

How federal governmental agencies regulating hospitality law employment essay

[Law](#)



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1. 0) QUESTION 1

How is Federal Governmental agencies involved in regulating the hospitality industry? Discuss with examples.

1. 1) INTRODUCTION

In Malaysia, there are a lot of laws that help the government to maintain the peacefulness and safety of the country. As HART says, law is a command given by the sovereign that one does or forbear to do for fear that evil may be visited upon him. Furthermore, laws are instructions given by somebody in authority that we do or do not do something for fear of punishment.

Besides that, there are two types of law in Malaysia which are written law and unwritten law. However, in United State, there are also laws that help the government to maintain the safety of the country. Moreover, the hospitality industry is regulated by a variety of federal, state, and local governmental entities. Hospitality managers must also interact with these agencies in a variety of different ways, and observe all applicable procedures and regulations established by government. So, what is the actual meaning of written law? Written law which means the laws which have been enacted in the constitution or in legislation, however unwritten laws are laws that are not contained in any statutes and enable to be found in case decisions.

These two types of laws are known as the common law or case law and in

situations without law governing a particular circumstance and then Malaysian case law may apply. Furthermore, if there is no Malaysian case law, then English case law can be applied.

1. 2) HOW FEDERAL GOVERNMENTAL AGENCIES REGULATING HOSPITALITY INDUSTRY

These days, hospitality industry is in a good shape and almost all the price is reasonable. This is because the way of federal governmental agencies regulating hospitality industry is fair and square. For example, if the government from Malaysia or United State adjusts the income tax to be as low as possible, then people in Malaysia or people United State does not need to pay so much by using their hard earn money. Besides that, the federal governmental agencies only collect the income tax once a year, same goes to United State. If they collect every month, then for sure every Malaysian or the people that live in United State can't effort to pay it. Furthermore, every business has their own tax that they need to pay every month or every year. But, the tax will be collect through the profit of their business in the end of every month or every year. If the owner of a business didn't pay for the income tax when the time has come, then for sure he or she will be punish by paying extra money or jail for three months by the government in every country. Normally, the punishment from the government is not that heavy. Besides that, Health Ministry also involved in hospitality industry and it is a very important for food and beverage service of hospitality industry because Health Ministry are in charge and responsible for all the cleanliness and hygienic of the food and environment of a restaurant. Furthermore, they will come to a restaurant once a month or

twice a month to check the overall of a restaurant. In Malaysia, Health Ministry is quite a strict party because if they find out anything wrong about the restaurant, they will request the owner of the restaurant to stop doing business and clean the restaurant thoroughly. However, in United State their Health Ministry will check the entire hidden place in that restaurant, even toilet. Until the Health Ministry found enough evidence to catch the restaurant's owner, if not the Health Ministry can't complain or sue him or her for their dirty hygienic. For example, in Malaysia or if the Health Ministry find out there are rats, lizards, cockroaches and other reptiles show up in the kitchen, then they will give a warning letter to the owner of the restaurant and request them to stop doing business for a few days, then the owner is require to clean the restaurant and the Health Ministry will come back to check again after the owner has done cleaning. After checking, the Health Ministry will make the decision whether to let the owner continue to do business. Other than Health Ministry, there are some agencies in Malaysia or United State from the government that help the hotelier to make improvements in the world of hospitality industry to a better lever or state, that is Department of Labour of Malaysia. This department has created Labour law to protect labours against some bosses that are not fair and bad that regulates salary less than RM 1, 500. Actually RM 1, 500 is the compulsory number for salary to support a person's life. Normally, the amount of salary can be less than RM 5, 000 but cannot be less than RM 1, 500, this is what the Department of Labour's head has said. Besides that, in Industrial; the salary must be not less than RM 5, 000. Moreover, the use of consumer Protection Law is to statutes enacted to safeguard consumer right

