



HOSPITALITY AND TOURISM ASSOCIATION OF BOTSWANA (HATAB)

CODE OF CONDUCT

HATAB is the Association of the leading and most experienced tourism enterprises in Botswana and the best source of information for visitors.

HATAB members can accommodate any visitors requests where the standard of their operations are geared to reflect members commitment to the achievement of their major objectives which are:

To promote Botswana as a prime destination in all travel trade markets worldwide.

¥ To ensure that a high standard of service is offered by the Botswana Travel Industry.

¥ To uphold the business ethics of the travel profession,

¥ To encourage the continuous growth and development of the Tourism Industry consistent with the Government Policy and Tourism Development.

¥ To maintain and enhance the reputation, standing and good name of the Association and its membership.

¥ To ensure that the public receives the best possible service from members.

All members of HATAB are bound by the rigid rules of their own Code of Conduct. Intending visitors to Botswana are advised to arrange their holiday through one of our members whose addresses and telephone numbers are contained in the directory.

This Code of Conduct is designed to ensure that all members of the HATAB trade honestly which is the only ethical method of trading. The Code covers trading in its widest sense - between members of HATAB, between members of HATAB and overseas agents and suppliers, and between members of HATAB and their clients.

Members of the Association are required to signify their agreement to observe strictly the Ethics and Standards incorporated in the Code of Conduct and to abide by judgements reached by the Ethics and Standards Subcommittee and the Executive Committee in any case in which the conditions of the Code of Conduct are considered to have been breached.

The conditions contained in the Code are by no means exhaustive and will be added to continually in the light of experience gained and representations from members of the Association. The Code of Conduct is approved by the Ministry of Environment, Wildlife, and Tourism who have indicated that major or continued contravention of its conditions, even by non-members of the Association, may well have a deleterious effect upon the Ministry's decision to grant or renew a license.

All members of the Hospitality and Tourism Association of Botswana (HATAB) (hereinafter referred to as members) shall comply with the Association's Code of Conduct as hereunder.

PRINCIPLES

This code is designed to regulate the activities of members between themselves and members of the public; between themselves and non members and member principals; between themselves and their fellow members; and between themselves and other tourism enterprises; both national, regional and international, and in relation to their operational activities.

This code recognizes the lack of certain regulations, and laws extant in relation to the Tourism Industry and therefore HATAB shall regulate the standards and practices of members in relation to their operational activities.

This code recognizes the necessity for attainment of its standards and practices and embodies measures and procedures by which members shall uphold observance of the code under the authority of HATAB

OBJECTIVES

In compiling this Code of Conduct five clear objectives have been defined. These are:

- a To uphold the good reputation of Botswana as a tourist destination by ensuring that Botswana Tourism Enterprises maintain the highest standards of service and value.
- b By endeavouring to institute a system of redress, to give agents and individual clients alike the confidence of knowing that Botswana has a mechanism designed to consider possible redress of any wrongs, which a client may have suffered.
- c To recommend certain standards which the Ministry of Environment, Wildlife and Tourism might consider in determining whether or not to grant or renew the license of an operator.
- d To provide a means for the Associations members to seek protection or redress in dispute either with another member or a non-member of the Association.
- e To endeavour to instil a spirit of unity and loyalty to each other amongst members of the Association.

The Standards required to achieve these objectives are set out in succeeding paragraph categories:

- a Standards pertaining to Members
- b Standards pertaining to Clients
- c Standards pertaining to other Tourism Enterprises

STANDARDS PERTAINING TO MEMBERS

a At least one of those directing a Tourism Enterprise in Botswana should have a minimum of two years experience in a post directly connected with tourism in general and with tourism in Botswana in particular.

b A member must be sufficiently credit worthy to ensure the smooth running of the clients visit and to enable services to be obtained for clients countrywide.

c A member must be conversant with and observe the laws of Botswana and should be in complete sympathy with the aspirations of the Republic of Botswana.

d A member must be knowledgeable, dedicated, capable and sympathetic and senior management must be available to deal instantly with the dissatisfaction of any client without delegating the responsibility to junior management.

e Complaints shall be dealt with promptly and efficiently. In the event of a dispute with a client every effort shall be made to settle the matter amicably and as quickly as possible. When complaints are of such nature that reference to a principal is necessary, a member shall use his best endeavour acting as intermediary to bring about a satisfactory conclusion.

f Transactions with clients shall be treated as confidential and correspondence shall be dealt with promptly.

g Members shall actively train citizens of Botswana with a view to improving the standard of service offered by all operators in the Tourism Industry.

h Members shall deal fairly with one another and shall not damage the reputation of, nor disparage the business practices of or services offered by fellow members.

i Members providing tourism transport services will not operate any services unless fully authorized to do so and unless permits for the conveying of tourist, issued by the relevant authorities, are held. Members will not use the transport operators who do not have the necessary permits to operate such services. Members shall not allow illegal companies or individuals to use their facilities with the object of circumventing the regulations.

STANDARDS PERTAINING TO CLIENTS

a To maintain a high standard in serving the public and in compliance with designated and approved standards for each section of the industry.

b To make every effort to ensure that accurate advertising and promotional material reflect their product enabling clients to exercise an informed judgement in making their choice of facilities.

c Publicity material must at all times be explicit and avoid deception.

d All transactions between clients and members should be governed by a signed and binding agreement.

e The reasons for any deviation from an advertised or contracted itinerary or accommodation should be explained to the clients immediately. Where an agent is involved he should be informed as soon as possible.

