

# Competency Standard

<b>UNIT TITLE:</b> MANAGE LEGAL REQUIREMENTS FOR BUSINESS COMPLIANCE		<b>NOMINAL HOURS:</b> 90
<b>UNIT NUMBER:</b> D1.HML.CL10.05    D1.HRM.CL9.14    D2.TRM.CL9.07		
<b>UNIT DESCRIPTOR:</b> This unit deals with the skills and knowledge required to manage legal requirements for business compliance in a range of settings within the six labour divisions of the hotel and travel industries.		
<b>ELEMENTS AND PERFORMANCE CRITERIA</b>	<b>UNIT VARIABLE AND ASSESSMENT GUIDE</b>	
<p><b>Element 1. Research the legal information required for business compliance</b></p> <p><b>1.1</b> Identify <i>sources of legal information</i> and advice correctly</p> <p><b>1.2</b> Access, select and analyse information for relevance to the business</p> <p><b>1.3</b> Record and distribute information appropriately</p> <p><b>Element 2. Ensure compliance with legal requirements</b></p> <p><b>2.1</b> Assess the need for legal advice and seek assistance where appropriate</p> <p><b>2.2</b> Share information with appropriate work <i>colleagues</i> in a timely manner</p> <p><b>2.3</b> Organise information updates and training for colleagues and staff where appropriate</p>	<p>Unit Variables</p> <p>The Unit Variables provide advice to interpret the scope and context of this unit of competence, allowing for differences between enterprises and workplaces. It relates to the unit as a whole and facilitates holistic assessment.</p> <p>This unit applies to all industry sectors that manage legal requirements for business compliance within the labour divisions of the hotel and travel industries and may include:</p> <ol style="list-style-type: none"> <li>1. Front Office</li> <li>2. Housekeeping</li> <li>3. Food and Beverage Service</li> <li>4. Food Production</li> <li>5. Travel Agencies</li> <li>6. Tour Operation</li> </ol> <p><i>Sources of legal information</i> may include:</p> <ul style="list-style-type: none"> <li>• Reference books</li> <li>• Media</li> </ul>	

<p><b>2.4</b> Establish and monitor <i>workplace systems and procedures to ensure compliance with legal requirements</i></p> <p><b>2.5</b> Identify aspects of operations which may infringe <i>licensing</i> laws and solicit advice on how to develop and implement modifications</p> <p><b>Element 3. Update legal knowledge</b></p> <p><b>3.1</b> Use informal and formal <i>research</i> to update the legal knowledge required for business compliance</p> <p><b>3.2</b> Share updated knowledge with colleagues and incorporate into workplace planning and operations</p>	<ul style="list-style-type: none"> <li>• Industry and/or employer associations</li> <li>• Industry journals</li> <li>• Internet</li> <li>• Customers and suppliers</li> <li>• Legal experts</li> <li>• Informal/formal research</li> <li>• Government agencies.</li> </ul> <p><i>Colleagues</i> may include:</p> <ul style="list-style-type: none"> <li>• Supervisors or managers</li> <li>• Human resources staff</li> <li>• Co-workers</li> <li>• Specialist staff</li> <li>• Consultants</li> <li>• Contractors.</li> </ul> <p><i>Workplace systems and procedures to ensure compliance with legal requirements</i> may refer to:</p> <ul style="list-style-type: none"> <li>• Recruitment, termination and other human resource management issues</li> <li>• Training practices</li> <li>• Approval processes and protocols for various work activities</li> <li>• General work practices and work organisation approaches</li> <li>• Workplace design</li> <li>• Distribution of information within the enterprise</li> <li>• Signage</li> <li>• Occupational health, welfare and safety.</li> </ul>
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*Licensing* refers to any license required to operate a travel or hotel business, and may relate to:

- Liquor
- Gaming
- Sale of travel products
- Security
- Trades
- Access to protected areas
- Quotations.

*Research* may relate to:

- Seeking specialist advice
- Internet
- Literature
- Industry publications
- Associations.

