiple Employer workplaces
 - 3.2.4 General duties of Owner/Proprietor
 - 3.2.5 General duties of Suppliers
 - 3.2.6 General duties of Directors and officers of the Corp
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References /Further Reading

1.0 INTRODUCTION

There are so many great places to visit and things to see around the country and the world. As seasons change, a multitude of viruses and infections can be transmitted via physical contact and airborne pathogens. Diseases are particularly pervasive in the hospitality industry, especially in places where people arrive from all points around the world; people who work in the hospitality services sector are often exposed to unexpected health threats.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define any work place injury you may have read about in this unit
- explain clearly what you understand as the meaning of health and safety
- identify two responsibilities of an employer in work place health & safety
- identify reason for security officers to be well trained for safety measures

- discuss the danger of secondhand smoke in the work place.

3.0 MAIN CONTENT

3.1 Hospitality Workplace Health & Safety-Employers Duties

Employer Responsibility

The Occupational Safety and Health Act of 1970 requires that no matter the size of the company, employers must provide a workplace that is free of hazards and will not jeopardize the health of its employees. Employers are required to review their processes and recognize any potential hazards that can or may cause employee injury, death or any other physical harm. OSHA recommends that employers post their safety policies where all employees can see them.

3.1.1 Health and Safety

Security officers in many hotels and tourist attractions have been specially trained in hand-to-hand combat, CPR and the use of defibrillators, and are able to respond in a moment's notice to avert threats and render medical assistance. It has been said that if a person were to have a heart attack, a tourist attraction is one of the best places for it to happen because the response would be immediate.

For example, with visitors carrying drinks from one location to another, spills often occur and slip and fall accidents are prevalent. The employees are trained to immediately report any spills when they happen and someone is immediately dispatched to take care of the problem.

3.1.2 Hospitality Business Responsibility

The responsibility for the health and safety of hospitality workers and the people they serve lies squarely on the shoulders of the business. Most companies involved in the hospitality industry have developed checklists to help them maintain a safe working environment for everyone, from the ergonomic design of employee workstations to the hard hats and steel-toed boots that construction workers wear. Another part of safety in the workplace includes providing proper disposal of toxic and corrosive materials, eye protection and limiting exposure to extremes in heat and cold.

3.1.3 Particular Problems in Casinos

One major concern for the health of hospitality workers, particularly in the casino industry, is the exposure to secondhand smoke. Casinos are one of the few places remaining where smoking remains unregulated. Even with limited exposure, secondhand smoke can be particularly harmful to pregnant women and nonsmokers. Ventilation within the casinos does little to reduce the risks involved with exposure to secondhand smoke. Some studies have shown that there is no consequence to businesses that become smoke-free, but nonsmoking casinos have opened and failed miserably.

3.1.4 Other Health Concerns

Many hospitality workers are unionized but even employees who are not members of the unions have access to some of the best health-care plans available. Good benefits don't prevent the workers from getting sick, but they do help for speedy treatment and recovery. With every new health concern--from the H1N1 (swine flu) virus to avian flu (bird flu) and SARS (severe acute respiratory syndrome)-hospitality workers are more susceptible to contracting these diseases since they come in contact with people from all over the world. Some employers have enacted on-site employee screenings that take place several times yearly in which they provide low-cost or free vaccinations for their employees.

3.2 Workers Compensation Act- Excerpts and Summaries (WTO, 2006) General Duties of Employers, Workers and Others

- (1) Every employer must
 - (a) ensure the health and safety of
 - (i) all workers working for that employer, and
 - (ii) any other workers present at a workplace at which that employer's work is being carried out, and
 - (b) comply with this Part, the regulations and any applicable orders.
- (2) Without limiting subsection (1), an employer must
 - (a) remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,
 - (b) ensure that the employer's workers
 - (i) are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,
 - (ii) comply with this Part, the regulations and any applicable orders, and
 - (iii) are made aware of their rights and duties under this Part and the regulations,

- (c) establish occupational health and safety policies and programs in accordance with the regulations,
- (d) provide and maintain in good condition protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers,
- (e) provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,
- (f) make a copy of this Act and the regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review,
- (g) consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the employer, and
- (h) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

3.2.1 General duties of workers

- (1) Every worker must
 - (a) take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work, and
 - (b) comply with this Part, the regulations and any applicable orders.
- (2) Without limiting subsection (1), a worker must
 - (a) carry out his or her work in accordance with established safe work procedures as required by this Part and the regulations,
 - (b) use or wear protective equipment, devices and clothing as required by the regulations,
 - (c) not engage in horseplay or similar conduct that may endanger the worker or any other person,
 - (d) ensure that the worker's ability to work without risk to his or her health or safety, or to the health or safety of any other person, is not impaired by alcohol, drugs or other causes,
 - (e) report to the supervisor or employer
 - (i) any contravention of this Part, the regulations or an applicable order of which the worker is aware, and
 - (ii) the absence of or defect in any protective equipment, device or clothing, or the existence of

- any other hazard, that the worker considers is likely to endanger the worker or any other person,
- (f) cooperate with the joint committee or worker health and safety representative for the workplace, and
 - (g) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

3.2.2 General duties of supervisors

- (1) Every supervisor must
 - (a) ensure the health and safety of all workers under the direct supervision of the supervisor,
 - (b) be knowledgeable about this Part and those regulations applicable to the work being supervised, and
 - (c) comply with this Part, the regulations and any applicable orders.
- (2) Without limiting subsection (1), a supervisor must
 - (a) ensure that the workers under his or her direct supervision
 - (i) are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work, and
 - (ii) comply with this Part, the regulations and any applicable orders,
 - (b) consult and cooperate with the joint committee or worker health and safety representative for the workplace, and
 - (c) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

3.2.3 Coordination at multiple-employer workplaces

- (1) In this section:

"multiple-employer workplace" means a workplace where workers of 2 or more employers are working at the same time;

"prime contractor" means, in relation to a multiple-employer workplace, the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or

 - (a) if there is no agreement referred to in paragraph (a), the owner of the workplace.
- (2) The prime contractor of a multiple-employer workplace must
 - (a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and

- (b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations in respect of the workplace.
- (3) Each employer of workers at a multiple-employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's workers at that workplace.

3.2.4 General duties of owner/Proprietor

Every owner of a workplace must

- (a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,
- (b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and
- (c) comply with this Part, the regulations and any applicable orders.

3.2.5 General duties of suppliers

Every supplier must

- (a) ensure that any tool, equipment, machine or device, or any biological, chemical or physical agent, supplied by the supplier is safe when used in accordance with the directions provided by the supplier and complies with this Part and the regulations,
- (b) provide directions respecting the safe use of any tool, equipment, machine or device, or any biological, chemical or physical agent, that is obtained from the supplier to be used at a workplace by workers,
- (c) ensure that any biological, chemical or physical agent supplied by the supplier is labelled in accordance with the applicable federal and provincial enactments,
- (d) if the supplier has responsibility under a leasing agreement to maintain any tool, equipment, machine, device or other thing, maintain it in safe condition and in compliance with this Part, the regulations and any applicable orders, and
- (e) comply with this Part, the regulations and any applicable orders.

3.2.6 Duties of directors and officers of a corporation

Every director and every officer of a corporation must ensure that the corporation complies with this Part, the regulations and any applicable orders.

General obligations are not limited by specific obligations

A specific obligation imposed by this Part or the regulations does not limit the generality of any other obligation imposed by this Part or the regulations.

Persons may be subject to obligations in relation to more than one role

- (1) In this section, "**function**" means the function of employer, supplier, supervisor, owner, prime contractor or worker.
- (2) If a person has 2 or more functions under this Part in respect of one workplace, the person must meet the obligations of each function.

Responsibility when obligations apply to more than one person
If

- (a) one or more provisions of this Part or the regulations impose the same obligation on more than one person, and
- (b) one of the persons subject to the obligation complies with the applicable provision, the other persons subject to the obligation are relieved of that obligation only during the time when
- (c) simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense, and
- (d) the health and safety of persons at the workplace is not put at risk by compliance by only one person.

4.0 CONCLUSION

All hospitality businesses are required to set up an occupational health and safety program. A health and safety program is a process for managing health and safety in the workplace. It includes a written document that details health and safety policies and procedures for your business.

The scope of your health and safety program depends on the size of your business and the hazards at your particular workplace.

5.0 SUMMARY

This guide focuses on the basics of a less formal program for smaller businesses. The keys to health and safety described in the following sections will be the basic components of your health and safety program.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain the role and responsibilities of worker in compliance with occupational health and safety of hospitality industry?

2. Identify and discuss the role and responsibilities of employer in compliance with occupational health and safety methods and explain the consequences to employer in event of negligence?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R.A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall. Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). *Travel*. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). *International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.

Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.

Graburn, N. (1989). *Tourism: The Sacred Journey*. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.

Kotler, P., Bowen, J. T., Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.

Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.

Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.

Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press

Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth

District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 3 LAW AGAINST VIOLENCE IN HOSPITALITY WORKPLACE

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Definition of workplace violence
 - 3.1.1 Risk Assessment
 - 3.1.2 Procedure and Policies
 - 3.1.3 Instruction of workers
 - 3.1.4 Advice to consultants physicians
 - 3.2 Ergonomics (MIS) Requirements
 - 3.2.1 Definitions
 - 3.2.2 Risk identification & Assessment
 - 3.2.3 Risk Factors
 - 3.2.4 Risk Control
 - 3.2.5 Education and training
 - 3.2.6 Evaluation
 - 3.2.7 Consultation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References /Further Reading

1.0 INTRODUCTION

The requirements for risk assessment, procedures and policies, the duty to respond to incidents and to instruct workers are based on the recognition of violence in the workplace as an occupational hazard. This hazard is to be addressed by the occupational health and safety program following the same procedures required by this Occupational Health & Safety Regulation to address other workplace hazards. The Workers' Compensation Board of B.C. ("WorkSafeBC") publishes the online version of the Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters..

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- explain in your own words the meaning of workplace violence
- identify the steps and considerations for risk assessment

- describe your understanding of being at risk of injury
- discuss how and what employer should do to na worker exposed to risk of violence

3.0 MAIN CONTENT

3.1 Definition of Workplace violence

"*violence*" means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury. (Burns, 2005).

3.1.1 Risk assessment

- (1) A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.
- (2) The risk assessment must include the consideration of
 - (a) previous experience in that workplace,
 - (b) occupational experience in similar workplaces, and
 - (c) the location and circumstances in which work will take place.

3.1.2 Procedures and policies

If a risk of injury to workers from violence is identified by an assessment performed under section 4.28 the employer must

- (a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence, and
- (b) if elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

3.1.3 Instruction of workers

- (1) An employer must inform workers who may be exposed to the risk of violence of the nature and extent of the risk.
- (2) The duty to inform workers in subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.
- (3) The employer must instruct workers who may be exposed to the risk of violence in

- (a) the means for recognition of the potential for violence,
- (b) the procedures, policies and work environment arrangements which have been developed to minimize or effectively control the risk to workers from violence,
- (c) the appropriate response to incidents of violence, including how to obtain assistance, and
- (d) procedures for reporting, investigating and documenting incidents of violence.

3.1.4 Advice to consult physician

(3) The employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral.

The requirements for risk assessment, procedures and policies, the duty to respond to incidents and to instruct workers are based on the recognition of violence in the workplace as an occupational hazard. This hazard is to be addressed by the occupational health and safety program following the same procedures required by this Occupational Health & Safety Regulation to address other workplace hazards.

The Workers' Compensation Board of B.C. ("WorkSafeBC") publishes the online version of the Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters..

WorkSafeBC endeavours to update the online OHS Regulation as soon as possible following any legislative amendments. However, WorkSafeBC does not warrant the accuracy or the completeness of the online OHS Regulation, and neither WorkSafeBC nor its board of directors, employees or agents shall be liable to any person for any loss or damage of any nature, whether arising out of negligence or otherwise, arising from the use of the online OHS Regulation.

Employers are legally obligated to make a copy of the *Workers' Compensation Act* and the OHS Regulation readily available for review by workers. The circumstances under which WorkSafeBC may consider an employer's providing access to electronic versions of the *Act* and OHS Regulation to have satisfied this obligation.

3.2 Ergonomics (MSI) Requirements

The purpose of sections 4.46 to 4.53 is to eliminate or, if that is not practicable, minimize the risk of musculoskeletal injury to workers.

Preventing Musculoskeletal Injury (MSI): A Guide for Employers and Joint Committees provides a MSI prevention process to assist with the application of the ergonomics requirements along with procedures to investigate incidents of MSI and a table of common control measures. *Understanding the Risks of Musculoskeletal Injury (MSI)* is intended to help employers with the requirements of section 4.51(1) to educate workers in risk identification, signs and symptoms of MSI, and their potential health effects.

3.2.1 Definition

In sections 4.47 to 4.53 (the Ergonomics (MSI) Requirements) "*musculoskeletal injury*" or "*MSI*" means an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels or related soft tissue including a sprain, strain and inflammation, that may be caused or aggravated by work.

3.2.2 Risk identification & Assessment

The employer must identify factors in the workplace that may expose workers to a risk of musculoskeletal injury (MSI).

Risk assessment

When factors that may expose workers to a risk of MSI have been identified, the employer must ensure that the risk to workers is assessed.

3.2.3 Risk factors

The following factors must be considered, where applicable, in the identification and assessment of the risk of MSI:

- (a) the physical demands of work activities, including
 - (i) force required,
 - (ii) repetition,
 - (iii) duration,
 - (iv) work postures, and
 - (v) local contact stresses;
- (b) aspects of the layout and condition of the workplace or workstation, including
 - (i) working reaches,
 - (ii) working heights,
 - (iii) seating, and
 - (iv) floor surfaces;
- (c) the characteristics of objects handled, including
 - (i) size and shape,
 - (ii) load condition and weight distribution, and
 - (iii) container, tool and equipment handles;

- (d) the environmental conditions, including cold temperature;
- (e) the following characteristics of the organization of work:
 - (i) work-recovery cycles;
 - (ii) task variability;
 - (iii) work rate.

3.2.4 Risk control

- (1) The employer must eliminate or, if that is not practicable, minimize the risk of MSI to workers.
- (2) Personal protective equipment may only be used as a substitute for engineering or administrative controls if it is used in circumstances in which those controls are not practicable.
- (3) The employer must, without delay, implement interim control measures when the introduction of permanent control measures will be delayed.

3.2.5 Education and training

- (1) The employer must ensure that a worker who may be exposed to a risk of MSI is educated in risk identification related to the work, including the recognition of early signs and symptoms of MSIs and their potential health effects.
- (2) The employer must ensure that a worker to be assigned to work which requires specific measures to control the risk of MSI is trained in the use of those measures, including, where applicable, work procedures, mechanical aids and personal protective equipment.

3.2.6 Evaluation

- (1) The employer must monitor the effectiveness of the measures taken to comply with the Ergonomics (MSI) Requirements and ensure they are reviewed at least annually.
- (2) When the monitoring required by subsection (1) identifies deficiencies, they must be corrected without undue delay.

3.2.7 Consultation

- (1) The employer must consult with the joint committee or the worker health and safety representative, as applicable, with respect to the following when they are required by the Ergonomics (MSI) Requirements:
 - (a) risk identification, assessment and control;
 - (b) the content and provision of worker education and training;
 - (c) the evaluation of the compliance measures taken.

- (2) The employer must, when performing a risk assessment, consult with
 - (a) workers with signs or symptoms of MSI, and
 - (b) a representative sample of the workers who are required to carry out the work being assessed.

The Workers' Compensation Board of B.C. ("WorkSafeBC") publishes the online version of the Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters. The online OHS Regulation is not the official version of the OHS Regulation, which may be purchased from Crown Publications. WorkSafeBC endeavours to update the online OHS Regulation as soon as possible following any legislative amendments. However, WorkSafeBC does not warrant the accuracy or the completeness of the online OHS Regulation, and neither WorkSafeBC nor its board of directors, employees or agents shall be liable to any person for any loss or damage of any nature, whether arising out of negligence or otherwise, arising from the use of the online OHS Regulation.

