

1.1 be considered as  
soon as the business

Business, Management



1. 1 Describe an organisation's procedures for raising legal, regulatory and ethical concerns. Businesses all have procedures in place that must be followed when any legal, regulatory or ethical concerns are raised. Legal concerns will need to be considered as soon as the business is aware of them and must be acted upon immediately as legal issues could be detrimental to the business for example it could mean the business is running incorrectly.

An example of a legal procedure a company must follow is all businesses must be insured. This is extremely important for all businesses as not only could it affect them legally but if anything happened to their premises and the business doesn't have insurance they could lose business assets and in turn money. There are many regulations that organisations must legally follow, all acts put in place by the government must be followed for example. A business can be prosecuted if the data protection act is not followed as well as being ordered to pay fines or in some cases the business will be investigated more thoroughly. Ethical procedures are equally important, and the human rights act takes into consideration different ethical backgrounds and the right for people to have personal opinions and beliefs and protects against discrimination. At Flightcase Warehouse I could raise any concern easily to any member of staff as we are such a small business in terms of workforce. All concerns would be taken seriously and investigated whether it be legal, regulatory or ethical. To raise concerns personally I would go to Sam Austin or Steve Austin.

Alternatively, I would speak to Kerri Austin or Jason Furneaux. I am confident that any concern raised would be taken seriously and investigated fully.

1. 2 Explain the scope of legal, regulatory and ethical requirements in sales or

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marketing In any business the sales and marketing departments will have practices that meet legal, regulatory and ethical requirements. The scope of these practices are a set of procedures, processes and actions which are designed to work alongside rules and regulations as well as considering ethical dilemmas.

In business, a procedure is a specific way of doing something, an action is doing something to reach a predetermined goal and a process is a series of actions to achieve a goal. At Flightcase Warehouse we use a CRM system to capture the details of every person who places an order with us as well as using social media platforms and email marketing to reach a wider audience. This enables us to adjust our marketing to appeal to everyone and not offend anyone. The handling of people's private data means that certain procedures must be followed to comply with The Data Protection Act 1998.

The procedures would include only asking for data which is necessary, as well as giving a justified reason for the length of time that we will hold the information for and the purpose of us collecting the data is made obvious and apparent. All data that we hold is kept securely in our CRM system and is only available to those who need to use it. Sales and Marketing are important as they are the part of any business that is most exposed and specifically to the public, it is important that these requirements are followed as customers may be offended and this is going against company policies and acts which could harm the business.

It could also lead to being sued or taken to court depending on the severity. Legal requirements for example are making people aware what goes into the

making of the product. Another legal requirement is to following acts such as the data protection act, the handling of a customer's sensitive data for example their payment details and address is very important and must be dealt with correctly by following procedures. Regulatory requirements are laws put in place by the government. Businesses must follow these regulations as they are all legal requirements. Regulations are put in place to ensure that government procedures are followed.

This is to ensure all actions that can be taken to make sure all the products manufactured and sold by the business meet government requirements and regulations. Ethical requirements are put in place to help, protect and keep employees from being discriminated against. Laws such as the human rights act will protect people of all different ethnicities being discriminated against. In sales and marketing, the people that you will be exposed to and must work with will be diverse meaning they will have different religious beliefs or be a different ethnicity. This must be respected, and the human rights act must be followed.

It is of utmost importance that no one is discriminated against or treated any differently and if this behaviour does occur in the workplace or anywhere it is breaking the law. 1.3 explain how the legal, regulatory and ethical requirements relate to the business of selling or marketing. All legal, regulatory and ethical requirements are applicable to the business of selling and marketing. Most businesses will voice their stance on these requirements and the consequences of not following them in their terms and conditions policy and contracts. This information must be kept up to date as

to not become outdated. A few examples of these requirements are: Working time directive and employment legislation. Working time directive sets the amount of time per week employees can work. All employees in the EU that work 5 days a week or more have the right to 5.

6 weeks or 28 days of paid holiday. Employees are also entitled to rest breaks and the right to work no more than 48 hours per week, however employees can opt out of this act which will then allow them to work longer hours. Employment legislation is a list of acts that are in place to protect employees. It is what the law expects from employers for their employees. The National Minimum Wage Act 1998 and The Equal Pay Act 1970 are examples of some of the acts included within

employment legislation. · Copyrights laws Copyright law applies to any form of content creation or generation it is specifically important in a business and in sales and marketing as created work can easily be copied or plagiarised which is illegal as copying work from a website online and not sourcing where the information came from will also be classed as copyright infringement.

It is equally important that those who work in sales and marketing are aware of copyright laws and do not breach them. It is extremely common for copyright to be breached in marketing as content is created all the time. Any original content, such as photographs or written pieces such as blogs, can't be used without the creator's permission under the Copyright Designs and Patents Act 1988. Copyright also affects how businesses can use purchased software as in the terms and conditions may be conditions that

state how created content can be used and distributed. · Equality act The most recent equality act was created in 2010 and merged other acts that came before. It was created to stop discrimination against sex, race, age, disability, gender reassignment, religion and belief, sexual orientation, marriage and civil partnership and pregnancy and maternity. The equality act within sales and marketing helps to prevent offense being caused due to treatment of customers or other employees through communication verbally or any marketing or sales materials that may be created. · Data protection act The data protection act regulates how businesses, people and the government can use data.