by upgrade or enhancing product safety standards, increasing the availability of consumer interest related information or preventing use of deceptive marketing methods. Besides that, consumers' right generally accepted basic consumer right such as Right to safety: protection from hazardous goods. Next, will be the Right to be informed which means the availability of information required for weighing alternatives, and protection from false and misleading claims in doing advertising and labeling practices. Furthermore, every consumer has their own right to choose, it makes the consumer available to compete goods and services that offer alternatives in terms of quality, service and price. Furthermore, all the consumers have the right to be heard or receive any information from outsider and others. It is means the consumers can listen to anything about the assurance that government will take full cognizance of the concerns of consumers, and will act with sympathy and dispatch through statutes and easy and expeditious administrative procedures. Besides that, the product's safety standards is means standard relating to the design and manufacturing of consumer products to make sure they don't represent harm or hazards to all the consumers. In United States, the Consumer Products Safety Commission oversees the regulation of consumer product standards. Industrial unions can be defined as collective bargaining association open to all workers or employees in an industry, regardless of their specific skills, functions and the responsibilities of the job. For example, an oil workers' union would include those parties that involve in the exploration, extraction, storage, refining, transport, and other areas associated with oil or petroleum industries. Furthermore, industrial relations bureau is also related to the hospitality

industries. So, what is the meaning of industrial relations? Industrial relations can be defined as one of the most delicate and complex problems of modern industrial society. Besides that, industrial progress is impossible without cooperation of labors and harmonious relationships. Hence, it is in the interest of all to create and maintain good relations between employees and employers. For example, if the workers of a hotel are not that good with the management, then the workers will feel uncomfortable while working in the hotel. With this, almost all of the daily operations of that hotel will be affected, and the business of the hotel will be affected hugely. Not only this, the hotel will be in danger and may be required to shut down because the hotel didn't get a lot of profit and the management can't afford to pay the workers' salaries when the end of the month.

1. 3) CONCLUSION

In conclusion, every country must have their own laws to protect the peacefulness and the safety of that country. Without the existence of the laws, there are world wars between countries towards another till now. The existence of the laws is very important because it not only can maintain or protect the peacefulness or the safety of a country but it can also protect everything from hospitality industries.

2. 0) QUESTION 2

Discuss with examples the various types of legal duties required of a hospitality operator and the consequences of the failure to exercise reasonable care in fulfilling these duties.

2. 1) INTRODUCTION

As a hospitality operator, he or she needs to follow or give the legal duties and reasonable care. As a leader, he or she needs to make sure the workers that are working with him or her have a safe, comfortable and peaceful working place to work at. Furthermore, he or she needs to always consider the way to reduce the percentage of accident happen to a minimum level. Besides that, as a hospitality operator, if they want to cooperate with other hotel and they make a contract to fulfill each other requirements. The requirements and conditions that they want each other to fulfill will be list down in the contract. If both of the parties agree with the conditions and requirements that listed down in the contract, then they will sign the contract. However, if one of the party is unable to complete the tasks that listed down in the contract, then the contract will automatic counted as breach. The party that already fulfills the requirements of the other party can sue the party that unable to fulfill the requirements.

2. 2) NEGLIGENCE

What is negligence? Negligence is a tort and it is necessary to define what tort means before considering the essentials of negligence. Tort is meaning a very wrong act against a person or body corporate and his or her property, which will gives rise to an individual action. It usually uses to handle damages although other remedies are available. For example, if party A and party B wish to cooperate with each other or trade something with each other, then they have to state down the conditions and requirements. After both of the party agree with the tasks and conditions, then they will sign the contract, then the contract will be effective. But if party B is unable to fulfill

the tasks, then the contract is counted as breach. Thus, party A can sue party B for the damages that they have lost. This is where negligence takes place. Furthermore, negligence is the key of all torts, not only because an understanding of it is vital to the comprehension of other torts, such as the owner's liability and occupiers liability, but also because it is the one tort which is fix developing in the light of social and the changes of economic. On the other hand, this also can be seen by referencing product liability, economic loss, professional negligence, all of these above were originally only compensated if there was in existence an effective contract. In other words, if a person didn't sign any contract, then there will be no claim. Moreover, the primary objective of the tort of negligence is to provide compensation for the people that are injured. For example, if a person has an accident and get injured, then it can be take place too. It has also been suggested that liability in tort give out a deterrent and that negligence is no exception and it helps to define what is or is not acceptable conduct and thus sets the boundaries of such behavior.