Employers are legally obligated to make a copy of the *Workers' Compensation Act* and the OHS Regulation readily available for review by workers. The circumstances under which WorkSafeBC may consider an employer's providing access to electronic versions of the *Act* and OHS Regulation to have satisfied this obligation are described.

4.0 CONCLUSION

WorkSafeBC endeavours to update the online OHS Regulation as soon as possible following any legislative amendments. However, WorkSafeBC does not warrant the accuracy or the completeness of the online OHS Regulation, and neither WorkSafeBC nor its board of directors, employees or agents shall be liable to any person for any loss or damage of any nature, whether arising out of negligence or otherwise, arising from the use of the online OHS Regulation.

5.0 SUMMARY

Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters. The online OHS Regulation is not the official version of the OHS Regulation, which may be purchased from Crown Publications.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain your understanding of workplace violence?
2. What are the causes of workplace violence and how can it be prevented?

7.0 REFERENCES/FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank (2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.
- Eliot, E. (2008). *Travel. CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US. And Tenth District. Economic Review, Third Quarter, Federal Reserve Bank of Kansas City.*

www.kc.frb.org

UNIT 4 REGULATORY GUIDANCE FOR TRAVEL & HOSPITALITY

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Isolation Worker & Environmental Tobacco smoke Health
 - 3.1.1 Hazard identification, elimination & control
 - 3.1.2 Procedure for checking wellbeing of worker
 - 3.1.3 Training
 - 3.1.4 Late Night retail safety procedure & requirement
 - 3.1.5 Mandatory prepayment for fuel
 - 3.1.6 Annual Review of procedure
 - 3.1.7 Jurisdiction
 - 3.1.8 Pre-job Planning and Training
 - 3.1.9 Communication
 - 3.2 Unstable materials
 - 3.2.1 Environmental Tobacco Smoke Health Hazard
 - 3.2.2 Exceptions
 - 3.2.3 Public entertainment facilities
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References /Further Reading

1.0 INTRODUCTION

The following sections of the *Workers Compensation Act* and the Occupational Health and Safety Regulation have been identified as being most relevant to your industry. Included are the general requirements that apply to all industrial workplaces as well as any specific requirements for your industry. However, other sections of the WCA or OHS Regulation may also apply to your workplace because hazards and tasks vary from workplace to workplace within the same industry. This compilation of relevant industry sections does not exempt you from other sections that apply to your workplace.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define what hazardous materials meant
- identify materials that are hazardous to workers & guests
- describe how to eliminated hazardous substances

- explain steps and procedure to control hazardous substances.

3.0 MAIN CONTENT

3.1 Isolation Worker & Environmental Tobacco Smoke Health Hazard

Definition

In sections 4.20.2 to 4.23, "**to work alone or in isolation**" means to work in circumstances where assistance would not be readily available to the worker

- (a) in case of an emergency, or
- (b) in case the worker is injured or in ill health.

3.1.1 Hazard identification, elimination and control

- (1) Before a worker is assigned to work alone or in isolation, the employer must identify any hazards to that worker.
- (2) Before a worker starts a work assignment with a hazard identified under subsection (1), the employer must take measures
 - (a) to eliminate the hazard, and
 - (b) if it is not practicable to eliminate the hazard, to minimize the risk from the hazard.
- (3) For purposes of subsection (2) (b), the employer must minimize the risk from the hazard to the lowest level practicable using engineering controls, administrative controls or a combination of engineering and administrative controls.

3.1.2 Procedures for checking well-being of worker

- (1) The employer must develop and implement a written procedure for checking the wellbeing of a worker assigned to work alone or in isolation.
- (2) The procedure for checking a worker's well-being must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency rescue.
- (3) A person must be designated to establish contact with the worker at predetermined intervals and the results must be recorded by the person.
- (4) In addition to checks at regular intervals, a check at the end of the work shift must be done.
- (5) The procedure for checking a worker's well-being, including time intervals between the checks, must be developed in consultation with the joint committee or the worker health and safety representative, as applicable.

- (6) Time intervals for checking a worker's well-being must be developed in consultation with the worker assigned to work alone or in isolation.

High risk activities require shorter time intervals between checks. The preferred method for checking is visual or two-way voice contact, but where such a system is not practicable, a one-way system which allows the worker to call or signal for help and which will send a call for help if the worker does not reset the device after a predetermined interval is acceptable.

3.1.3 Training

A worker described in section 4.21(1) and any person assigned to check on the worker must be trained in the written procedure for checking the worker's well-being.

3.1.4 Late night retail safety procedures and requirements

- (1) In this section:
 - "late night hours"* means any time between 11:00 p.m. and 6:00 a.m.;
 - "late night retail premises"* means
 - (a) a gas station or other retail fueling outlet, or
 - (b) a convenience store or any other retail store where goods are sold directly to consumers that is open to the public for late night hours.
- (2) If a worker is assigned to work alone or in isolation in late night retail premises and there is any risk of harm from a violent act to the worker, then, in addition to any other obligations the employer has under sections 4.20.2 to 4.23,
 - (a) the employer must develop and implement a written procedure to ensure the worker's safety in handling money, and
 - (b) when that worker is assigned to work late night hours, the employer must also do either or both of the following:
 - (i) ensure that the worker is physically separated from the public by a locked door or barrier that prevents physical contact with or access to the worker;
 - (ii) assign one or more workers to work with the worker during that worker's assignment.
- (3) A worker described in subsection (2) must be trained in the written procedure referred to in that subsection.

3.1.5 Mandatory prepayment for fuel

An employer must require that customers prepay for fuel sold in gas stations and other retail fueling outlets.

3.1.6 Annual reviews of procedures e procedures referred to in sections 4.21 and 4.22.1 must be reviewed at least annually, or more frequently if there is

- (a) a change in work arrangements which could adversely affect a worker's well-being or safety, or
- (b) a report that the procedures are not working effectively.

The Workers' Compensation Board of B.C. ("WorkSafeBC") publishes the online version of the Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters. The online OHS Regulation is not the official version of the OHS Regulation, which may be purchased from Crown Publications.

Work Safe BC endeavours to update the online OHS Regulation as soon as possible following any legislative amendments. However, WorkSafeBC does not warrant the accuracy or the completeness of the online OHS Regulation, and neither WorkSafeBC nor its board of directors, employees or agents shall be liable to any person for any loss or damage of any nature, whether arising out of negligence or otherwise, arising from the use of the online OHS Regulation.

Employers are legally obligated to make a copy of the *Workers' Compensation Act* and the OHS Regulation readily available for review by workers. The circumstances under which WorkSafeBC may consider an employer's providing access to electronic versions of the *Act* and OHS Regulation to have satisfied this obligation are described in Guideline G-D3-115(2)(f).

Accommodation Occupational Health and Safety Regulation Part 4 General Conditions

4.20.1 - 4.23 Working Alone or in Isolation

4.27 - 4.31 Violence in the Workplace

4.46 - 4.53 Ergonomics (MSI) Requirements

4.81 - 4.82 Environmental Tobacco Smoke

3.1.7 Jurisdiction

The federal government has jurisdiction over the operation of aircraft, the aircraft's equipment, navigation and crewing, including workers on the ground solely engaged in attaching or detaching loads from the aircraft. The Board's jurisdiction covers the safety of other workers on the ground where an aircraft is used in a provincially regulated business.

Some of the matters dealt with by the Board's regulations will be to a large extent under the control of the owner or pilot of the aircraft who is outside the Board's jurisdiction. For example, the flying of loads over workers as prohibited by section the load that an aircraft can safely lift under section fall in this category. In such situations, the employer who hires the aircraft company, or the owner or prime contractor where there is more than one employer on the site, should coordinate the work to ensure that these provisions are complied with. See section of the *Workers Compensation Act* and section of the *OHS Regulation*.

3.1.8 Pre-job planning and training

Section 29(3) of the *OHS Regulation* states "The employer must

- (a) provide written safe work procedures for workers who are exposed to hazards from aircraft operations,
- (b) ensure that workers are provided with adequate pre-job instruction and that the instruction is documented, and
- (c) ensure that workers can demonstrate the ability to safely perform their tasks as required".

Clause (b) requires not only that workers are instructed but that this is documented. Normally, the instruction would consist of orientation of the worker to job task written procedures, followed by instruction and initial supervision on the job. The type and length of the training provided will depend on the job to be done and the worker's previous experience. All parts of the training process must be documented. The documentation may consist of signed acknowledgments by workers, notes kept by supervisors or other training records.

An employer at a remote worksite may not have all the documentation at that site. Officers may consider whatever documentation the employer has but, if insufficient, may ask the employer to produce the documentation at another time and place.

3.1.9 Communications

Section 29.5(1) of the *OHS Regulation* states "The employer must ensure that effective communication between air and ground crews has been established before initiating airlift operations".

The following safeguards should be in place to ensure effective communication:

- if an operation uses several radio channels or frequencies, they should be coordinated or adjusted to ensure continued uninterrupted communication,
- management should ensure ground workers identify aircraft when giving airlift direction to aircrews, and
- pilots should acknowledge ground crew directions before airlifts are initiated.

3.2 Unstable materials

Section 29.12 of the *OHS Regulation* states "The employer must ensure that work areas are planned and avoid placing workers in hazardous proximity to unstable materials".

Unstable material may consist of, for example, standing trees of questionable "wind firmness", cliff faces that may collapse, or logs and material on side hill slopes that may "run away". These hazards must be removed before workers enter the area.

The Worker and Employer Services Division issues Guidelines to help with the application and interpretation of sections of the Occupational Health and Safety Regulation and with divisions of the *Workers Compensation Act* that relate to health and safety. Guidelines are not intended to provide exclusive interpretations but to assist with compliance. The Workers' Compensation Board of B.C. ("WorkSafeBC") does not warrant the accuracy or the completeness of the online version of the Guidelines and neither WorkSafeBC nor its board of directors, employees or agents shall be liable to any persons for any loss or damage of any nature, whether arising out of negligence or otherwise, which may be occasioned as a result of the use of the online version of the Guidelines.

3.2.1 Environmental Tobacco Smoke Health Hazard

Getting exposure with second-hand Smoke

The employer must control the exposure of workers at any workplace to environmental tobacco smoke by

- (a) prohibiting smoking in the workplace,

- (b) restricting smoking to a safe outdoor location that is a minimum of 3 metres from a doorway, window or air intake of an indoor workplace, subject to section 4.22 (3) of the Tobacco Control Regulation, B.C. Reg. 232/2007, and
- (c) prohibiting working in an indoor area where smoking is allowed under section 4.23 (2) (a) or (b) of the Tobacco Control Regulation, except as permitted in section 4.82 of this regulation.

3.2.2 Exceptions

- (1) An employer must ensure that a worker does not work in an indoor area where smoking is permitted under section 4.23 (2) (a) or (b) of the Tobacco Control Regulation, B.C. Reg. 232/2007, unless
 - (a) the worker must enter the area to respond to an emergency endangering life, health or property,
 - (b) the worker must enter the area to investigate for illegal activity, or
 - (c) the tobacco smoke has been effectively removed.
- (2) If necessary to prevent tobacco smoke from entering a workplace, a room where smoking is permitted under section 4.23 (2) (a) of the Tobacco Control Regulation, B.C. Reg. 232/2007, must be provided with a separate, non-recirculating exhaust ventilation system that
 - (a) is designed in accordance with expected occupancy rates,
 - (b) maintains adequate air flows from non-smoking to smoking areas,
 - (c) discharges directly to the outdoors, and
 - (d) meets all other requirements for a smoking lounge specified in the *American Society of Heating, Refrigerating and Air-conditioning Engineers Standard 62-1989, Ventilation for Acceptable Indoor Air Quality*.

3.2.3 Public entertainment facilities

The Workers' Compensation Board of B.C. ("WorkSafeBC") publishes the online version of the Occupational Health and Safety Regulation ("OHS Regulation") in accordance with its mandate under the *Workers Compensation Act* to provide information and promote public awareness of occupational health and safety matters. The online OHS Regulation is not the official version of the OHS Regulation, which may be purchased from Crown Publications.

WorkSafeBC endeavours to update the online OHS Regulation as soon as possible following any legislative amendments. However, WorkSafeBC does not warrant the accuracy or the completeness of the online OHS Regulation, and neither WorkSafeBC nor its board of directors,

employees or agents shall be liable to any person for any loss or damage of any nature, whether arising out of negligence or otherwise, arising from the use of the online OHS Regulation.

Employers are legally obligated to make a copy of the *Workers' Compensation Act* and the OHS Regulation readily available for review by workers. The circumstances under which WorkSafeBC may consider an employer's providing access to electronic versions of the *Act* and OHS Regulation to have satisfied this obligation are described in Guideline G-D3-115(2)(f).

4.0 CONCLUSION

High risk activities require shorter time intervals between checks. The preferred method for checking is visual or two-way voice contact, but where such a system is not practicable, a one-way system which allows the worker to call or signal for help and which will send a call for help if the worker does not reset the device after a predetermined interval is acceptable.

5.0 SUMMARY

The employer must develop and implement a written procedure for checking the wellbeing of worker assigned to work alone or in isolation. The procedure for checking a worker's well-being must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency rescue.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain with examples, the danger that second-hand smoke poses to somebody else who is a non-smoker?
2. How do you identify, eliminate and control hazardous materials at the workplace?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.).London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.).

Upper Saddle River, New Jersey: Pearson Educational, Inc.

Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.

Cazes, G. H. (1989). Alternative Tourism: Reflections on an Ambiguous Concept. *Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.

Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.

Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.

Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.

Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.

Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.

Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.

Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.

Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.

Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.

Robert, H.W. et al (2006). Professional Front Office Management.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.

Stephen, S.J.(1992) Code of Ethics: Hospitality Services and Tourism Industry, in Ethics in Hospitality Management (3rd ed.). New York: City of New York, Education institute Press

Theobald, W.F. (1994). Global Tourism(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth

District. Economic Review, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 5 LAW PROHIBITING DISCRIMINATORY ACTIONS IN HOSPITALITY INDUSTRY

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Actions that are considered discriminatory
 - 3.1.1 Discrimination against worker prohibited
 - 3.1.2 Complaint by worker against discriminatory action or failure to pay wages
 - 3.1.3 Response to complaints
 - 3.2 Regulation & Guidelines for Tourism & hospitality
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

When a worker claims discriminatory retaliation (such as a suspension, loss of wages, or a reprimand) by an employer or union regarding a health or safety issue, the Worker and Employer Services Division will dispatch an occupational safety or hygiene officer to investigate the complaint. If the officer is unable to resolve the situation the worker can file a formal complaint with the Compliance section of the Investigations Division.

If a formal complaint is made, the Compliance section will review the matter and may appoint a mediator with the worker's and employer's agreement. If a mediated settlement cannot be reached, the complaint will be adjudicated by a Compliance section case officer. If the decision is that discriminatory action took place, the case officer may make a remedial order — for example, compelling the employer or union found in violation to pay expenses, pay back wages, or reinstate the worker.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define discriminatory actions
- identify three discriminatory actions you may have read in the unit
- explain your understanding of threatening discriminatory action
- discuss why discriminatory actions were prohibited

- explain one of the ways of how you would respond to complaint.