For example, any data collected must be used accurately and not manipulated in any way. Confidential data must be kept safe for example at Flightcase Warehouse it is held on a data management system that is on a secure network and the data is only available to those who need to use it. If the data is a tangible document as in it is on paper, it must be stored securely for example a lockable filing cabinet in a locked room or office or a safe. Sales and Marketing involves collecting and handling customer's information all the time and as such this act is massively important. Information a customer has provided to a company must never be passed on without the customer's prior consent and knowledge. If contact details are given and the customer does not want to receive any marketing or "spam" they must not receive anything of the sort. This can be classed as harassment. · Ethical requirements False advertising is unethical and in most cases illegal.

It is the act of making false claims or publishing misleading content in terms of sales and marketing. This will always lead to dissatisfied and angry customers. When targeting vulnerable groups, such as elderly people or children, convincing them that they need to sign up to or buy something is unethical. Marketing has the power to do this and it shouldn't be used in the wrong way. Businesses shouldn't appear to have a bias opinion as a lot of people trust big companies and a bias expressed by them is likely to sway opinions of the consumers.

So, in marketing, any opinions that are put out must not be biased.

Companies must consider where they purchase their materials and if it is ethical to source from these places. 1.

4 describe internal and external sources of information on legal, regulatory and ethical requirements. There are different internal and external ways to source information on legal, regulatory and ethical requirements. When starting a new job most businesses will give new staff an introduction pack and company handbook, which provides an overview of the code of practice, policies and other helpful information about the business meaning it should include information on the business's legal, regulatory and ethical requirements. Another internal source of information is the HR department. The HR department is there to provide advice and guidance, and in turn should be able to provide information on legal, regulatory and ethical requirements. Generally, the most accessible source of information for anyone would be the internet. Using the internet would allow anyone to find information on legal, regulatory and ethical requirements from many

sources including the official government website for upto date, relevant acts and laws. The downside of accessing this information onthe internet is that there is a risk that the information could be outdated

orincorrect. · Internal Internal sources of legal, regulatory and ethical requirements are: the HR department and in the companyhandbook as above.

The HR department will hold private and confidentialinformation for each employee including their bank details, all of which will needto be kept in a secure location whether it is in physical form or held securelyon a computer.

The HR department is responsiblefor entering personal details when an employee first starts as well asgenerating and giving the paperwork to collect this data, so they will befamiliar with most legal, regulatory and ethical requirements and should beable to offer information regarding this.

The company handbook will include allthe acts that the company must legally follow.

· External External sources such as thegovernment will provide information in different forms like helplines that canbe called and official websites that can be accessed at any time. 1. 5 explain how an ‘ ethicalapproach’ affects organisations in the sales or marketing environment Ethical approaches in marketing suchas an awareness of people’s beliefs as to not offend anyone affects thebusiness in more ways than one. Primarily it will make customers happy and encouragerepeat business. Ethical marketing will make a customer more likelyto remember and recommend the business to others and because of this morebusiness will occur. An



ethical approach is also a legal requirement so if not followed it can lead to legal issues which will affect the business in a bad way.

1.6 explain the importance of contract law in sales. A contract is a legally binding agreement between two or more parties. It is used as proof of an agreement between two or more parties where both sides have consented and understand what is expected of them and their side of the agreement and what they should expect to receive from the other party or parties involved. A contract is almost always legally binding, meaning that if it is not upheld or followed, then the person in breach of the contract can be taken to court to settle the dispute. Contract law is important in sales and marketing as it prevents the exploitation of every party involved.

For example, when a purchase is made the customer will receive a receipt or invoice which is a contract of sale. This is to show that the customer will receive any goods or services that they have paid for and provides reassurance, as the business should allow a cooling off period which is part of this contract. The cooling off period is the ability to cancel their contract without incurring a penalty during an agreed period after the sale has been made. In terms of how it will protect the business, sales or marketing it means that any goods or services must be paid for in full. 2.

1 explain the legal, regulatory and ethical requirements relevant to the role. Within my role at Flightcase Warehouse most of the legal, regulatory and ethical requirements are relevant. Flightcase Warehouse has measures in place to prevent all employees from injuring themselves whilst at work such as correct PPE and high visibility jackets being required when in the

workshop and warehouse as well as fully tested electrical equipment and cable management in the office to prevent tripping hazards. All of which comply with the Health and Safety at Work Act 1974.

When producing content that will go out to customers I must consider if what is produced is ethical and right to be distributed. I try to be non-bias and truthful in anything that I create as this is in my opinion morally right and misleading people is unethical and will affect the businesses reputation. Copyright laws are also important in my role as I take photographs regularly as well as helping to create PR pieces and posting blog posts. The images I take are used on our website as well as social media and PR pieces are the same, so I must make sure that everything that goes out doesn't breach the Copyright, Designs and Patents Act 1988. Another legal requirement within my role is the Data Protection Act 1998. As part of my job includes handling customer data, whether it be taking details or handling existing details I am responsible for their data. When taking people's details over the phone I must make sure that once the data has been inputted into our system that anything unnecessary must be destroyed and disposed of correctly and fully. 2.

2 describe the potential consequences of not complying with legal, regulatory or ethical requirements · Health and Safety at Work Act Failing to comply with the Health and Safety at Work Act 1974 can cause serious repercussions for a business and the individual who has failed to comply. Consequences can range from unlimited fines to imprisonment. Health and Safety inspections can occur regularly and if a potential risk is flagged and

hasn't been suitably assessed then the business will be issued with a form of Improvement Notice, which must be acted upon before another inspection occurs and failure to address the issue can result in a fine further action. If an employee is injured or killed due to health and safety issues consequences include prosecution and in extreme cases prison if it was directly someone's fault.