- f All clients should be shown clearly, in writing, the legal liabilities of the member. A form should be issued at the time of quotation and signed by the client when the quotation is accepted.
- g Any quotation given to an agent or individual client should show clearly Unalterable or Alterable item costing, and should specifically indicate what services are Included/Excluded.
- h Failure to supply contracted services should as a general rule be grounds for a refund being made to a client, unless such failure is as a result of circumstances outside the control of the member.
- i Where a subcontractor is employed, the member is not absolved of responsibilities to its clients.
- j Responsible and qualified personnel of a member should accept that they are responsible for the welfare and orientation of each one of their clients.
- k Members shall make themselves and their staff conversant with the tariffs, rules and regulations of the principals with whom they have dealings and vice a versa.
- l Members shall give full service to the principals they represent or who represents them and shall conform to all laws governing such business of principals and agents.
- m Members shall always carry out contractual obligation in a honourable manner and observe the rules, regulation and conditions of business of principals.
- n Members will endeavour always to adhere to truthful statement and good taste when called upon to express options of other organizations.
- o Members will always settle suppliers accounts promptly and within the period specified of payments becoming due.
- p Whenever a complaint or grievance by a client involves any principal, members will give the principal concerned every opportunity to make a full investigation before taking any action against the principals or seeking to publicise the grievance.

STANDARDS PERTAINING TO OTHER TOURISM ENTERPRISES

- a A member of the Association should not accept an overseas client or agent who is allegedly indebted financially to another member of the Association, unless prior reference has been made to the Ethics and Standards Sub-Committee. This restriction shall be mandatory once the matter has been investigated by the Ethics and Standards Sub Committee and in the opinion of the latter the overseas agent has been proved to be culpable.
- b A member shall repatriate all foreign earnings subject to such controls as shall be extant in law at the time and to avoid such repatriation shall not price a safari so low that it is operated below cost to the detriment of other members in order to accept additional payment outside Botswana. Strict adherence at all times to Government monetary policy and regulations is required of all members.
- c A member shall not sub-contract to unlicensed members and shall where

possible only sub-contract to another HATAB member.

THE ETHICS AND STANDARDS SUB COMMITTEE

The Ethics and Standards Sub-Committee, is the body which has been set up for the purpose of initially monitoring and interpreting the conditions contained in the Code of Conduct, for inquiring into any alleged breach of these conditions and making recommendations accordingly to the Executive Committee. The Sub-Committee will also make recommendations to the Executive Committee in respect of additions to or deletions from these conditions in the light of experience gained from its deliberations.

INFRINGEMENT AND ENFORCEMENT

a Any member becoming aware of unethical practices on the part of fellow members should advise the HATAB Executive providing full information and evidence of the alleged malpractices.

b In the event of an infringement of this Code of Conduct all facts pertaining to the alleged infringement will be fully examined by the Ethics and Standards Sub Committee.

c The member against whom an allegation has been made shall provide at the request of the Ethics and Standards Sub Committee, such further information or documentation as may be required within such period as may be specified.

d The Ethics and Standards Sub Committee shall before reaching any final conclusions, give to the member concerned the opportunity of making representation either personally or in writing in cases where, if disciplinary action is imposed can result in reprimand, and or fine or expulsion.

e The Ethics and Standards Sub Committee decision with regard to payment, fine, or expulsion shall be binding on the Member concerned.

f If in the opinion of the Ethics and Standards Sub Committee, a member has committed any breach of the obligations imposed upon him in terms of this Code of Conduct and Rules or Resolutions or has committed any act deemed detrimental to the interest of the Association or its Members, such Members shall be subject to disciplinary action as the Ethics and Standards Sub Committee shall so determine.

g A member who in the opinion of the Ethics and Standards Sub Committee has committed any breach of his obligations imposed upon him in terms of this Code of Conduct and Rules and Resolutions adopted by the Association or has committed an act deemed detrimental to the interest of the Association or its Member may become liable for disciplinary action of expulsion after the Ethics and Standards. Sub Committee has given two prior warnings for minor malpractices, but in the case of a major malpractice or breach of ethics the member may be liable for immediate expulsion.

A MEMBERS LEGAL LIABILITIES

a The member will be insured against legal liabilities from any injuries, which might be received by clients whilst in its premises or vehicles.

b The member and its agents act only as agents of the client in all matters relating to hotel accommodation, sightseeing, tours and transport whether by

aircraft, road, motor coach, ship, boat, or any other means, and shall not be liable for injury, delay, loss or damage from any cause and in any manner howsoever except when the client is being carried in transport owned by the member.

c The member's liability to clients carried in its own vehicles is governed by the laws of the Republic of Botswana and no other country and all claims are subject to the jurisdiction of the courts of the Republic of Botswana.

d The member reserves the right to employ subcontractors to carry out all or any part of the services agreed to be supplied and in the event of the exercise of such right the terms of clause c) relating to the member's liability shall apply.

e Whilst every care is taken, the member cannot be held responsible for loss or damage to baggage. It is therefore advisable for clients to effect a separate baggage insurance.

f In the event that any claim is made against the hotelier, Travel Agent or Tour Operator in respect of any loss or damage occasioned by the breach of contract, negligence or other fault of the member, the member shall be liable to indemnify the hotelier, Travel Agent or the Tour Operator (as the case may be) only if such claim would have succeeded and only to the extent that damages would have been awarded against hotelier, Travel Agent or the Tour Operator (as the case may be) in the courts of the Republic of Botswana if the hotelier, Travel Agent or the Tour Operator (as the case may be) had submitted to the jurisdiction of the said courts.

g In respect of any such claim as is mentioned in sub-clause f) of this clause the member shall be under no liability whatsoever or howsoever arising other than the liability expressly assumed in this clause.

h For the purpose of this clause the member shall be deemed to include its servant and agents and shall be deemed to contract on its own behalf and on behalf of each such servant and agent.