3.0 MAIN CONTENT

3.1 Actions that are considered discriminatory

- (1) For the purposes of this Division, "**discriminatory action**" includes any act or omission by an employer or union, or a person acting on behalf of an employer or union, that adversely affects a worker with respect to any term or condition of employment, or of membership in a union.
- (2) If a formal complaint is made, the Compliance section will review the matter and may appoint a mediator with the worker's and employer's agreement. If a mediated settlement cannot be reached, the complaint will be adjudicated by a Compliance section case officer. If the decision is that discriminatory action took place, the case officer may make a remedial order — for example, compelling the employer or union found in violation to pay expenses, pay back wages, or reinstate the worker.
- (3) Without restricting subsection (1), discriminatory action includes
 - (a) suspension, lay-off or dismissal,
 - (b) demotion or loss of opportunity for promotion,
 - (c) transfer of duties, change of location of workplace, reduction in wages or change in working hours,
 - (d) coercion or intimidation,
 - (e) imposition of any discipline, reprimand or other penalty, and
 - (f) the discontinuation or elimination of the job of the worker.

3.1.1 Discrimination against workers prohibited

An employer or union, or a person acting on behalf of an employer or union, must not take or threaten discriminatory action against a worker

- (a) for exercising any right or carrying out any duty in accordance with this Part, the regulations or an applicable order,
- (b) for the reason that the worker has testified or is about to testify in any matter, inquiry or proceeding under this Act or the *Coroners Act* on an issue related to occupational health and safety or occupational environment, or
- (c) for the reason that the worker has given any information regarding conditions affecting the occupational health or safety or occupational environment of that worker or any other worker to
 - (i) an employer or person acting on behalf of an employer,
 - (ii) another worker or a union representing a worker, or

- (iii) an officer or any other person concerned with the administration of this Part.

3.1.2 Complaint by worker against discriminatory action or failure to pay wages

- (1) A worker who considers that
 - (a) an employer or union, or a person acting on behalf of an employer or union, has taken, or threatened to take, discriminatory action against the worker contrary to section 151, or
 - (b) an employer has failed to pay wages to the worker as required by this Part or the regulations may have the matter dealt with through the grievance procedure under a collective agreement, if any, or by complaint in accordance with this Division.
- (2) A complaint under subsection (1) must be made in writing to the Board,
 - (a) in the case of a complaint referred to in subsection (1) (a), within 1 year of the action considered to be discriminatory, and
 - (b) in the case of a complaint referred to in subsection (1) (b), within 60 days after the wages became payable.
- (3) In dealing with a matter referred to in subsection (1), whether under a collective agreement or by complaint to the Board, the burden of proving that there has been no such contravention is on the employer or the union, as applicable.

3.1.3 Response to complaint

- (1) If the Board receives a complaint under section 152 (2), it must immediately inquire into the matter and, if the complaint is not settled or withdrawn, must
 - (a) determine whether the alleged contravention occurred, and
 - (b) deliver a written statement of the Board's determination to the worker and to the employer or union, as applicable.
- (2) If the Board determines that the contravention occurred, the Board may make an order requiring one or more of the following:
 - (a) that the employer or union cease the discriminatory action;
 - (b) that the employer reinstate the worker to his or her former employment under the same terms and conditions under which the worker was formerly employed;

- (c) that the employer pay, by a specified date, the wages required to be paid by this Part or the regulations;
- (d) that the union reinstate the membership of the worker in the union;
- (e) that any reprimand or other references to the matter in the employer's or union's records on the worker be removed;
- (f) that the employer or the union pay the reasonable out of pocket expenses incurred by the worker by reason of the discriminatory action;
- (g) that the employer or the union do any other thing that the Board considers necessary to secure compliance with this Part and the regulations.

The excerpts and summaries of the *Workers Compensation Act* on this site are not the official version of the *Act*. The official printed version of the *Act* can be obtained from Crown Publications. An unofficial version of the complete *Act* is available online at www.qp.gov.bc.ca/statreg/stat/W/96492_00.htm.

The excerpts and summaries in this online version may meet the requirement for the *Workers Compensation Act* to be readily available to workers. See Guideline G-D3-115(2)(f) for further details.

3.2 Regulation & Guidelines for Tourism & Hospitality

The following sections of the *Workers Compensation Act* and the Occupational Health and Safety Regulation have been identified as being most relevant to your industry. Included are the general requirements that apply to all industrial workplaces as well as any specific requirements for your industry. However, other sections of the WCA or OHS Regulation may also apply to your workplace because hazards and tasks vary from workplace to workplace within the same industry. This compilation of relevant industry sections does not exempt you from other sections that apply to your workplace.

4.0 CONCLUSION

When a worker claims discriminatory retaliation (such as a suspension, loss of wages, or a reprimand) by an employer or union regarding a health or safety issue, the Worker and Employer Services Division will dispatch an occupational safety or hygiene officer to investigate the complaint. If the officer is unable to resolve the situation the worker can file a formal complaint with the Compliance section of the Investigations Division.

5.0 SUMMARY

If a formal complaint is made, the Compliance section will review the matter and may appoint a mediator with the worker's and employer's agreement. If a mediated settlement cannot be reached, the complaint will be adjudicated by a Compliance section case officer. If the decision is that discriminatory action took place, the case officer may make a remedial order — for example, compelling the employer or union found in violation to pay expenses, pay back wages, or reinstate the worker.

6.0 TUTOR MARKED ASSIGNMENT

1. What is discrimination? What do you understand by discriminatory threat in the work place?
2. What are the consequences of proven case of discrimination against the employer and or against the employee respectively and how can discrimination be prevented in hospitality industry?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.

Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.

Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.

Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. *Tourism Partnerships and Strategies*:

Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.

Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.

Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.

Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.

Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.

Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.

Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press

Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

MODULE 3

- Unit 1 Ergonomics Requirements for Musculoskeletal Injuries (MSI)
- Unit 2 Development of a Business Strategy in Leisure Travel & Hospitality Industry
- Unit 3 Trespass (Unlawful Entry), Illness and Death in Guestroom & Duties and Rights of the Guests
- Unit 4 Seven Steps to Health & Safety in Hospitality
- Unit 5 Overview of Legal Obligations, Duties and Standards of Care & Prospects of the Industry

**UNIT 1 ERGONOMICS REQUIREMENTS FOR
MUSCULOSKELETAL INJURIES (MSI)**

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Definition of Musculoskeletal injuries (MSI)
 - 3.1.1 Conditions addressed by the definition
 - 3.1.2 Ergonomics Requirement
 - 3.1.3 Risk Identification
 - 3.1.4 Purpose of the guidelines
 - 3.1.5 How are risk factors identified
 - 3.1.6 Risk Assessment
 - 3.1.7 Purpose of Guidelines
 - 3.1.8 Risk Factors
 - 3.1.9 Work recovery Cycles
 - 3.2 Interim Controls
 - 3.2.1 Education and Training
 - 3.2.2 Purpose of guideline
 - 3.2.3 Evaluation
 - 3.2.4 Purpose of Guidance
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References /Further Reading

1.0 INTRODUCTION

In identifying risk factors, the employer should give priority to jobs which have a high risk of MSI.

The employer should check past workplace records for evidence of MSI, including first aid records and claims history. The records should be examined for a sufficient period of time to ensure that any occurrences are identified, and where possible, that any patterns are clear. To achieve both objectives it is recommended that records be kept for at least several years.

In addition to reviewing records, risk factors can be identified through direct observation of the work activities. For this purpose, the employer has the option of using the *MSI Risk Factor Identification Worksheet A* which can be found via the Ergonomics portal on the *WorkSafeBC* website. The Worksheet covers a number of factors to consider and includes links to documents that address several others.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define what ergonomics meant and its requirement
- explain the how some bodily injury occur at work place & its assessment
- identify some bodily muscular injuries you may have read about
- discuss the ways of preventing physical injury at the work place
- explain what mis acronym is and explain its full meaning & prevention.

3.0 MAIN CONTENT

3.1 Definition of musculoskeletal injury (MSI)

Regulatory excerpt

Section 4.46 of the *OHS Regulation* defines "musculoskeletal injury" or "MSI" as follows:

"musculoskeletal injury" or "MSI" means an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels or related soft tissue including a sprain, strain and inflammation, that may be caused or aggravated by work.

Purpose of guideline

This guideline provides further information on the definition of MSI.

3.1.1 Conditions addressed by the definition

The definition of "musculoskeletal injury" includes reference to a sprain, strain, and inflammation that may be caused or aggravated by work.

A **sprain** is a joint injury in which some of the fibers of a supporting ligament are ruptured but the continuity of the ligament remains intact.

A **strain** is an overstretching or overexertion of some part of the musculature.

An **inflammation** is a localized response to injury or trauma that is marked by increased blood flow, redness, heat, pain, swelling, and often a loss of function.

3.1.2 Ergonomics Requirement

The Ergonomics Requirements are intended to help address the risk of overexertion injuries of the back as well as strain and sprain injuries to other parts of the body. They are also intended to address the risk of injuries or conditions such as tenosynovitis, tendonitis, bursitis, hand arm vibration syndrome, epicondylitis, carpal tunnel syndrome, cubital tunnel syndrome, radial tunnel syndrome, thoracic outlet syndrome, and trigger finger.

3.1.3 Risk identification

Regulatory excerpt

Section 4.47 of the *OHS Regulation ("Regulation")* states:

The employer must identify factors in the workplace that may expose workers to a risk of musculoskeletal injury (MSI).

3.1.3 Purpose of guideline

This guideline provides information on the context of section 4.47 and how to identify risk factors.

Risk factor identification is the first step in a process involving identification, assessment, control, and evaluation.

Section 4.49 lists factors that must be considered during the risk identification process. In some cases other factors such as illumination or vibration may be involved, which are addressed respectively in sections 4.64 - 4.69 and 7.10 - 7.16 of the *Regulation*.

Risk identification will be conducted by persons who are knowledgeable of work procedures, and the associated MSI risk factors. The risk identification process can be a part of a workplace inspection carried out under sections 3.5 to 3.8 of the *Regulation*.

Note: Section 4.53 requires that the joint occupational health and safety committee or worker health and safety representative, as applicable, must be consulted on risk identification.

3.1.4 How are risk factors identified?

In identifying risk factors, the employer should give priority to jobs which have a high risk of MSI.

The employer should check past workplace records for evidence of MSI, including first aid records and claims history. The records should be examined for a sufficient period of time to ensure that any occurrences are identified, and where possible, that any patterns are clear. To achieve both objectives it is recommended that records be kept for at least several years.

In addition to reviewing records, risk factors can be identified through direct observation of the work activities. For this purpose, the employer has the option of using the *MSI Risk Factor Identification Worksheet A* which can be found via the Ergonomics portal on the *WorkSafeBC* website. The Worksheet covers a number of factors to consider and includes links to documents that address several others.

Generally, there will be more than one risk factor identified for a given work activity. This may occur because of the nature of the activity but may also be attributable to the personal characteristics of different workers doing the job, for example, their height.

Notes of the records reviewed, priorities established, and risk factors identified for work activities will be of assistance to the employer in following through on risk assessment and control.

3.1.5 Risk assessment

Regulatory excerpt

Section 4.48 of the *OHS Regulation* states:

When factors that may expose workers to a risk of MSI have been identified, the employer must ensure that the risk to workers is assessed.

3.1.6 Purpose of guideline

This guideline outlines objectives for the risk assessment, and provides information on who should conduct it and how it can be performed.

Objectives of the risk assessment

The objectives include

- Determining the extent of impact of various risk factors on the potential for MSI
- Where feasible, determining the relative risk of MSI among workers or groups of workers

Achieving these objectives will assist with establishing priorities for the control of risks.

Who performs the assessment?

The risk assessment will be completed by a person who has a good understanding of

- The work processes involved
- The physical demands of work tasks and the factors which influence them (see the booklet *Preventing Musculoskeletal Injury (MSI) A Guide for Employers and Joint Committees*)
- The methods for performing a risk assessment such as those referred to in this guideline

Note: Section 4.53(1) requires that the joint occupational health and safety committee or worker health and safety representative, as applicable, must be consulted on the risk assessment. Also, section 4.53(2) requires that during a risk assessment, the employer must consult with the workers with signs or symptoms of MSI, and a representative sample of the workers who are required to carry out the work being assessed.

How is the assessment performed?

A risk assessment can be performed using a variety of methods. WorkSafeBC provides the *MSI Risk Factor Assessment Worksheet B*, which addresses a number of the factors to be considered. Other methods may be used as long as they ensure the proper identification and assessment of risks. Worksheet B can be found via the Ergonomics portal at the *WorkSafeBC* website.

Methods of assessment may include but are not limited to

- Observation of workers performing their tasks, including videotaping
- Still photographs of work postures, workstation layout, etc.
- Workstation measurements, using for example, a measuring tape, or weigh scales
- Measurement of handle size, weighing tools, measuring tool vibration, etc.
- Determination of characteristics of work surfaces such as slip resistance
- Measurement of exposures to heat, cold, vibration, noise, and lighting
- Biomechanical calculations, for example, the force required to accomplish a task or the pressure put on a spinal disk
- Physiological measures
- Worker surveys (for example, use of subjective force rating scales)
- Task analysis techniques (for example, NIOSH lifting equation, SNOOK push/pull tables - see *The design of manual handling tasks: Revised table of maximum acceptable weights and forces in Ergonomics, Vol. 34, No. 9, 1991*). Also, a Push/Pull/Carry Calculator is provided via the Ergonomics portal on the web site www.worksafebc.com
- Postural analysis techniques (for example, the Ovako Working Posture Analysis System (OWAS), Rapid Upper Limb Assessment (RULA), or WATBAK (a biomechanical modeling program from the University of Waterloo))

The person(s) performing the assessment and using any of these methods should understand the applications and limitations of the method being used.

3.1.7 Risk factors

Regulatory excerpt

Section 4.49 of the *OHS Regulation* states:

The following factors must be considered, where applicable, in the identification and assessment of the risk of MSI:

- (a) The physical demands of work activities, including
 - (i) force required
 - (ii) repetition
 - (iii) duration
 - (iv) work postures
 - (v) local contact stresses
- (b) Aspects of the layout and condition of the workplace or workstation, including
 - (i) working reaches

- (ii) working heights
- (iii) seating
- (iv) floor surfaces
- (c) The characteristics of objects handled, including
 - (i) size and shape
 - (ii) load condition and weight distribution
 - (iii) container, tool and equipment handles
- (d) The environmental conditions, including cold temperature
- (e) The following characteristics of the organization of work
 - (i) work-recovery cycles
 - (ii) task variability
 - (iii) work rate

Purpose of guideline

This guideline provides information on the risk factors outlined in section 4.49.

General information

Section 4.49 states that the listed factors must be considered "where applicable." This means that the factors must be considered where they are present. Not all tasks will have all risk factors present.

In addition, it is acceptable for the employer to give priority to considering the risk factors relevant to high risk tasks that have caused injuries in the past.

Information on risk factors listed in section

Each of the factors listed in 4.49 is discussed below. Though listed separately, these factors often act in combination.

Force required (Section 4.49(a)(i))

This refers to the effort a worker must exert to counteract a load. This load may be experienced in the body through tension (such as muscle tension), pressure (such as increased pressure in the carpal canal), or irritation (such as irritation of a peripheral nerve). The greater the magnitude/intensity of the force, the greater the risk of causing an MSI.

Repetition (Section 4.49(a)(ii))

This refers to the cyclical use of the same body tissues either as a repeated motion or as a repeated muscular effort without movement. If motions are repeated frequently or for long periods without sufficient time to return to a resting state for recovery, there is risk of developing MSI. Consideration should be given to the following:

- How often the same motion or muscular effort is performed within a certain period of time

- The amount of time during or between a given work cycle for the affected muscle or tendon group to return to the recovery state

Duration (Section 4.49(a)(iii))

This refers to the length of time a person is exposed to a particular risk. A person may be exposed to a task that continually uses the same muscles and tendons.

