

# Legislation and ethics in the travel and tourism sector report examples

[Engineering](#), [Aviation](#)



The issue of airline safety and security is at the forefront of current popular debate and discussion. This is not surprising, given the numerous cases that have plagued the airline industry in the past year. Malaysia Airlines Flight MH 370, for example, disappeared off the coast of Malaysia in March of this year, becoming the second deadliest aviation incident involving a Boeing 777.

Another Malaysia Airlines flight assumed the top spot when it was shot down over Ukrainian airspace on July 2014. All 298 people were killed. With these recent developments, a number of issues have sprung up that question the safety of aeroplanes and the standards that have been set in order to secure it.

At the heart of the debate is the current configuration of legislation relating to airline safety and security. The roots of aviation safety legislation may be divided into two primary sources: Acts of Parliament and European Union Regulations (General Aviation Regulatory Review Group, 2006). Until only recently, the aviation safety legislation in the United Kingdom could be found only in domestic law – that is, Parliamentary Acts. Statute law principally prescribed this, although other legal concepts, such as recklessness, nuisance, negligence, and the like, were also very relevant to the discussion. At the heart of this legislative framework was – and still is – the Civil Aviation Act of 1982. At Section 2 thereof, it is provided that a Civil Aviation Authority is to be created that is mandated to be the regulatory body for all aviation aspects within the United Kingdom. Within the same law, an Air Navigation Order is prescribed. Such an ANO may be utilized to apply and implement regulations to air navigation. Breaches of any ANO are criminal offences under the Civil Aviation Act of 1982. European Legislation, on the other hand,

comes in two main forms, namely Regulations and Directives. Regulations come into form as the European Aviation Safety Agency, while Directives are more specified orders to each Member State to amend its own domestic legislation.

The present discussion will involve the “ Safety and Security” measures undertaken by Virgin Atlantic Airways, as compared to current UK legislation on aviation safety. On their website, Virgin Atlantic Airways provides that “ all [their] aircraft have reinforced flight-deck doors and linked CCTV equipment” as well as “[deploying] a range of overt and covert protective measures to maximize security”. This is in line with the CAA guidelines on Flight Deck Monitoring, which prescribes that the PM to monitor the control and progress of the aircraft, while secondary tasks are to be addressed only when the primary task is effectively managed. Virgin Atlantic also notes that they “ operate a self-test programme to ensure the robustness of [their] security]”, as well as “[conducting] joint audits and inspections with [their] regulators”. This is in line with the demonstration of management competence, under the CAA guidelines. Virgin Atlantic’s cabin crew training, where they are “ trained to attend to medical situations and emergencies”, also meets the CAA guidelines under Chapter 32 of CAP 789. In that regulation, there must be an attestation of initial safety training under organizations approved by the UK CAA. Finally, the Virgin Atlantic website also notes that “ We rely on you to contribute to a safe and secure environment on board by ensuring that your behaviour is appropriate, as we will not tolerate behaviour that disrupts your fellow customers’ enjoyment of their flight”. This is in line with the CAP 789’s regulations on disruptive

passengers, which has mandated, in 19. 2, that “ Any incident of disruptive behaviour of passengers should be reported under the MORS when the incident meets the MOR criteria”.

Overall, based on a review of Virgin Atlantic Airways’ Safety and Security website, it is reassuring to note that it adequately incorporates current legislation pertaining to health, safety, and security. The airline notes on its website that these are “ just some of the ways we assure your onboard safety and security”. However, a more robust, and more comprehensive list of guidelines must be seen as in order.

### **This task complies with AC 2. 2**

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Equality in civil aviation is one of the primary aims of legislative measures that seek to regulate the industry. In this regard, there are a number of regulations that must be considered to accurately gauge Virgin Atlantic Airways’ ‘ special assistance’ program that caters to passengers with disabilities and reduced mobility.