2. 3) DUTY OF CARE

A lot of working places are using duty of care to take care of their workers and give them a comfortable place for them to work. What is the actual meaning of duty of care? Duty of care can be defined as a legal obligation imposed on a person requiring that they adhere to a standard of reasonable care while performing any acts that can harm other people. It is the primary element that established to proceed with an action in negligence. The claimant must enable to show a duty of care imposed by law which the

defendant has breached. In conclusion, breaching a task that listed down in the contract may subject an individual to liability.

THE PRINCIPLES IN DUTY OF CARE

I) Provision and maintain of safety plan & system of work. As an employer, he or she should provides a good provision and maintain the safety plan and system of work for the worker to follow. For example, as a employer, he or she have to make a step by step working procedure about a work for the workers to prevent any accident from occurring. If the employer didn't make a proper working procedure, then the workers will simply do the work and everything will be messing up. Thus, accident will be very easy to occur. II) A safe working environment. An employer should make sure that the surrounding area of the working place is safe and peaceful because if the surrounding area of the working place is unsafe, then the workers will have to keep worrying about their safety and doesn't have the mood to work. For example, an employer opens a factory at a place that is full of danger such as robbing, and all the workers always get rob by the robber, then the worker don't dare to come to work anymore. So, the employer should make sure that the surrounding or the working place is safe. III) Information and instruction on workplace hazards If the employer finds out any hazards at the working place, the employer must gather all the workers for a short meeting to inform the workers about the hazards found. For example, if the employer found out something bad at the surrounding of the working place and it will cause any life in any minutes, then the employer should let the workers know about it and ask them not to go near the specific places. IV)

Supervision of employees in safe place The employer must always supervise

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or does some survey at the employees' working place from time to time because accident will occur anytime without letting anybody know. For example, as an employer, he or she should always check the working every two days to make sure everything at the working place are all in good shape. If everything at the working place is fine, then the percentage of accident will occur will be reducing to a very low level. V) Monitoring and recording the health of employees The employer should check the health of the new workers when recruiting new people to work. After that, the results should be record in a book and reviewed from time to time before assign the staffs to do any job so that the job will not affect the health of the employee. For example, when a hotel is recruiting new people to come in to work, the employer should make a health check up for the new workers and record in a book. After that, it makes the employer easier to assign job for the new workers without affecting the health of the new staff. VI) Employment of qualified persons After the interview has been conducted, the interviewer will choose the perfect and suitable candidates to be hired according to the experience or certificate that the workers have. For example, when a hotel need to hire a food and beverage manager and the hotel had interviewed about five persons but only one of them has the longer working experience and certificate, so the interviewer will hire him or her to handle the position. VII) Nomination of senior employer representative After hire a new worker, a senior employee will be nominated to teach and guide the new staff in everything. Other than teach and guide, the senior employee should train the new worker to prevent them get injured when doing the real job. For example, when a hotel hire a new worker to work in housekeeping

department of the hotel, and the senior housekeeper should teach the new staff about everything and train him or her try not to get hurt while working.

VIII) Monitoring conditions at any workplace The condition of the workplace is the most important for the staff especially the place that is involving with chemicals must be monitored at all the time, just to make sure no chemicals reaction will occur. Provide and maintain safety when doing a job by following the proper procedure; using log book as guideline. Workers are the most important for every business to get profit; therefore the employer should ensure every working place is comfortable and safe for them to work without harm. For example, a safe and comfortable working place is very important for the workers because it can affect the performance of the staff. If a working place is full of harm, the workers will have to keeping worrying about their safety and this is affect their working performance.

2. 4) CONCLUSION

In conclusion, every workplace should have duty of care. It can protect the safety of every worker in a company and prevent any risk to happen on the workers. With the existence of duty of care in a workplace, the percentages of risk will occur is totally very low. Besides that, with duty of care, the workers will feel very comfortable to continue working in the company and the workers don't have to keep worrying about their safety in the workplace. With that, the workers of that company will work as hard as possible to help the company earn as much profit as possible to repay the kindness of the company.