Work postures (Section 4.49(a)(iv))

This refers to postures that are awkward. This occurs where joints are held at or near the end of range of motion or where muscle tension is required to hold the posture without movement. Awkward postures place significant stress on tendons, muscles, and other soft tissues and decrease their strength and efficiency. Postures to watch for include

- Shoulder abduction or flexion
- Flexion or extension of the wrist
- Ulnar deviation of the wrist
- Squatting and stooping
- Flexion or extension of the neck
- Rotation or side bending of the neck

Local contact stress (Section 4.49(a)(v))

This refers to physical contact between body tissues (in a small localized area) and objects in the work environment such as tools, machinery, and products. Local contact stress, when applicable, usually involves the knee, shoulder, elbow, wrist, or hand. Point pressure may also occur at the sides of fingers. Pressure over these areas may inhibit nerve function and/or blood flow.

Working reaches (Section 4.49(b)(i))

This refers to the risks that can result from reaching behind the shoulder, forward, or across the body. This factor may cause MSI, either through a single incident or through a repetitive or cumulative process.

Working heights (Section 4.49(b)(ii))

This refers to the risks from having to accommodate to inappropriate work surface heights for an extended period of time.

Seating (Section 4.49(b)(iii))

This refers either to the physical properties of a chair or seat, or prolonged sitting required by some jobs. The Canadian Standards Association (CSA) has issued the standard *CAN/CSA-Z412-M89 A Guideline on Office Ergonomics*, and WorkSafeBC has produced the booklet *How to Make Your Computer Workstation Fit You*. These publications can assist with an understanding of this factor. WorkSafeBC publications on ergonomics are available at the *WorkSafeBC* website.

Floor surfaces (Section 4.49(b)(iv))

This refers to the physical characteristics of a floor, including grade, surface texture and material, unevenness, and slip resistance. Examples of risk factors associated with floor surfaces include

- Sloped surfaces and ramps, which can result in an increased effort to carry, push, pull, or manipulate loads
- Hard surfaces, which can cause increased fatigue and back discomfort to workers who have to stand on them for an extended period of time
- Uneven work surfaces, which can increase the force needed to move objects
- Floors that are slippery, which can cause an increased risk of falling or slipping

Size and shape (Section 4.49(c)(i))

This refers to the size and shape of an object and how it influences physical demands on the body. A large bulky object requires greater energy, puts greater stress on the spine, and increases difficulty in gripping. Large loads may restrict vision or require the use of an awkward posture to see around them. If the outside corners of a deep box are not within reach when the top of the box is at waist height, a good grip will be difficult.

Load condition and weight distribution (Section 4.49(c)(ii))

The condition and weight of a load will determine how workers handle it. For inanimate objects, the term "condition" typically refers to factors such as whether the load is slippery, sharp, fragile, hot or cold, rigid, or liquid. For example, to handle fragile loads, workers may have to use awkward or static postures. On the other hand, rigid loads facilitate a good grip and smooth predictable movements.

Note that patient handling is an important issue in the prevention of MSI in the health care sector. Factors such as patient size and condition are significant considerations for the safety of both the worker and the patient. The condition of the patient may affect the degree of effort needed to move the patient safely, and the precautions necessary to help ensure the move does not involve unexpected risks.

Containers, tool and equipment handles (Section 4.49(c)(iii))

Objects without handles are more difficult to handle and require more forceful gripping, which can result in an awkward posture. Important considerations in handle design include size, shape, texture, and location.

Size Improper handle size increases fatigue; handles should accommodate gloves

| | |
|----------|---|
| Shape | Sharp edges, grooves, seams may cause contact stress |
| Texture | Slippery handles may cause dropping |
| Location | Improperly placed handles may force an awkward posture of wrists or arms. |

Asymmetrical placement may cause hazards of tipping of an unstable load

Environmental conditions, including cold temperature (Section 4.49(d))

Cold temperatures may have a direct adverse effect on the tissue through vascular constriction. Cold temperatures are related to increased forceful exertions and increased gripping forces.

Poor lighting and glare can adversely affect postures as well as cause eyestrain. This is addressed in sections 4.64 - 4.69 of the *OHS Regulation* on illumination.

Hand/arm vibration is linked to conditions such as carpal tunnel syndrome, and vibration white finger disease. Sections 7.10 - 7.16 of the *OHS Regulation* and associated OHS Guidelines deal specifically with vibration.

3.1.8 Work-recovery cycles

This refers to the availability and distribution of breaks in a particular activity to allow the tissue to return to a resting state for recovery. Breaks can be achieved in various ways, including job rotation or use of different body parts to perform a task, for example alternate use of the right and left hands.

Task variability (Section 4.49(e)(ii))

The longer the time a task remains unchanged, unvaried, or uninterrupted, the less likely are the affected tissues to return to a resting state for recovery.

Work rate (Section 4.49(e)(iii))

This refers to the speed at which the tasks are being carried out. Individual workers may vary somewhat in the rates at which they can safely perform the same task. In some cases work rate may be associated with non-optimal work techniques that could add to the risk of injury. The more critical or physically demanding the task, the more appropriate it is to ensure the pace is properly set for the worker. Planning the work rate will also involve consideration of work recovery cycles, task variability, and staffing schedules.

Risk control

Regulatory excerpt

OHS Regulation states:

- (1) The employer must eliminate or, if that is not practicable, minimize the risk of MSI to workers.
- (2) Personal protective equipment may only be used as a substitute for engineering or administrative controls if it is used in circumstances in which those controls are not practicable.
- (3) The employer must, without delay, implement interim control measures when the introduction of permanent control measures will be delayed.

Purpose of guideline

This guideline provides information on the application of section 4.50(1), and discusses the hierarchy of controls and interim controls under sections 4.50(2) & (3).

Section 4.50(1) - General requirement for control of risk

The employer will eliminate or minimize the risks by creating control mechanisms for the risk factors found during the risk assessment.

In some cases, the control of ergonomic risk involves matters covered in other sections of the *OHS Regulation*, or in the *Workers Compensation Act*. Examples include lighting, vibration, unsafe work practices, and training.

Risk factors must be eliminated where practicable. "Practicable" is defined in section 1.1 of the *OHS Regulation* as "that which is reasonably capable of being done." In determining if elimination is "practicable," the relevant considerations include

- Degree of risk to the worker arising from risk factors
- Extent of available information on the risk and the means of controlling it
- Availability and suitability of control measures
- Frequency of performing tasks that contain risk factors
- Resources needed to control the risk

Where elimination is not practicable, the specific risk factors identified in the risk assessment should be reduced to the lowest practicable level. Typically this means minimizing the duration, magnitude, and/or frequency of the relevant risk factor. Care should be taken to ensure that the reduction of risk of MSI from one factor does not increase the risk from another.

As a general rule, risk factors for tasks which are performed most of the time should be considered first. The primary risk factors to consider normally include awkward postures, force required, and repetition.

Note: The employer is required under section 4.53 to consult with the joint occupational health and safety committee or worker health and safety representative, as applicable, on the implementation of controls.

Hierarchy of controls/personal protective equipment

Under section 4.50(2) engineering or administrative controls must, where practicable, be used in preference to personal protective equipment (PPE) for eliminating or reducing the risk of MSI.

Section 1.1 of the *OHS Regulation* states that "engineering controls" means the "physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk."

Section 1.1 defines "administrative controls" to mean the "provision, use and scheduling of work activities and resources in the workplace, including planning, organizing, staffing and coordinating, for the purpose of controlling risk."

PPE for MSI includes, but is not limited to the following:

Gloves (for example, vibration dampening gloves, friction gloves)

Footwear (for example, safe, cushioned footwear with a comfortable toe box, and proper-fitting, lowprofile heels)

Devices to protect against contact stress (for example, knee pads and wrist rests on computer keyboards)

WorkSafeBC provides Ergonomics Commentary sheets on topics such as the computer mouse, wrist braces, and back belts. These can be accessed via the Ergonomics portal at the *Work Safe BC* website.

Interim controls

This section permits the use of interim controls if the introduction of permanent controls will be delayed.

"Delayed" in this context means putting off the introduction of permanent control measures for reasons related to practicability. For example, the cost of, or time required to develop control measures, may require that they be phased in over a period of time.

Section 4.50(3) requires that "interim control measures" be applied to minimize risk while more effective or long term solutions are being developed. The section does not authorize the employer to delay the introduction of practicable control measures for other reasons.

3.2.1 Education and training

Regulatory excerpt

Section 4.51 of the *OHS Regulation* states:

- (1) The employer must ensure that a worker who may be exposed to a risk of MSI is educated in risk identification related to the work, including the recognition of early signs and symptoms of MSIs and their potential health effects.
- (2) The employer must ensure that a worker to be assigned to work which requires specific measures to control the risk of MSI is trained in the use of those measures, including, where applicable, work procedures, mechanical aids and personal protective equipment.

3.2.2 Purpose of guideline

This guideline provides information to assist with understanding terms in section 4.51(1) and on what is meant by "trained" in section 4.51(2).

Section 4.51(1)

This provision requires that workers be educated as to the risk factors which have been identified during the risk identification process under section 4.47 for a work activity that they perform. The education needs to be sufficient so the workers are aware of the applicable risk factors and their potential impact on the body.

Because all work has a physical component to it (i.e. from lifting a box to sitting behind a desk) risk factors are likely to be identified in the majority of jobs. Therefore, most workers will need education under this provision.

The early signs and symptoms of MSI include but are not limited to the following:

- Pain or discomfort
- Reduced range of motion at a joint
- Swelling
- Tingling, numbness
- Weakness when trying to perform a natural action like grasping

See OHS Guideline G4.46 for more information on the medical conditions addressed by the Ergonomics Requirements. Work Safe BC has also produced the booklet *Understanding the Risks of Musculoskeletal Injury (MSI)* to help employers with the requirements of section 4.51(1) to educate workers in risk identification, signs and symptoms of MSI, and their potential health effects. These can be accessed via the Ergonomics portal at the *WorkSafeBC* website.

In this provision, "trained" refers to the provision of practical information so that the workers affected understand why a control measure is in place and are able to effectively apply the control measures in their work.

Workers should be able to demonstrate an understanding of the education and training. To check this, it may be useful to ask workers about the risk factors present in their job and if there are specific procedures or equipment they use to reduce the risk. Sample questions for the worker could include

- What are some early signs and symptoms of MSI, and what could happen if they are ignored?
- Who should you report any signs and symptoms of MSI to?
- What are the risks of MSI in your job?
- What can be done to reduce the risk of MSI in your job?

Note: Section 4.53 of the *OHS Regulation* requires that the joint occupational health and safety committee or worker health and safety representative, as applicable, must be consulted on the content and means of provision of education and training under section 4.51.

3.2.3 Evaluation

Regulatory excerpt

Section 4.52 of the *OHS Regulation* states:

- (1) The employer must monitor the effectiveness of the measures taken to comply with the Ergonomics (MSI) Requirements and ensure they are reviewed at least annually.
- (2) When the monitoring required by subsection (1) identifies deficiencies, they must be corrected without undue delay.

Purpose of guideline

This guideline provides information on what is meant by conducting a review under section 4.52(1) and some of the considerations when applying section 4.52(2).

Section 4.52(1) - Conducting a review

This section requires the employer to monitor the effectiveness of control measures and ensure they are reviewed at least once a year.

The review must cover all the measures taken under sections 4.47 to 4.51, including risk identification and assessment, the implementation of control measures, and the education and training of workers.

In reviewing the effectiveness of existing measures, employers will evaluate whether they have eliminated or minimized the degree of risk to workers. The information to be considered may include evidence on changes of exposure to risk factors, reports of worker discomfort, MSI records in the first aid book, and MSI claims.

Section 4.52(1) states that a review must be done at least annually. A review is also required when significant changes in circumstances occur, including when

- MSI of a different type is reported, or workers report signs and symptoms of MSI of a different type
- A request from a worker is received to identify a risk factor that has not previously been considered
- A new or changed piece of equipment is implemented
- When new work stations or work processes are initiated

Note: Section 4.53 requires that the joint occupational health and safety committee or worker health and safety representative, as applicable, must be consulted in the evaluation.

Effective control measures

If monitoring shows there has been no reduction in the level of risk to workers or reports of discomfort, the effectiveness of the measures taken will need to be considered, and a determination made of whether additional corrective action should be taken.

If any different injury or signs or symptoms are reported, or any new risk factors are identified during a review, these need to be assessed and appropriate risk control measures taken. Identification of new MSI or new risks means the priority for addressing MSI should be reviewed, and the overall MSI program adjusted as necessary to ensure the areas of highest risk are receiving appropriate action.

Consultation

Regulatory excerpt

OHS Regulation states:

- (1) The employer must consult with the joint committee, if any, or the worker health and safety representative, as applicable, with respect to the following when they are required by the Ergonomics (MSI) Requirements:
 - (a) Risk identification, assessment and control
 - (b) The content and provision of worker education and training
 - (c) The evaluation of the compliance measures taken

- (2) The employer must, when performing a risk assessment, consult with
 - (a) Workers with signs or symptoms of MSI, and
 - (b) Representative sample of the workers who are required to carry out the work being assessed

3.2.4 Purpose of guideline

This guideline provides information on expectations for consultation under subsections (1) and (2) of this requirement. Consultation includes seeking the participation of the affected parties and asking for their input on measures taken under sections 4.47 to 4.52 of the *OHS Regulation*.

Section 4.53(1) requires the employer to consult with the joint occupational health and safety committee or worker health and safety representative, as applicable, regarding implementation of ergonomic requirements. It is expected that ergonomic requirements will be incorporated as part of the occupational health and safety program for the workplace.

This provision requires the employer to consult with the affected workers when a risk assessment is being done regarding tasks or functions performed by those workers. A "representative sample" under subsection (2)(b) means, in addition to workers with signs or symptoms, a cross section of workers, having regard to differences in age, shift schedule, gender, size (height, weight), and work location (climatic conditions can vary considerably, and clothing or icy surfaces may result in different levels of risk for similar tasks). The size of the sample will depend on how many applicable differences there are in the group.

4.0 CONCLUSION

Risk identification will be conducted by persons who are knowledgeable of work procedures, and the associated MSI risk factors. The risk identification process can be a part of a workplace inspection carried out under sections 3.5 to 3.8 of the *Regulation*.

Note: Section 4.53 requires that the joint occupational health and safety committee or worker health and safety representative, as applicable, must be consulted on risk identification.

In reviewing the effectiveness of existing measures, employers will evaluate whether they have eliminated or minimized the degree of risk to workers. The information to be considered may include evidence on

changes of exposure to risk factors, reports of worker discomfort, MSI records in the first aid book, and MSI claims.

5.0 SUMMARY

If monitoring shows there has been no reduction in the level of risk to workers or reports of discomfort, the effectiveness of the measures taken will need to be considered, and a determination made of whether additional corrective action should be taken.

If any different injury or signs or symptoms are reported, or any new risk factors are identified during a review, these need to be assessed and appropriate risk control measures taken. Identification of new MSI or new risks means the priority for addressing MSI should be reviewed, and the overall MSI program adjusted as necessary to ensure the areas of highest risk are receiving appropriate action.

6.0 TUTOR-MARKED ASSIGNMENT

1. What are the preventive measures against muscular and body injuries in the work place?
2. What do you understand by ergonomics requirement?
3. Who should be held accountable for workplace body injuries and explain why?