### **Assessment Guide**

The following skills and knowledge must be assessed as part of this unit:

- Knowledge of the legal responsibilities/liabilities of managers and directors within varying business structures
- Knowledge of consumer protection and trade practices, including key features of trade practices and fair trading legislation and the key areas in which travel and hotel businesses must ensure compliance

- Knowledge of licensing, including licenses needed by various businesses and individuals within those businesses, license application procedures, ongoing requirements to maintain license, auditing and inspection regimes, reasons for cancellation of licenses
- Knowledge of contract, including differences between contracts, the impacts of contract law on operators including the specific terms and obligations of contract, methods of contractual agreement, exclusion clauses and termination of contracts
- Knowledge of insurance, such as key business insurances required by different hotel and travel businesses, including public liability and workers compensation
- Knowledge of superannuation, i.e. Employer responsibilities in relation to payment of superannuation for employees
- Knowledge of industrial relations, including rights and responsibilities of employees and employers under industrial relations legislation
- Knowledge of taxation i.e. Overview of statutory reporting requirements for businesses
- Knowledge of equal employment opportunity and anti-discrimination, including key features, employer responsibilities and ramification of operating contrary to legislation
- Knowledge of specific legislation and local regulations impacting on particular hotel or travel sectors or contexts, e.g. Responsible Service of Alcohol, Responsible Conduct of Gaming, The Crimes (Child Sex Tourism) Amendment Act, Occupational health, safety and welfare, and European Economic Directive of Foreign Travel.

**Linkages To Other Units**

- Lead and manage people
- Manage and implement small projects
- Develop and implement a business plan
- Develop new products and services
- Plan and establish systems and procedures
- Maintain financial standards and records
- Manage physical assets and infrastructure.

### **Critical Aspects of Assessment**

Evidence of the following is essential:

- Demonstrated ability to conduct research in order to source and access legal information and advice in particular industry sectors
- Demonstrated ability to apply general knowledge of legislation that affects business operations in a particular industry sector
- Demonstrated ability to access and update the legal information required for business compliance or seek professional assistance on legal matters
- Demonstrated ability to prepare reports detailing how legal issues were identified and addressed in the conduct of a particular project
- Demonstrated ability to address the legal compliance requirements of a hotel or travel business.

### **Context of Assessment**

This unit may be assessed on or off the job:

- Assessment must relate to the individual's work area, job role and area of responsibility
- Assessment must include project or work activities that allow the candidate address compliance requirements of a business operating within a hotel and travel industry context
- Assessment activities that require the candidate to effectively manage legal requirements for business compliance
- Assessment activities that require the candidate ability to use knowledge of legislation that affects business operations in a particular industry sector.

**Resource Implications**

Training and assessment to include access to a real or simulated workplace that provides the candidate with an opportunity to demonstrate application of legal knowledge to specific tourism and hospitality workplace situations and problems; and access to workplace standards, procedures, policies, guidelines, tools and current legislation

**Assessment Methods**

The following methods may be used to assess competency for this unit:

- Case studies
- Observation of practical candidate performance
- Oral and written questions
- Portfolio evidence
- Problem solving
- Third party reports completed by a supervisor
- Project and assignment work.

**Key Competencies in this Unit**

*Level 1 = competence to undertake tasks effectively*

*Level 2 = competence to manage tasks*

*Level 3 = competence to use concepts for evaluating*

<b>Key Competencies</b>	<b>Level</b>	<b>Examples</b>
Collecting, organising and analysing information	3	Review documentation published by a government department to determine the requirements for a given enterprise

	Communicating ideas and information	3	Develop a briefing document for management, detailing the enterprise approach to various legal issues
	Planning and organising activities	3	Conduct a review of business operations to analyse the ways in which the enterprise ensures it meets legal requirements
	Working with others and in teams	2	Consult with and provide appropriate training for colleagues in relation to legal requirements
	Using mathematical ideas and techniques	0	
	Solving problems	3	Develop and implement a system to correct a situation where the enterprise has failed to fully take account of a legal requirement
	Using technology	1	Use a computer to access current legislation