Regulation (EC) No. 1107/2006, handed out by the European Parliament and by the Council in July 5, 2006, concerns the rights of persons with disabilities and with reduced mobility when travelling by air. It primarily imposes legal duties to be fulfilled by airports, airlines, tour operators, and their agents in the performance of service assistance both on board the aircraft and at the aircraft. The EC regulation requires Member States, including the United Kingdom, to ensure compliance with the rules. Articles 14 and 15, in particular, prescribes the formation of body(ies) that shall be tasked to handle complaints in the performance of the airlines’ and airports’ legal

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obligations. In the domestic legislative arena, Statutory Instrument (SI) 2007/1895, entitled Access to Air Travel for Disabled Persons and Persons with Reduced Mobility, provides for compliance to EC Regulation 1107/2006. The Civil Aviation Authority is empowered with criminal enforcement of the provisions regarding equality in the aviation industry. At Regulation 9(2), there is an ‘injury to feelings’ provision, which allows claims by disabled individuals for a damages award – but only when such award is outside the scope of international conventions governing air flights. Moreover, the CAA has published an “Accessible Air Travel” pamphlet that provides a review of the implementation of European legislation on the rights of disabled and reduced mobility passengers in the UK (<http://www.caa.co.uk/docs/33/accessible-air-travel.pdf>). A March 2014 decision by the Supreme Court ruled that a paraplegic was not entitled to his claim for damages under this provision since the incident in question happened at a time when the Montreal Convention applied, in 1999.

Virgin Atlantic Airlines, in their website (<http://www.virgin-atlantic.com/gb/en/travel-information/special-assistance.html>), have detailed a ‘Special assistance’ program for people with “health or mobility worries about [their] flight”. Considering the CAA regulations, it is important to note that Virgin Atlantic Airlines provides a comprehensive “menu” of options for disabled and mobility-impaired passengers, including concerns regarding medicines, oxygen tanks, assistance dogs, and even learning-impairment. The Virgin Atlantic website also details a contact number for their “Special Assistance Team”, which can serve as a hotline for concerns such as these. However, it is important to note that the airline does not detail the training

methods used for their staff, which is prescribed by the CAA, thus:

“ Cabin crew are required to receive training on passenger handling and seat allocation, with particular emphasis on the seating of PRMs and will, as part of this process, receive disability awareness training. The CAA, in CAP 768 Guidance Material for Operators, provides guidance on the standards of training that the cabin crew of UK operators are required to meet”.

Moreover, Virgin Atlantic Airways, in their website, also does not provide a safeguard for disabled persons who are not given adequate explanation as to why they are refused carriage. To be sure, they have the power to refuse carriage of an individual with disabilities, but the CAA regulation requires airlines to justify refusal of carriage in writing within five working days.

“ Multinational companies are often confronted with moral and ethical dilemmas that are very difficult to balance with business objectives . as was evident in June 2006, when Virgin Atlantic lawyers blew the whistle on the illegal arrangements whereby Virgin Atlantic and BA were accused of price-fixing.”

Ethical dilemmas are rife in the aviation industry. From respecting an individual’s right to privacy, to violating the contract between the airline and the passenger, airlines and citizens alike have often brought about questions regarding the line drawn between private rights and public safety. However, there the line drawn between profit-maximizing policy and ethical issues does not entirely separate an area of complete black and white. Ethics and profit can – and does – co-exist in a healthy business environment.

A chief example of this is Southwest Airlines, which has always practiced great and ethical customer service, in line with good business sense.

Focusing on good business sense in this case does not mean foregoing good customer service, which has traditionally been at the forefront of consumer's ire. Southwest proves this by focusing instead on customer service, as their mission statement says:

“ The mission of Southwest Airlines is dedication to the highest quality of Customer Service delivered with a sense of warmth, friendliness, individual pride, and Company Spirit.” (Southwest Airlines)

Colleen Barrett typifies the spirit of Southwest Airlines, the 32-year-old carrier based in Dallas, Texas. She's friendly, funny, and far from buttoned-down; she goes out of her way to make others feel welcome and comfortable. Then again, that's how

Barrett, president and chief operating officer of the airline, would expect everyone at Southwest to treat any guest who came through the doors.

“ We tell job applicants we're in the customer service business. We just happen to provide airline transportation,” she says. Southwest's commitment to passengers and customers is so strong and so emotional that the company trades under the symbol LUV on the New York Stock Exchange. “ And we often use LUV when we sign correspondence to each other and to the outside world,” Barrett says.

This is ethical behavior from no less than one of the best airline companies in the United States, and it just proves that there is often no incongruence between ethics and profitability (Shomko, n. d.). When it comes to owing their success to their consumers, it is Southwest Airlines that does it best. This ethical concern goes to the heart of Kantian Ethics, as it treats people as ends in themselves, rather than a means to an end. Moreover, it foregoes

utilitarianism in that it does not treat people from an ethically-challenged point of view, but in a way that they are respected as people, rather than commodities.

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