7.0 REFERENCES/FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*. (3rd ed.). London: Routledge.

- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. *Tourism Partnerships and Strategies: Merging Vision with New Realities. Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). *Tourism: The Sacred Journey*. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann.
- Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas [City. www.kc.frb.org](http://www.kc.frb.org)

UNIT 2 DEVELOPMENT OF A BUSINESS STRATEGY IN LEISURE TRAVEL & HOSPITALITY INDUSTRY

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Size and Market for formulation of effective marketing strategy
 - 3.1.1 Product and Services
 - 3.1.2 Target Customer
 - 3.1.3 Current corporate Business Objective
 - 3.1.4 Tourism as an economic activity
 - 3.1.5 Tourism business strategy options available to the firm
 - 3.2 Hybrid strategy
 - 3.2.1 Critical evaluation of hybrid strategy using BCG Martrix
 - 3.2.2 The risk factor involved with hybrid strategy in TC Tourism
 - 3.2.3 Sustainable tourism development strategy
 - 3.2.4 PEST Analysis
 - 3.2.5 The risk factor involved with sustainable tourism dev strategy
 - 3.2.6 Recommendation & justification of the last strategic option for the firm to achieve
 - 3.2.7 Sustainable tourism dev strategy
 - 3.2.8 External opportunities
 - 3.2.9 Outline of the business strategy for using appropriate planning models.
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The organization of Thomas Cook is an independent travel entity or an organization which aims in making the sector of travel and tourism the most sought after one. It also tries to create a leading edge in this domain by emphasizing on various domains of travel operations so as to create a platform for people who love to travel and visit places. The company of Thomas Cook is actually regarded as one of the largest leisure travel groups in the whole world. This group has sales of 9.8

billion pound and has got a customer base of 23.6 million people. This group is operational in almost 22 countries and is considered to be either first or second in their core segments (Mintzberg, 2010).

This group is deeply concerned in making its operating environment conducive to its work procedures so as to attract more numbers of customers. Not only that, it also tries to offer assured quality of goods and services to its existing customers to satisfy their needs and demands and also to make them loyal on a long term basis. The brand image of this group being global in nature is highly popular among travel lovers and hence can assess their preferences within a short time period (Murphy, 2006).

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- explain the meaning of leisure travel and its importance to hospitality
- define a business strategy as it relates to hospitality and tourism
- describe some products and services offered to clients in hospitality business
- discuss some of the corporate objectives being pursued by travel & leisure firm
- identify some business objectives of an organization in hospitality business

3.0 MAIN CONTENT

3.1 Size and Markets for formulation of effective marketing strategy

Last but not the least, the size and the markets of a tourist company are truly considered to be the main factors and elements that can help in the formulation of effective marketing strategies and policies to consolidate the marketing position to sustain the stiff scenario of the present times along with ensuring steady growth and development towards the future. Moreover, the size and the market share are also no less responsible in establishing the brand status so as to avail the significance of competitive advantage in the midst of the tough competition (Pizam, 2010).

3.1.1 Products and Services

The products and the services of the Thomas Cook are truly unmatched with its contemporaries as far as quality and price ranges are concerned. The company purely aims in offering products and services to its customers which are associated with travel itinerary and which can fulfil the needs and demands of the travel lovers. Offering of customized quality products and services to consumers of all ages within considerable price ranges is another of its qualitative features which is highly responsible for drawing a large number of people from various parts of the world (Murphy, 2006). Innovation and diversification in the product and the service ranges with the use of technological advancement and enhancement also add to its advantageous position in reaching to all class of people within a short time span. Consisting of experienced and dedicated team of people, the organization of Thomas Cook is also highly capable in reaching at people with lucrative offers and solutions to make them feel important and at the same time to cater to their requirements for the sake of making their time special and memorable (Kaplan, 2008).

Last but not the least, the variety of the products and the services are to be offered in accordance with the tastes and preferences of the people living in a specific territory mainly because the tastes of one particular place widely vary from other areas even within one particular country. The services especially help in attracting more people as those are intangible in nature and people who have received quality services do have the good perception and hence come frequently for availing the same. Also during festive occasions and seasons, these services and the goods play a crucial role in attracting more people by giving discounts, or offers, gifts etc to all segments of customers particularly those who are premium. The brand image of the company also hugely contribute in making honest efforts in the promoting and distributing of new offerings so as to initiate creative and innovative measures for enhancing the business mechanism (Mintzberg, 2009).

3.1.2 Target Customers

The target customers are the most vital components of any organization, particularly to those who are directly involve in the service sector or in the hospitality area. If the target customers are properly taken care of by the group of Thomas Cook, then it will benefit the company in getting popularity by the virtue of word of mouth publicity. The target customers are generally the existing ones whose tastes and preferences are normally acquainted with the company and at the same time also enable the group in devising effective strategies or policies to keep track

of the constant changes in the buying or the availing pattern (Mintzberg, 2010).

Requirements of the target customers are considered in detail while planning for carrying out any travel or tourism activities. If these requirements are properly maintained then the customers will feel satisfied and content with the services of the company and also contribute in enhancing the reputation so as to gain a status of competitive advantage in the midst of fierce competition. The target customers also help in effective positioning of the mission and vision statement of the group so that the efforts of the employees can be properly channelized to attain the desired goals and the objectives (Moutinho, 2006).

Lastly, it is the target customers who are actually responsible for building up the brand value along with enhancement of the products and the services to facilitate the business transactions. Moreover, developing cordial relationship with the target customers will only help the company in making prosperity towards attaining future objectives to meet the internal requirements for matching up to the needs of the external business environment. This apart, the target customers can also enable the company in considering tactical, preventive and remedial measures so as to avoid occurrences of any fatal blunders that can hamper the normal work flow of such a reputed global branded organization (Murphy, 2006).

3.1.3 Current corporate/business objectives

The corporate and the business objectives that the company wishes to follow are listed below:

- a) Executive performance and succession planning.
- b) determining standards of ethics and policy in relation to health, safety, environment, social and community responsibilities.
- c) development and approval of the Group's strategy and its budgetary and business plans.
- d) approval of significant investments and capital expenditure.
- e) approval of annual and half-year results and interim management statements, accounting policies, and the appointment and remuneration of the external auditors;
- f) approval of interim, and recommendation of final, dividends.
- g) changes to the Group's capital structure and the issue of any securities.
- h) establishing and maintaining the Group's risk appetite, system of internal control, governance and approval authorities.

The business objectives are generally formulated to make the company function on legal terms without hampering the surrounding environment. The mission and the vision statement can also be effectively realized if the objectives are properly implemented to reach the desired goals and objectives of the company. Moreover, the financial policies can also be executed in full swing if the objectives are implemented in accordance with the norms and regulations of the company. (Matias, et.al., 2007).

The entire discussion can be effectively recommended to be an ideal one for people who would love to explore the unexpected horizon with availing utmost comfort and luxury to be cherished. Such travelling experience will also offer ample of opportunities to travel to different parts of the world and gain unmatched feeling which can remain etched throughout the life (Pizam, 2010).

This group is deeply concerned in making its operating environment conducive to its work procedures so as to attract more numbers of customers. Not only that, it also tries to offer assured quality of goods and services to its existing customers to satisfy their needs and demands and also to make them loyal on a long term basis. The brand image of this group being global in nature is highly popular among travel lovers and hence can assess their preferences within a short time period (Lynch, 2006).

Last but not the least, the size and the markets of the company are truly considered to be the main factors and elements that can help in the formulation of effective marketing strategies and policies to consolidate the marketing position to sustain the stiff scenario of the present times along with ensuring steady growth and development towards the future. Moreover, the size and the market share are also no less responsible in establishing the brand status so as to avail the significance of competitive advantage in the midst of the tough competition (Knowles, 2006).

The organization of Thomas Cook is an independent travel entity or an organization which aims in making the sector of travel and tourism the most sought after one. It also tries to create a leading edge in this domain by emphasizing on various domains of travel operations so as to create a platform for people who love to travel and visit places. The company of Thomas Cook is actually regarded as one of the largest leisure travel groups in the whole world. This group has sales of 9.8 billion pound and has got a customer base of 23.6 million people. This group is operational in almost 22 countries and is considered to be either first or second in their core segments (Kaplan, 2008). Critical

Evaluation of Two Strategic Options and Their Associated Risks Available to Thomas Cook:

3.1.4 Tourism as an economic activity

Tourism can be considered as an economic activity generating a series of constructive and damaging effects on any tourism organization. Companies like Thomas Cook have taken steps to continue with diverse tourism activities that look for attaining the perfect balance between environmental and social costs and economic benefits continuously meeting changing needs of the travellers (DeFranco and Lattin, 2006).

Thomas Cook has been popular for fulfilling the requirement of travellers all over the world. Founded in 1841 in UK, this tourism company has also been known as the best in creating new needs among its existing customers and new prospects and in satisfying them to the fullest. The company being one of the globe's tourism leaders since its inception, the business model and business strategy adopted by Thomas Cook has been proved to be focused and flexible (Casado, 2009). The company's vision to go further can only be achieved in this highly competitive market by:

- Identifying key business theories for tourism development
- Adopting few business strategies based on the theories
- Critically evaluating the strategies through theories, concepts and models
- Identifying the risks involved in the strategies
- Selecting the best strategy out of those strategies
- Outlining the final business strategy for the organization by using planning models

Thomas Cook is equipped with a strong network of favourite global travel brands, leading websites and over 800 high street stores. This tourism company offers a series of financial services with foreign exchange facilities, international airline operations and a wide-ranging portfolio of more than 300 travel guidebooks. Known as the official supporter of the London Olympic games 2012, the company needs new business strategy to fulfil the dream of becoming the 'numero uno' in the UK and world tourism industry as well (Heath and Wall, 2009).

3.1.5 Tourism Business Strategy Options Available the Firm

Strategic management in tourism is concerned with decision making about the organization's future direction aiming renewal, growth and transformation. This also deals with implementing newly adopted company policies. Strategic planning and strategy implementation constitute strategic management (Gratton, 2000). Strategic planning for

Thomas Cook in ever expanding tourism industry needs making a few crucial decisions which are:

- Finalizing the company's mission;
- Formulation of policies to direct the company in setting up objectives, selecting a strategy and exercising on the selected strategy;
- Setting up short term and long term objectives to attain the mission of the company;
- Settling on the strategies which will be used to accomplish the mission of the company; Strategy implementation for Thomas Cook in tourism industry in UK and global perspective as well is linked with:
- Building the organizational structure to realized the strategy;
- Identification and quantification of the resources which are needed to backup the attainment of the objectives;
- Assurance of the effective performance of the activities required in accomplishing the strategy;
- Keeping an eye on the fruitfulness of the strategy in meeting the objectives of the organization (Jayawardena, 2008);

3.2 Hybrid Strategy

Hybrid strategy has been observed to be in use by popular tourism organizations i UK and worldwide. Merits and demerits of the strategy need to be analysed to find out the potential and risk of this strategy associated with Thomas Cook in reality (Kanabar and Warburton, 2008).

Using hybrid strategy, a tourism organization can offer quality travel services with great hospitality at low costs. The marvel of hybrid strategy lies in the fact that although adding value adds to price apparently, the cost is minimized. It was, otherwise, supposed to rule out low cost. Any tourism company using hybrid strategy can be successful in this service industry by reducing average cost which is the fundamental of this strategy. The primary way to this strategy is achievement of economies of scale which are open to organizations able to attain high value of market share. The achievement also includes a worthy circle that may be established. The secondary route bears the necessity to ascertain high load factors. This second way is significant to Tourism companies and other organizations playing in hospitality and other service sectors (Knowles, 2006).

This 'effect more and pay less' strategy can be useful for tourism companies like Thomas Cook. (Murphy, 2006)).

3.2.1 Critical Evaluation of Hybrid Strategy using BCG Matrix

BCG matrix or BCG model is related to marketing. This model is a popular tool of portfolio management which is used in product life cycle theory. This is also used to give importance to products which being within company product mix receives more attention and funding. BCG matrix classifies products into 4 categories which are based on market share and market growth (Lynch, 2006).

BCG star indicate high market growth and high market share, whereas the question mark indicate high growth and low market share. Cash cow refers to low growth and high market share, whereas dog refers to low growth and low market share (Mintzberg, 2009).

In connection with the above matrix, hybrid strategy can be analysed to use for Thomas Cook to grow its tourism business. Hybrid strategy stresses for quality service in tourism industry at low price. Now, to put their service into star position, eco-tourism can be considered which is at present at the quadrant of the question mark. At present, eco-tourism has low market share for the company. The purpose is to achieve high market growth with high market share with eco-tourism; and that too at a low price (Moutinho, 2006).

3.2.2 The Risk Factor involved with Hybrid Strategy in Thomas Cook Tourism

The associated risk factor perceived in this strategy is high cost of the tourism. If it is considered that Thomas Cook will start implementing this strategy before 2012 Olympics which is going to take place in UK, the question remains about the fortune of the eco-tourism after Olympic games is over (Wood and Brotherton, 2008).

3.2.4 Sustainable Tourism Development Strategy

Sustainable tourism development fulfils the requirement of present tourists and host locations at the same time when protection and enhancement of openings for the future take place. It is predictable that sustainable tourism strategy leads in managing of every resource to fulfil the social, economic and aesthetic needs with care and control. While doing this, life support systems, biological diversity, ecological processes and cultural integrity are also maintained with quality (Singh, 2008).

Sustainable tourism development strategy addresses some issues in prospective tourism planning which are facilities and amenities, accessibility, infrastructure, attractions, branding service standards, and

marketing applications. More issues which can be addressed by this strategy are regeneration of nature, signage, quality stewardship, streetscapes, socio-economic responsibility planning, experiences of trip planning, socio-cultural promotion, way-finding, visitor services, information about visitor and web marketing (Wahab and Pigram, 2008).

Applying sustainable tourism development strategy, Thomas Cook must have the experience, expertise and tools to expand the resources to make every prospective location sustainable and unique travel destination (Darling, 2006).

Critical Evaluation of Sustainable Tourism Development Strategy using PEST analysis:

Sustainable tourism development strategy is useful to implement by Thomas Cook in UK. It emphasizes on eco-tourism along with offering organic foods, mineral rich beverages and foods with complete natural ingredients. Such tourism plan incorporates development of the locations where tourism is performed. The area and its surrounding places become developed without disturbing the people living there and keeping the flora and fauna intact there. Development includes employment of the habitants there through which poverty can also be eradicated (Pearsoan, 2006).

3.2.5 PEST Analysis

In PEST analysis, the political, economical, social and technological environments of the tourism business in particular location are critically analysed. (Knowles, 2006)

Thomas Cook can go for sustainable tourism concept by centring on different locations of natural hot springs in UK. The USP of this planning is the benefit of human being in bathing in the natural hot springs. The other benefits of eco-tourism are obvious to help travellers enjoy to the fullest and growing sustainable business for the company (Wagen and Goonetilleke, 2007).

Some locations in UK that have natural hot springs are Bristol, Derbyshire Dales, Worcestershire, Somerset, South Wales (Singh, 2008).

P – Political environment in UK does not put any objection to eco-tourism and sustainable tourism development strategy. The government is eager to develop the economy through tourism of diverse pattern (Moutinho, 2006). Development that will happen through

implementation of this strategy will help the government to grow their economy.

E – Economical environment in UK, according to Mintzberg (2009), is fertile for the development of sustainable tourism. The business will allow the local people to get involved in company projects, thus earning their living in that way. Also, environmental development and scope of shopping stations, food stations, and entertainment hubs are huge in the establishment of this kind of tourism in places where there are natural hot springs. Growth of the company is very high if natural and social environment are not disturbed in any way.

S – Social environment, in the opinion of Knowles (2006), causes sustainable tourism to grow in UK. The people living there need to be involved in the tourism project and their natural lives should not be disturbed. If the tourism company can do benefit for them without any hazard to their life and habits, growth of the company will not retard.

T – Technological environment is also necessary for the company to establish sustainable tourism using the unique business strategy of eco-tourism based on the benefits of bathing in natural hot springs. Thomas Cook can create separate website for every natural hot spring location in UK for business promotion, information distribution and interaction with prospective and existing customers of the company. Use of internet in redirecting the main website of the company to the specific location websites through effective use of hyper-linking and other technology in the digital domain will help Thomas Cook to develop a sustainable tourism business using this business strategy (Kaplan, 2008).

3.2.6 The Risk Factor involved with Sustainable Tourism Development Strategy

The risk factor in sustainable tourism development high cost of the business if the craze for eco-tourism goes down after 2012 Olympic Games in UK. In case of any accidental environmental damage or the local people's change of mentality, the costing will go high thus damaging the growth of the business (Johnson and Whittington, 2011).

3.2.7 Recommendation and Justification of the Best Strategic Option for the firm to achieve its Strategic Objectives

Studying both hybrid strategy and sustainable tourism development strategy, it becomes obvious that sustainable tourism development strategy is the best between two and therefore it is recommended that Thomas Cook can implement this strategy in developing their tourism

business with positive input in market growth and in market share as well (Murphy, 2006).

3.2.8 Sustainable Tourism Development Strategy

(Pizam 2010).

In the above mentioned BCG matrix in section. At the sustainable eco-tourism was a part of the low market share which needs to be shifted into star. Therefore, success in sustainable tourism development strategy keeps the cost of the tourism low which is the key point of hybrid strategy. The risk is comparatively lower in sustainable tourism development strategy compared to the same in hybrid strategy. A TOWS analysis can predict the advantage of this strategy well (Rugman, 2007).

TOWS analysis:

TOWS analysis is known as an effective tool of merging: • internal strengths with external threats and opportunities; • internal weaknesses with external threats and opportunities; for the development of a strategy. The combinations are as follows: • S/O • S/T • W/O • W/T In the TOWS matrix given below, internal strengths and internal weaknesses are compared with external opportunities and external threats through analytical view (Tibble, 2007, p 356-361). TOWS Strategic Alternatives Matrix for Thomas Cook

3.2.9 External Opportunities

(O) 1. High PEST support 2. Fertile market 3. Low competition & Low cost 4. Natural Resources External Threats (T) 1. Sudden climatic change 2. Sudden economical change 3. Unpredictability in trend 4. Growth of competitors Internal Strengths (S) 1. Skilled employees 2. High-end technology 3. Strong vision & mission 4. Investment Capital SO "Maxi-Maxi"

Strategies that use strengths to maximize opportunities. ST "Maxi-Mini" Strategy Strategies that use strengths to minimize threats. Internal Weaknesses (W) 1. Diverse mode of tourism 2. Lack of resources 3. Insufficient manpower 4. Difference in opinion WO "Mini-Maxi" Strategy Strategies that minimize weaknesses by taking advantage of opportunities. WT "Mini-Mini" Strategy Strategies that minimize weaknesses and avoid threats.(Neidell 2008).

From the above arrangement in TOWS matrix, it is very clear that Sustainable Tourism Development is the best possible strategy that Thomas Cook can use in expanding its tourism network in UK using

sustainable tourism and eco-tourism on the basis of locations containing natural hot springs in the country (Matias, *et.al.*, 2007).

3.3.1 Outline of the Business Strategy for Using Appropriate Planning Models

According to Freeman (2006, p 251-258), there is always further scope to extend sustainable tourism development strategy with respect to locations containing different unique attractions in the country that the travellers from all corners of globe can enjoy. Tourism service is highly sensitive and sometimes it cannot demand to quantify the value. The qualitative aspect of sustainable tourism can only be evaluated for further continuous development by implementing the strategy through some specified actions. The figure given below indicates the action plan of implementing sustainable tourism development strategy for Thomas Cook (Hulsmann).

4.0 CONCLUSION

Sustainable Tourism Development Strategy has been in operation since last 15 years. The merits are many where the demerits have not been found in plenty till date. Tourism industry adopted this strategy from the very beginning to prevent damage to nature and providing entertainment to the tourists simultaneously. The outline of Thomas Cook tourism business strategy on this ground can achieve different goals. The new market segmentation is useful while applying this strategy. Merger and acquisition is also possible for stupendous business growth through implementation of the present business strategy. The target customers can be satisfied with growing workforce competence (Veal (2008)).

5.0 SUMMARY

While market growth and market share are the objectives to increase the same, this kind of strategy surely adds value not only the business growth of Thomas Cook and other competent tourism companies but also to the society. Especially the locations where tourism attractions are well identified for special reasons of sustainable tourism projects are taken into account by the value addition to the places.

The current reality is highly complex for the sustenance of business in the marketing mix environment. The strategy adopted by the company will increase the number of shareholders for the business that should grow leaps and bounds at times and with gradual growth in all time.

6.0 TUTOR MARKED ASSIGNMENT

1. What is sustainable tourism strategy?
2. Explain how PEST acronym can be applied in achieving the hospitality strategic agenda?

7.0 REFERENCES/FURTHER READINGS

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.
- Eliot, E. (2008). *Travel. CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.

- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc. Livingstone, J.,
- Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann.
- Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.
www.kc.frb.org

UNIT 3 TRESPASS (UNLAWFUL ENTRY), ILLNESS AND DEATH IN GUESTROOM & DUTIES AND RIGHTS OF THE GUESTS

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Insurance requirement for safe deposit Box
 - 3.1.1 Guests property limited liability
 - 3.1.2 Duty of Guests to assume responsibility for self property
 - 3.1.3 Guest property & legal implication
 - 3.1.4 Front office semantic- Mislaid property
 - 3.1.5 Lost property
 - 3.1.6 Abandoned property
 - 3.1.7 Guest nonpayment
 - 3.1.8 Hotel acceptance of financial mode of billing
 - 3.1.9 Trespass-unlawful entry into possession of another party's property
 - 3.1.10 Challenges of innkeeper/Hotel employee & product of the industry
 - 3.2 Personal property removal in the Room
 - 3.2.1 Explaining legal concern about guest privacy & removal
 - 3.2.2 Protecting life and valuable properties.
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References /Further Readings

1.0 INTRODUCTION

In many hotels, only the hotel manager, FOM, and front desk agents have access to the property's safe or safe-deposit boxes. This practice is generally required to limit a property's liability for loss of a guest's personal effects under the relevant state's statutory requirements.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define what you understand by trespass
- explain some of the rights of a guest in hotel business
- identify few of the duties of the hotelier to the guest property

- discuss the duty and role the innkeeper has for the guest property
- explain what you should do with any money/property mislaid by guests

3.0 MAIN CONTENT

3.1 Insurance Requirement for safe deposit Box

Insurance companies may require the hotel's representative to inventory valuables before they are placed in a safe or safe-deposit box. A signed guest statement about the value of property being delivered for safekeeping is crucial. Hotels can be found negligent if, for example, front desk agents or other employees with access to the safe or safe-deposit box fraudulently remove contents or physically remove the entire safe or safe-deposit box from the hotel (and this has occurred I).

3.1.1 Guest property Limitation Liability

Limitations for guest property liability extend beyond the hotel's safe and the guestroom. Consider the opportunities for theft as a guest arrives and goes to the registration area, leaving baggage to be handled by a bell services attendant. Guests who check in before their room is available may wish to leave their luggage in the hotel's luggage room. This service may also be requested by guests who check out of their room but who have meetings in the property until later in the day. Hoteliers must consistently use procedures to control access to luggage storage areas to safeguard property that has been left in their care. Guests may have luggage in their personal control stolen while they are waiting in the hotel's check-in line. What about opportunities for theft when a departing guest enters a taxi, hotel van, personal auto, or tour bus while a door attendant places luggage in the vehicle's trunk? Consider also situations that can occur when hotels offer attended coatroom and valet parking amenities. In all of these situations, limitations on the hotel's liability are generally in place, unless the hotel is proved to be negligent.

3.1.2 Duty of Guests to Assume Reasonable Responsibility for self property

Laws typically consider that the guests assume reasonable responsibility for their property. For example, is it reasonable to think that a guest would leave luggage containing \$50,000 worth of jewelry with a bell services attendant while checking in or would place a fur coat valued at several thousand dollars in an unattended coatroom?

The details of specific situations make it difficult to generalize about what does and does not need to occur for a hotel to be found negligent. The FOM—working with other hotel managers, property security and risk management personnel, and others—should develop policies and procedures that reflect reasonable precautions necessary to reduce the possibility of a successful negligence claim. Then, the proposed actions should be reviewed and revised by a competent attorney, implemented, and consistently followed.

3.1.3 Guest Property and legal implication

Many other situations involving guest property may have legal implications:

Detained property. Guests may have unpaid bills for lawful purchases of products or services for which they refuse to pay or for which payment is past due. In some instances, hoteliers may lock a guest out of the guestroom or refuse to release a guest's auto from the parking garage until payment is made. The right of a hotel to detain property for nonpayment of legally owed charges stems from laws that allow the hotel to place a lien on property until charges have been paid. **Detained property:** Personal property of a guest that is held by a hotel until payment is made for the purchase of lawful products or services.

lien: Legal right of one party to retain or sell the property of another as security for or payment of a lawful claim of charges.

Mislaid and lost property. Hotel policy should require that employees who find mislaid property or lost property while working must give that property to the applicable hotel manager, even if the property was found in a public place such as the lobby. The property should then be safeguarded by the hotel for a predetermined length of time. If it is then still unclaimed, it can be given to the staff member who turned it in, to the local police, or to a charitable organization, as dictated by hotel policy.

3.1.4 Front Office Semantics—Mislaid Property

Mislaid property: Personal property that has been purposefully placed somewhere but is then forgot, ten about by the rightful owner,

3.1.5 Lost property

Personal property that has been unintentionally placed somewhere and is then forgotten about by the rightful owner.

- **Abandoned property.** Abandoned property is given up by someone who not intend to reclaim it. Hoteliers holding an item of real property often don't know whether it has been misplaced,

lost, or abandoned. Magazines, newspaper and personal toiletries (e.g., razors, combs, and toothpaste tubes) are basically abandoned in hotel guestrooms. A good rule of thumb is that the gift the value of a found item, the more likely that it is not abandoned. All items with value should be retained by the hotel according to pre-establish and procedures for mislaid or lost property.

3.1.6 Abandoned Property

Property that is given up by someone who does not intend to reclaim it.

- Other concerns. A list of all situations that can involve front office employees and guest property would be lengthy. For example, property is unclaimed guest checks luggage into the baggage storeroom but does not return Property is lost by guests or visitors in a meeting room or public area, and they contact the front desk agent. Property is left in guestrooms by departing guests who later request its return. Another property management responsibility of front desk agents is the receipt of mail, packages, or faxes for guests before, during, or after their stay at the property.

State laws vary, so FOMs and other managers must seek clarification about procedures to safeguard guest property. They must then develop policies and procedures that are in concert with the laws and train front desk agents to know and follow them. Managers should also clearly inform guests about state laws and hotel policies and procedures when guests make requests about their property. Standards of reasonable care should always be applied to duties of care. I Although the tactics discussed in this section will help to protect the note against claims of property loss or damage, they will not prevent such claims. Failure to follow these tactics will not ensure lawsuits but will certainly encourage Them.

3.1.7 Guest Nonpayment

Some guests accept the hotel's products and services but then attempt to avoid paying for them. Perhaps a guest is dissatisfied with all or part of the experience at the property; perhaps a guest registered at the hotel with no intention to pay. Sometime guests pay their bill before leaving, but do so fraudulently; that is, with an unauthorized payment card, bad check, or counterfeit funds. (Procedures to control payment fraud are discussed in Chapter 11.) Employees at the front desk who handle cash must be trained to properly process payment cards and to recognize counterfeit bills.

Payments made by check should be accepted only by carefully following the hotel established policies and procedures relating to this form of payment.

Guests who leave the hotel without paying their bill are often called skips because they have skipped (avoided) the bill payment step in the check-in and check-out process.

Skip (nonpaying guest): Term used to refer to a hotel guest who vacates a guestroom without paying the bill incurred for its rental and for other charges made to the room,

A property's design often makes it relatively easy for guests to leave without paying.

Consider motels with outside entrances from parking lots directly to guestrooms and large, multistoried properties with large lobby areas and many exits, which are designed for guest safety and convenience rather than for revenue control.

How can FOMs and front desk agents minimize hotel skips? The most effective control procedures take place when the guest initially checks in to the property. The guest registration process, if effectively done, yields information about how the guest intends to pay. If a payment card will be used, it should be authorized for the full amount a guest is estimated to owe during the stay. Recall that one of the night auditor's duties is to verify that the amount owed by guests who indicated they will settle their folio by payment card has not exceeded the amount authorized during registration. If the amount owed is approaching this limit, the FOM usually requests partial payment from the guest or reauthorizes the payment card for an additional amount.

3.1.8 Hotel Acceptance of Financial Mode of Billing

More and more hotels are not accepting personal checks. Availability of automatic teller machines (ATMs) makes this guest "convenience" less necessary, because guests have more convenient access to cash. Many hotels that do accept checks require that checks be preauthorized by a check approval service, or they require that the guest provide a payment card number that can be preauthorized for the estimated amount during check-in.

If a guest who is registering indicates the intent to pay with cash, the amount equal to the total number of nights for which the guest is registering should be collected in advance, and no charges to the guestroom should be allowed. An additional deposit may be required for

use of the telephone to protect against toll charges made from it. Likewise, some hotels require an additional deposit as a protection against possible room damage that could occur but for which collection would be difficult.

In some cases guests do not leave the hotel but continue to occupy a guestroom and refuse to pay. They may be guilty of trespass and the sanctions of law that are associated with it in a specific jurisdiction. Guests such as these can generally be removed from the property.

3.1.8 Trespass: Unlawful entry into or possession of another party's property

ILLNESS AND DEATH IN GUESTROOMS

Front desk agents must be capable of quickly and correctly responding to any guestroom emergency. If a guest phones the front desk to report a serious illness, the front desk agent or other staff member taking the call should immediately call 911 or another designated emergency care responder.

Hotel staff may refer ill guests to local physicians or outpatient services. Large properties may have medical personnel on-call. Front desk agents must be thoroughly familiar with the options available to their ill guests and must know how guests, or they, can quickly contact health care providers. They must also know how and when to place 911 or other emergency calls on behalf of guests and be aware of the appropriate procedures to do so. Staff must also know what to do when emergency care arrives. Who should meet the emergency responder and at what hotel entrance? The answer for this question is important at all properties and is critical in large hotel complexes. What, if any, type of care should be provided to the guest before medical personnel arrive? What care is required of the guest's property while he or she is away from the room? These and related issues (e.g., contacting family members) must be addressed by the FOM before emergencies, not during them.

3.1.9 Challenges of Innkeeper/hotel employee & Prospect of the industry

What if a hotel employee enters a guestroom (1) for routine cleaning, (i) because the hotel received a phone call from a worried friend, relative, or business associate, or (3) because the guest has overstayed and discovers a very ill, unconscious, or apparently deceased individual? The staff member should immediately call the manager on duty, who should phone emergency personnel. If it appears that a crime has been committed, the local police should be informed. If there is a possibility

that other guests are in danger, they should be notified. A hotel employee should remain outside the open guestroom door to secure the area until emergency assistance arrives. If the guest is deceased, the body should be removed by a professional who has been authorized by relatives, if the hotel was able to contact them. If a physician is not present to complete reports required by health authorities, police or local health officials will arrange for transfer of the body to a hospital or morgue.

3.2 Personal property Removal in the Room

The personal property in the room should not be removed and must be protected until local authorities indicate that the room can be cleaned. The room should be kept locked until the appropriate authorities provide further instructions. Before the guest's property is delivered to anyone, including relatives, the hotel should be sure that all applicable legal requirements have been met. If information about property removal will not be forthcoming to the hotel for several days, the hotel may receive consent from an authorized official to remove the property to another secure area. An inventory of property removed from the guestroom should be taken with a witness present who can certify by signature that the inventory list is accurate. If any property is removed by a coroner, police, or other authorized official, the hotel should receive a receipt identifying the specific property that is removed.

3.2.1 Explain legal concern about guest privacy & removal

Section Objective: Explain legal concerns about guest privacy and guest removal and discuss procedures applicable to safeguarding guest property, managing guest non-payments, and following protocols for guest illness and death.

Section Summary: A hotel's obligation to ensure guest privacy begins at the time of registration. Guestroom numbers should not be publicly announced or provided to those inquiring at or phoning the front desk for this information. Guestroom keys should never be given to persons without appropriate identification to confirm that they are, in fact, registered guests requesting the applicable guestroom key. Hoteliers have a duty of care to allow lawfully registered guests privacy and the peaceful possession of their room. With relatively few exceptions, search warrants are required before police can view registration information or records or enter a guestroom.

Hoteliers can legally evidence occupants who are classified as guests (not jurisdiction in situations such as these: nonpayment of hotel bills, violation of hotel-conduct policies, illness or certain health conditions and overstaying beyond the time agreed to at reservation and registration.

Guest property must be reasonably protected against theft or anything that could damage it, except for legal exclusions such as "acts of God, "civil unrest, A guest negligence" Protection techniques include securing access to guest rooms; providing safes, safe-deposit boxes; or in-room safes; and using a variety of pro-notify guests about the availability of these safeguards and proceed these. FOM must also develop and "policies related to detained, mislaid, lost, and abandoned property.

3.2.2 Protecting life and valuable properties

Unfortunately, some guests' not pay for their guestroom or products and leave without paying. Registration procedures to properly secure correctly authorize a payment times of defense. Other guests may not leave the hotel but also refuse to pay many jurisdictions, trespass laws are in place to address these situations.

Unfortunately, an occupant may become seriously ill or die in a guestroom.

Procedures for quickly notifying the appropriate authorities, protecting valuables of the guest, and complying with other requirements of the legal jurisdiction must be carefully followed.

4.0 CONCLUSION

Hotel staff may refer ill guests to local physicians or outpatient services. Large properties may have medical personnel on-call. Front desk agents must be thoroughly familiar with the options available to their ill guests and must know how guests, or they, can quickly contact health care providers. They must also know how and when to place 911 or other emergency calls on behalf of guests and be aware of the appropriate procedures to do so.

5.0 SUMMARY

If information about property removal will not be forthcoming to the hotel for several days, the hotel may receive consent from an authorized official to remove the property to another secure area. An inventory of property removed from the guestroom should be taken with a witness present who can certify by signature that the inventory list is accurate. If

any property is removed by a coroner, police, or other authorized official, the hotel should receive a receipt identifying the specific property that is removed.

6.0 TUTOR-MARKED ASSIGNMENT

1. A front desk agent notices an unaccompanied item of luggage in the front desk or lobby area that has been in the same location for some time. There is no identification or marking of any kind on the luggage. If you were the FOM, what would you tell the front desk agent to do with this bag? Why?
2. The guest in room 203 was due to check out yesterday. The housekeeper reports that the guest's personal belongings are still in the room. The front desk agent has left several telephone messages on the guestroom phone, and the bell services attendant has delivered two messages in envelopes requesting that the guest contact the front office. What would you as the FOM do now?

7.0 REFERENCES/ FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.). London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.
- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.

- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank(2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. *Tourism Partnerships and Strategies: Merging Vision with New Realities. Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) Code of Ethics: Hospitality Services and Tourism Industry, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. *And Tenth District. Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 4 SEVEN STEPS TO HEALTH & SAFETY IN HOSPITALITY

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Annual Program Review
 - 3.1.1 Seven Steps to Health and Safety in Hospitality industry
 - 3.1.2 Purpose & motivation for travel and hospitality
 - 3.1.3 Travel
 - 3.1.3 Travel Safety
 - 3.1.4 Tourism
 - 3.1.5 Competition and Usage Rate
 - 3.1.6 Accommodation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The term "travel" originates from the Old French word *travail*. The term also covers all the activities performed during a travel (movement). A person who travels is spelled "traveler" in the United States, and "traveller" in the United Kingdom.[*citation needed*]

Usage rate or its inverse "vacancy rate" is an important variable for the hospitality industry. Just as a factory owner would wish a productive asset to be in use as much as possible (as opposed to having to pay fixed costs while the factory isn't producing), so do restaurants, hotels, and theme parks seek to maximize the number of customers they "process" in all sectors. This led to formation of services with the aim to increase usage rate provided by hotel consolidators. Information about required or offered products are brokered on business networks used by vendors as well as purchasers.[¹]

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- define the term travel and its meaning and how travel safely
- explain the meaning of hospitality and steps to control hazards
- identify some of the purposes of travel and checklist for health and safety

- discuss the motivation for travel and tourism

3.0 MAIN CONTENT

3.1 Annual program review

Once you have a health and safety program in place, you need to review it annually to make sure it addresses your current health and safety concerns. Use the “Annual Review of Health and Safety Program,” pages 43 – 44.

3.1.1 Seven steps to health and safety

The following seven steps will help you improve health and safety in your workplace.

- 1. Control hazards and develop a safety plans** As an employer, you must identify hazards in your workplace and take steps to eliminate or minimize them. Develop a safety plan.

Tell your workers what you will do to ensure their safety and what you expect from them. Make sure your workers have access to a first aid kit.

Forms and checklists

- “Sample Health and Safety Program for Small Business,” pages 41M– 42
-
- “Annual Review of Health and Safety Program,” pages 43 – 44

- 2. Inspect your workplace.**

Regularly check all equipment and tools to ensure that they are well maintained and safe to use. Also check storage areas and review safe work procedures.

- 3. Train your workers.**

Take the time to train your workers; tell them and show them how to do specific tasks. Consider providing written instructions and safe work procedures so they can check for themselves if they are unsure of a task or have forgotten part of their training. Supervise your workers to ensure that they are using their training.

4. Talk regularly with your workers.

Meet regularly with your staff and discuss health and safety issues. Encourage them to share their ideas and thoughts on how to improve safety in the workplace.

5. Investigate incidents.

Look into the causes of accidents, including near misses where no one was injured. Try to find ways to change procedures or equipment to help prevent similar incidents from occurring.

6. Maintain records.

Keep records of all first aid treatment, inspections, incident investigations, and training activities. This information can help you identify trends in unsafe conditions or work procedures.

7. Make safety a key part of your business

Safety shouldn't be an after-thought. It's just as important to a successful business as customer service, inventory control, and financial planning. A commitment to health and safety makes good business sense because it's the one way to protect your greatest resource — your people.

Regular meetings are an important way to improve workplace health and safety.

Encourage worker participation

Front-line workers know and understand the hazards associated with their jobs, and often have ideas on how to deal with specific hazards.

Good communication among employers, supervisors, and workers on health and safety issues is vital for the success of a workplace health and safety program.

Health and Safety for Hospitality Small Business

3.1.2 Purpose and motivation for travel & hospitality

Motives to travel include pleasure,^[6] relaxation, discovery and exploration,^[5] getting to know other cultures^[5] and taking personal time for building interpersonal relationships. Travel may be local, regional, national (domestic) or international. In some countries, non-local internal travel may require an internal passport, while international travel typically requires a passport and visa. A trip may also be part of a round trip, which is a particular type of travel whereby a person moves from their usual residence to one or several locations and returns.

3.1.3 Travel

The term "travel" originates from the Old French word *travail*. The term also covers all the activities performed during a travel (movement).^[4] A person who travels is spelled "traveler" in the United States, and "traveller" in the United Kingdom.^[citation needed]

3.1.4 Travel safety

It's important to take precautions to ensure travel safety. When traveling abroad, the odds favor a safe and incident-free trip, however, travelers can be subject to difficulties, crime and violence.^[8] Some safety considerations include being aware of one's surroundings,^[7] avoiding being the target of a crime, leaving copies of one's passport and itinerary information with trusted people,^[7] obtaining medical insurance valid in the country being visited and registering with one's national embassy when arriving in a foreign country.^[7] Many countries do not recognize drivers' licenses from other countries; however most countries accept international driving permits. Automobile insurance policies issued in one's own country are often invalid in foreign countries, and it's often a requirement to obtain temporary auto insurance valid in the country being visited.^[9] It's also advisable become oriented with the driving rules and regulations of destination countries.^[9] Wearing a seat belt is highly advisable for safety reasons and because many countries have penalties for violating seatbelt laws.^[9]

There are three main statistics which may be used to compare the safety of various forms of travel (based on a DETR survey in October 2000):^[10]

3.1.5 Tourism

Tourism is travel for recreational, leisure or business purposes. The World Tourism Organization defines **tourists** as people "traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes".^[1]

Tourism has become a popular global leisure activity. In 2010, there were over 940 million international tourist arrivals worldwide, representing a growth of 6.6% when compared to 2009. International tourism receipts grew to US\$919 billion (€693 billion) in 2010, corresponding to an increase in real terms of 4.7%.

As a result of the late-2000s recession, international travel demand suffered a strong slowdown from the second half of 2008 through the end of 2009. After a 5% increase in the first half of 2008, growth in

international tourist arrivals moved into negative territory in the second half of 2008, and ended up only 2% for the year, compared to a 7% increase in 2007.

This negative trend intensified during 2009, exacerbated in some countries due to the outbreak of the H1N1 influenza virus, resulting in a worldwide decline of 4.2% in 2009 to 880 million international tourists arrivals, and a 5.7% decline in international tourism receipts.[⁴]

Tourism is important and in some cases vital for many countries, such as France, Egypt, Greece, Lebanon, Israel, the United States, the United Kingdom, Spain, Italy, and Thailand, and many island nations, such as Mauritius, The Bahamas, Fiji, Maldives, Philippines and the Seychelles. It brings in large amounts of income in payment for goods and services available, contributing an estimated 5% to the worldwide gross domestic product (GDP), and it creates opportunities for employment in the service industries associated with tourism.[²] These service industries include transportation services, such as airlines, cruise ships and taxicabs; hospitality services, such as accommodations, including hotels and resorts; and entertainment venues, such as amusement parks, casinos, shopping malls, music venues and theatres.

3.1.6 Competition & Usage Rate

Usage rate or its inverse "vacancy rate" is an important variable for the hospitality industry. Just as a factory owner would wish a productive asset to be in use as much as possible (as opposed to having to pay fixed costs while the factory isn't producing), so do restaurants, hotels, and theme parks seek to maximize the number of customers they "process" in all sectors. This led to formation of services with the aim to increase usage rate provided by hotel consolidators. Information about required or offered products are brokered on business networks used by vendors as well as purchasers.

In viewing various industries, "barriers to entry" by newcomers and competitive advantages between current players are very important. Among other things, hospitality industry players find advantage in old classics (location), initial and ongoing investment support (reflected in the material upkeep of facilities and the luxuries located therein), and particular themes adopted by the marketing arm of the organization in question (for example at theme restaurants). Very important is also the characteristics of the personnel working in direct contact with the customers. The authenticity, professionalism, and actual concern for the happiness and well-being of the customers that is communicated by successful organizations is a clear competitive advantage.

3.1.7 Accommodations

- Hostels
- Hotels
- Motels
- Restaurants & Bars
- Cafes
- Nightclubs
- Public houses
- Restaurants

Travel and Tourism

- Airline Cabin Staff
- Travel agents
- Convention and visitor bureau
- Hospitality
- Hospitality management
- Restaurant
- American Hotel & Lodging Educational Institute

4.0 CONCLUSION

Tourism is important and in some cases vital for many countries, such as France, Egypt, Greece, Lebanon, Israel, the United States, the United Kingdom, Spain, Italy, and Thailand, and many island nations, such as Mauritius, The Bahamas, Fiji, Maldives, Philippines and the Seychelles. It brings in large amounts of income in payment for goods and services available, contributing an estimated 5% to the worldwide gross domestic product (GDP), and it creates opportunities for employment in the service industries associated with tourism.^[2] These service industries include transportation services, such as airlines, cruise ships and taxicabs; hospitality services, such as accommodations, including hotels and resorts; and entertainment venues, such as amusement parks, casinos, shopping malls, music venues and theatres.

5.0 SUMMARY

When traveling abroad, the odds favor a safe and incident-free trip, however, travelers can be subject to difficulties, crime and violence.^[8] Some safety considerations include being aware of one's surroundings,^[7] avoiding being the target of a crime, leaving copies of one's passport and itinerary information with trusted people,^[7] obtaining medical insurance valid in the country being visited and registering with one's national embassy when arriving in a foreign country.^[7] Many countries do not recognize drivers' licenses from other countries; however most countries accept international driving permits.

Automobile insurance policies issued in one's own country are often invalid in foreign countries, and it's often a requirement to obtain temporary auto insurance valid in the country being visited.^[9] It's also advisable become oriented with the driving rules and regulations of destination countries.^[9]

6.0 TUTOR MARKED ASSIGNMENT

1. What is the relevance and significance of conducting workplace Safety inspection?
2. Explain the importance of implementation of work place checklist, what is its importance?

7.0 REFERENCES/ FURTHER READING

Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.).London: Routledge.

Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.

Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.

Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.

Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.

Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.

Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.

Databank(2009): *Definitions and Classifications. Tourism Economics* 2(4): 370.

Eliot, E. (2008). *Travel. CMA Journal*. February 2: 271.

- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. Tourism Partnerships and Strategies: Merging Vision with New Realities. *Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann.
- Wilkerson, C. (2003). Travel and Tourism: An overlooked industry in the US. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org

UNIT 5 OVERVIEW OF LEGAL OBLIGATIONS, DUTIES AND STANDARDS OF CARE & PROSPECTS OF THE INDUSTRY

CONTENTS

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Front Office manager and the law
 - 3.1.1 Overview of legal obligation
 - 3.1.2 Attorney
 - 3.1.3 Innkeeper responsibilities and Duty of Care
 - 3.1.4 Civil Laws
 - 3.1.5 Fron office semantic –Duty of Care
 - 3.1.6 Litigation
 - 3.1.7 Compensatory damages
 - 3.2 Duties of standard of care
 - 3.2.1 Wholesome: Fit human consumption
 - 3.2.2 Negligence
 - 3.2.3 Standard of Care
 - 3.2.4 Reasonable Care
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Front office managers and their staff must know a great deal about a diverse range of topics. The topic of legal issues is important but sometimes complex. FOMs must identify concerns that are most likely to prompt litigation if front office personnel do not correctly perform their jobs. FOMs must also develop policies, procedures, and training programs to address the concerns.

FOMs are not attorneys trained to deal with the legal issues that can affect their decision making. Therefore, policies and procedures to manage legal issues must be reviewed with an attorney who is familiar with state and local laws and regulations.

Management tools can then be developed in concert with legal recommendation and a final legal review will ensure that the hotel has the basic legal foundation III place to protect its guests, employees, and owners. Even so, nonrecurring challenges may arise; FOMs should

review ad hoc issues with their supervisor, who may request additional organizational assistance, legal advice, or both.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define what duty of care meant in hospitality
- explain in your own word the meaning of litigation
- identify how to protect the interest of your guest
- explain how to protect the privacy and property of your guest
- discuss some of the responsibilities of innkeeper

3.0 MAIN CONTENT

3.1 Front Office manager and the law

As you are discovering in each unit of this book, the duties and responsibilities FOMs are extensive. They do far more than supervise staff members who take guard reservations, register and check out guests, and resolve guest problems during the stay. In fact, FOMs must know a significant amount about human resources management, technology, marketing, psychology, financial management, and so of chapter discusses another dimension of the FOM's job: compliance with the I Roadmap 13.1 shows, the discussion begins with an overview of the FOM' obligations.

This unit begins with an overview of how the law affects FOMs and their staff. Duties and standards of care are explained, because they establish the foundation of the expectations that guests and society have about what hotel personnel should and should not do.

Hotels establish contracts with guests when reservations are made or during to registration process. A brief overview of what does, and does not, constitute a contract is presented. The importance of hotels fulfilling their contractual obligations emphasized, particularly in nation to guest safety. Common laws that have evolved over hundreds of years have established a foundation for many obligations that hot have for guests. Common has continue to create the parameters within which hot must accommodate and product guests. Other legal issues are of concern to all FOMs: privacy of guests in their room reasons for removing guests room their rooms, protection of guest property, procedures to minimize guest skip (i.e., departures without payment), management off openness, and death in guestroom

It is critical that hotelier consult with and follow the advice of competent attorneys who are knowledgeable about the laws and regulations that apply to a special hotel. The time to learn about legal obligations and to develop procedures to com with them is before a problem arises. Sufficient time will then more likely be available able to properly plan and implement appropriate actions to protect guests a employees and to minimize he hotel's liability. Employee training is essential translate plans into appropriate actions so that laws designed to protect guests a the property are followed consistently.

3.1.1 Overview of legal obligations

A wide range of laws and regulations apply to all business organizations, include hotels. Think of the many legal requirements related to labor, building construction and remodeling, and tax obligations. This chapter focuses on the laws relating lodging property and its legal relationship with hotel guests and visitors that hospitality managers in general and FOMs more specifically.. Few FOMs or other hotel managers are attorneys. Nevertheless, they must have a general working knowledge about legal aspects of their position. What an FOM staff say (or don't say) and do (or don't do) can have a significant impact.

3.1.2 Attorney

Trained and licensed person who represents others in issues related to laws.

Many laws that affect hoteliers are derived from English' common laws that evolved during the Middle Ages to address general societal concerns. For example.

3.1.3 Innkeeper responsibility and Duty of Care

Innkeepers were responsible for providing a safe place of rest to all those who wert willing to pay for it, and innkeepers were responsible for protecting the property travelers who sought their accommodations
Common laws: Law stay. In fact, FOMs must know a significant amount about human resources management, technology, marketing, psychology, financial management, and so of chapter discusses another dimension of the FOM's job: compliance.

Common laws: Laws (rules) that evolved from customs in the Middle Ages in England and that form the foundation for many contemporary laws in the United States.

A wide range of laws and regulations apply to all business organizations, include hotels. Think of the many legal requirements related to labor, building construction and remodeling, and tax obligations. This unit focuses on the laws relating to be lodging property and its legal relationship with hotel guests and visitors that hospitality managers in general and FOMs more specifically.

Few FOMs or other hotel managers are attorneys. Nevertheless, they must have a general working knowledge about legal aspects of their position. What an FOM staff say (or don't say) and do (or don't do) can have a significant impact on the hotel.

In addition to common laws, FOMs must also understand the civil laws that address the rights and remedies of private persons in noncriminal matters.

3.1.4 Civil laws

Laws (rules) that are primarily established by governmental edict or legislation. Many civil laws evolved from the time of the Roman Empire.

Government agencies create codes, statutes, or other mandates that affect the relationship between the hotel and its guests. For example, consider a guest who injured from a fall on a wet floor in the hotel lobby. The guest may claim that the Attorney: Trained and licensed person who represents others in issues elated to laws hotel is liable for the injury and could file a lawsuit seeking damages incurred by alleged wrongful acts of the hotel.

3.1.5 Front Office Semantics

Duty of care: Obligation imposed by law that requires a specific standard of conduct.

Lawsuit: Legal action in a court of law based on a complaint that a person or company failed to perform a required duty, and that failure resulted in harm to the person filing the complaint.

Litigation follows a lawsuit. In this example, the injured guest's attorney will allege that the accident was preventable, and that it was primarily caused by the actions or inactions of the hotel. The attorney will ask that the injured party be awarded damages by the property to compensate for the incident,

3.1.6 Litigation

Process of suing someone for damages caused by a wrongful act.

Damages: Amount of losses or costs assessed to the individual or company that was found to be liable for a wrongful act.

Could the FOM and staff have prevented this accident? For example, would it be their fault that the material of which the floor is constructed, while beautiful and perfect for the aesthetics of the environment, is very slippery (and, therefore, unsafe) when it is wet? The court's answer will probably be yes, if the hotel's owners or managers made the decision about the flooring material or retained the services of home: one who did, if there had never been a problem before, the court may order the hotel to pay compensatory damages. However, if accidents had occurred previously, and the hotel ignored the obvious potential safety hazard, additional punitive damages might be awarded to the injured guest.

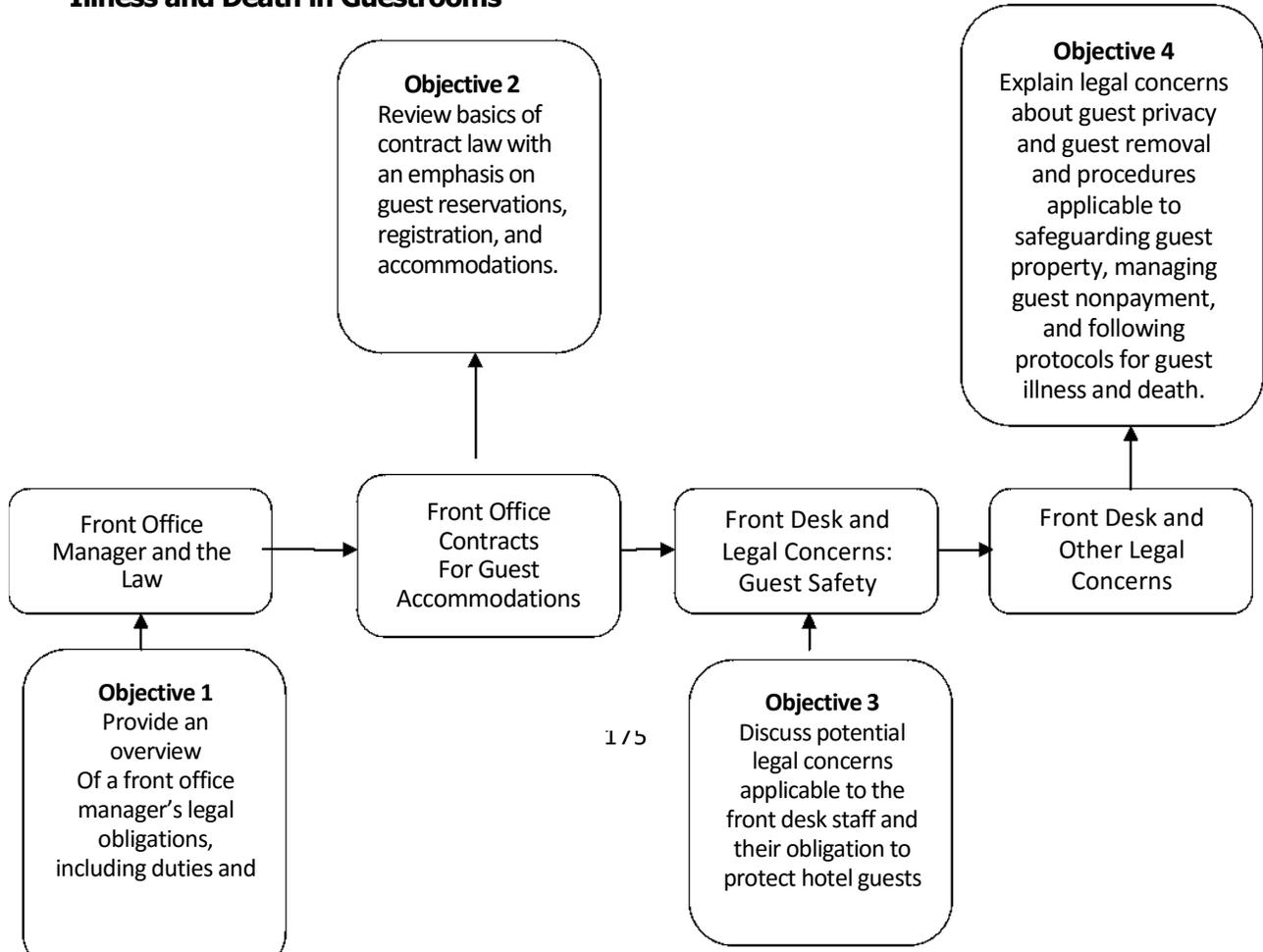
3.1.7 Compensatory damages

Monetary amount intended to compensate injured parties for actual losses or damage they incurred (e.g." medical bills and lost wages), Also known as actual damages, Punitive damages: Monetary amount assessed to punish liable parties and serve as an example to the liable party as well as others not to commit the wrongful act in the future.

Could the FOM and staff have done something to alert guests to the slippery floor, for example, by installing nonslip mats, posting signs, or by requiring that oral warnings be given by parking, door or bell services attendants? The judicial system makes decisions about such questions; however, many times lawsuits are settle before they reach the court system, FOMs and other managers must have a clear understanding of their duties and standards of care, and they must use this understanding to guide their actions,

Roadmap 13.1 shows, the discussion begins with an overview of the FOM' obligations.

Illness and Death in Guestrooms



Source” FOM, Front office Management, Best western, London, Ontario p.221 2006

3.2 Duties and Standards of Care

FOMs and all other members of the hotel's team have legal duties, that is, obligations, to guests and to others. For example, they Owe a duty of care to those who enter the hotel or its property.

The hotel owes a duty of care to provide safe walking conditions on the lobby floor and for other safety concerns that can be reasonably foreseen, Consider, for example, a guest's safety while occupying a

guestroom, The hotel has a duty of care to provide working door locks to prevent unauthorized opening of the room's corridor door, glass patio door, or other possible entry doors, In contrast, it may not be reasonable to expect the hotel to prevent unauthorized entry by an intruder who forcible breaks the glass in a window or on the patio door to gain entry to the guestroom.

Hoteliers' reasonable duties of care include the following actions:

- Providing reasonably safe buildings and grounds
- Serving wholesome food and beverages

3.2.1 Wholesome: Fit for human consumption

- Ensuring that alcoholic beverages are served responsibly
- Selecting and training employees in a way that helps to reasonably prote guests and others against acts of negligence caused by staff members

3.2.2 Negligence

Doing something that a reasonable person would not do, or failing to do something that reasonable person would have done, in the same situation, Warning about anything that does or may pose a threat to safety.

- Protecting guest property
- Registering guests properly
- Using reasonable care to prevent injury to a guest or others

In addition to meeting their duties of care, hotel employees must meet standard of care.

3.2.3 Standard of care

Level of performance that is determined to be reasonably acceptable by the fulfill a duty of care.

FOMs, for example, must provide a reasonably safe environment for the ho' employees, guests, and visitors, but what is reasonable? The term is defined in legal sense of reasonable care.

3.2.4 Reasonable care

Legal concept that identifies the amount of care a reasonably prudent person will exercise in a specific situation.

FOMs and all other members of the hotel's management team must consistently separate the hotel with a degree of care equal to that which would be Block by their peers, that IS, other reasonable FOMs and hotel managers. For example an FOM knows about a threat to guest safety such as a fire, It is reasonable to that he or she will either immediately eliminate the threat ?r clearly infirm that of It. To not do so would likely mean that the FOM did not exercise the product degree of reasonable care for the safety of guests, visitors, and employees.

If there was a threat to safety that resulted in a loss, injury, or death, and it was determined that hotel staff did not exercise reasonable care about that hotel could be held wholly or partially liable for the loss, injury, or death that from the threat.

Let's consider fire emergencies. When hotels are constructed, they must many strict requirements about building design, safety, sign age, and other related to fire safety before an occupancy permit is granted by the local go authority. Let's assume, however, that within the first several months after certain hotel opened, a series of false alarms occurred that were immediately problems with the fire alarm system and the way it was wired. Let's also that only several days after the system was repaired, tested, and confirmed functional, the fire alarm sounded again. Would a reasonably prudent assume that It was another false alarm that could be Ignored and that there was no need to inform guests and other building occupants? Alternatively, would reasonably prudent FOM assume that there could be a serious potential errand immediately respond to the situation according to the hotel's established toppers doating procedures for proper response to alarms? A reasonably prudent FGM other hotel manager would consider the alarm to be real, because to do other might result in serious injury or even loss of life to the hotel's guests, ernp and visitors.

Provide an overview of a front office manager's legal obligations, including duties and standards of care applicable to guests.

4.0 CONCLUSION

Many laws with specific applications to hotels are derived from English common laws that evolved during the Middle Ages. Examples: the innkeeper's responsibility to provide a, safe place of. rest for those who pay for it and the innkeeper's need to protect travelers' property. Many civil laws make hoteliers liable for wrongful acts that harm guests, visitors, or employees.

5.0 SUMMARY

Hoteliers owe duties of care to their on-site constituencies related to the provision of reasonably safe buildings and grounds and the selection and training of employees who act in ways to protect understand. Other duties 'of care involve the protection of guest able care to prevent injuries to quests visitors, and employees.

Hoteliers must also provide a standard of reasonable care: that which 'a reasonably prudent person would exercise in a specific situation. In the lodging industry, standards-relate to the level of performance determined to be reasonably acceptable for professionals working in the industry

6.0 TUTOR-MARKED ASSIGNMENT

1. Why do you think that English common laws that are-several hundred years old still influence modern laws that affect hoteliers specifically and society more generally?
2. Can you think of examples of negligent acts by front desk agents For which the hotel might be found legally responsible?
3. This section provided examples of hoteliers' reasonable duties of care. What additional examples can you suggest?

7.0 REFERENCES/FURTHER READING

- Bartelmus, P. (1994.) *Environment, Growth and Development of Hospitality: The Concepts and Strategies of Sustainability*. (4th ed.).London: Routledge.
- Burkart, A. J., and Medlik, S. et al (1981). *Tourism: Past, Present and Future*(2nd ed.). London: Heinemann.
- Burns, A.,and Bush, R.F.(2005) *Marketing and Hospitality Industry Research*(4th ed.). Upper Saddle River, New Jersey: Pearson Educational, Inc.
- Butler, R. W. (1989). *Tourism, Heritage and Sustainable Development*(2nd ed.). Waterloo, Canada: Heritage Resources Centre.
- Cazes, G. H. (1989). *Alternative Tourism: Reflections on an Ambiguous Concept. Towards Appropriate Tourism: The Case of Developing Countries*.(3rd ed.). London: Routledge.

- Conference The. (1991). *International Conference on Travel and Tourism Statistics: Ottawa (Canada), 24–28 June 1991 Resolutions*. Madrid, World Tourism Organization, p. 4.
- Cook, R..A., Yale, L.T.and Marquua, J.J.(2006). *Tourism: The Business of Travel*(3rd.ed.).Upper Saddle River: New Jersey, Pearson prentice Hall.
- Databank (2009): Definitions and Classifications. *Tourism Economics* 2(4): 370.
- Eliot, E. (2008). Travel. *CMA Journal*. February 2: 271.
- Feifer, M.(1985). *Tourism in History: From Imperial Rome to the Present*.(2nd ed.). New York: Stein and Day Publishers.
- Frechtling, D.C. (1992). International Issues Forum: World Marketing and Economic Research Priorities for Tourism. *Tourism Partnerships and Strategies: Merging Vision with New Realities. Proceedings of the 23rd Travel and Tourism Research Association Conference*. Minneapolis, June 14–17.
- Gee, C., C. Makins, and D. Choy. et al(1997). *The Travel Industry*, (3rd ed.). New York: Van Nostrand Reinhold.
- Graburn, N. (1989). Tourism: The Sacred Journey. In *Hosts and Guests: The Anthropology of Tourism*.(2nd ed.). Philadelphia: The University of Philadelphia Press.
- Kotler, P., Bowen, J. T.,Makens, J.C.(2006). *Marketing for Hospitality & Tourism*.(4th ed.).Upper Saddle River: New Jersey, Pearson Educational Inc.
- Livingstone, J., Forest, M. et al (2005). *Forecasting Tourism Demand*(3rd ed.). Oxford: Butterworth-Heinemann.
- Robert, H.W. et al (2006). *Professional Front Office Management*.(3rd.ed). Upper Saddle River: New Jersey, Pearson prentice hall.
- Stephen, S.J.(1992) *Code of Ethics: Hospitality Services and Tourism Industry*, in *Ethics in Hospitality Management* (3rd ed.). New York: City of New York, Education institute Press
- Theobald, W.F. (1994). *Global Tourism*(3rd ed.). London: Butterworth-Heinemann. Wilkerson, C. (2003). *Travel and Tourism: An overlooked industry in the US*. And Tenth District. *Economic Review*, Third Quarter, Federal Reserve Bank of Kansas City.

www.kc.frb.org