

# **ZIMBABWE TOUR OPERATORS ASSOCIATION**

## **CODE OF CONDUCT**

This code of conduct will be complied with by all members of the Zimbabwe Tour Operators Association.

### **1. OBJECTIVES OF THE CODE**

- 1.1. To encourage the growth and development of the inbound tourism industry in a manner consistent with these objectives.
- 1.2 To actively promote the preservation and sustainable utilization of the environment.
- 1.3 To maintain and enhance the reputation, standing and good name of the association and its members.
- 1.4 To ensure that all members conduct their business in a manner which will reflect the highest possible standards in business.
- 1.5 To encourage initiative and enterprise in the belief that properly regulated competitive trading will best serve the aspirations of the inbound tourism industry.

### **2 GENERAL**

- 2.1 This code is designed to regulate the activities of members between themselves, clients and suppliers.
- 2.2 This code recognises and embodies the relevant parts of all acts of Parliament and Government regulations which relate to the tourism industry as well as the codes and regulations of recognised organisations or associations such as the Zimbabwe Council for Tourism and its associated bodies.
- 2.3 The code recognises the necessity for enforcement of standards and practices and embodies measures and procedures by which members may uphold the code under the authority of the executive committee.
- 2.4 Members shall familiarise themselves and their staff with the provisions of this code of conduct.

2.5 Members shall observe not only the letter but also the spirit of the code of conduct and its ethics and ideals thus giving true significance to aim and objectives of the Association.

### 3 THE CODE

3.1 members shall deal honestly and fairly with each other, with clients and suppliers of services.

3.2 Members shall treat all details of their negotiations confidentially and shall not divulged them to any third party except as required by law.

3.3 Members shall not knowingly make false or misleading statement relating to the following :-

- (a) their ability to successfully and professionally meet potential clients' needs;
- (b) competitors;
- (c) rates, costs, accommodation, transportation, capacities or any other factor.

3.4 Members shall honour all contracts, both with clients and suppliers in spirit as well as intent and shall make every effort to honour all commitments, both written and oral.

3.5 Members shall settle all financial obligations in accordance with normal commercial practice unless otherwise specifically agreed with suppliers.

3.6 Members shall confirm all services in written form.

3.7 Members shall not attempt to convert business to themselves by directly or indirectly bringing the name of another member to disrepute.

3.8 Members shall pay the annual subscription within the specified period.

### 4 THE DISCIPLINARY COMMITTEE

4.1 The Executive Committee shall from time to time appoint a Disciplinary Committee. The Disciplinary Committee shall investigate alleged breaches of the rules of the association and all complaints made against members. The Disciplinary Committee shall comprise a chairman and three members appointed by the Executive Committee.

4.2 The Disciplinary Committee shall appoint a secretary ("the Secretary") who shall keep, or cause to be kept, such records as are hereby required or otherwise deemed appropriate.

4.3 The quorum necessary for the transaction of business by the Disciplinary Committee may be varied by the Executive Committee shall be not less than three.

4.4 The following records shall be kept by the secretary:

- (a) details of all alleged breached of the rules of the Association and all complaints made against Members;
- (b) details of all disciplinary action taken against Members; and
- (c) minutes of all resolutions and proceedings of the Disciplinary Committee.

## 5. PROCEDURE FOR DISCIPLINARY MATTERS

5.1 No alleged breach of the Code of complaint made against a member shall be investigated by the disciplinary Committee unless:

- (a) the complaint is made in writing by the complaint and delivered to the Chief Executive of the Association: or
- (b) the complaint is initiated by the Chief Executive and is sent in writing to the Chairman.

The Chief Executive may refuse in his absolute discretion to refer a complaint to the Disciplinary Committee or may require further details of the complaint to be furnished before making such a referral. In the event that the Chief Executive refuses to refer a complaint to the Disciplinary Committee, the complainant, if a member, may appeal his refusal to the Executive Committee in writing and the decision of the Executive Committee in this regard shall be final.

5.2 Upon receipt of a complaint, the Chief Executive shall (if he thinks fit) refer to the Executive Committee. The Executive Committee shall at its next meeting, consider the complaint and carry out or cause an investigation as it shall deem appropriate. If after investigation the Committee shall consider it necessary or desirable, it shall convene a formal meeting of the Disciplinary Committee to rule upon the matter.

5.3 The member against whom a complaint or allegation lies shall be given not less than fourteen days notice of the date, place and time of the disciplinary hearing at which the matter will be ruled upon, together with full details of the complaint or allegation made against him.

5.4 The Disciplinary Committee shall be entitled at any time to require a member against whom a complaint lies to provide a written response to such complaint or to produce documentation, records or information connected with such complaint. If a member unreasonably refuses to comply with a request by the

Disciplinary Committee to produce documentation, records or information his refusal shall be dealt with as a separate disciplinary matter punishable by fine or expulsion from membership of the Association.

5.5 If the Disciplinary Committee concludes that contravention of the rules of the Association or an allegation has been established, it shall have the power to impose all or any combination of the following sanctions:

- (a) issue a caution to the Member;
- (b) reprimand the member;
- (c) suspend the Member from membership and all benefits of membership of the Association;
- (d) expel the Member from membership and withdraw all benefits of membership of the Association;
- (e) make whatever recommendation it deems fit to the regulatory authorities regarding the licensing of the Member or any other matter

5.6 The Member concerned shall in all cases pay the costs and expenses of the investigation and hearing (if applicable) or such portion thereof as shall be directed by the Disciplinary Committee where a complaint or allegation is established as well founded.

5.7 The Disciplinary Committee shall notify the Member concerned and the Executive Committee of its decision not later than 14 days after conclusion of investigation and hearing.

## 6 APPEALS TO THE EXECUTIVE COMMITTEE

6.1 A member who has been found to have contravened the Rules of the Association or against whom an allegation has been established and upon whom any of the sanctions referred to in Clause 5.5 have been imposed shall be entitled to appeal against such imposition to the Executive Committee.

6.2 A Member wishing to exercise his right of appeal shall within 14 days of receiving notification of the determination of the Disciplinary Committee send notice in writing to the Chief Executive of his intention to appeal and shall at the same time indicate whether or not he intends to be legally represented at the appeal hearing. After the said period has lapsed and in the event of the Member not exercising his right of appeal the decision of the Disciplinary Committee shall be deemed final and binding.

6.3 An appeal to the Executive Committee shall be conducted as a full rehearing of the complaint or allegation against the member. New evidence or other matters not raised at the disciplinary hearing may be introduced provided such

evidence or matters are relevant to the issues to be determined by the Executive Committee.

- 6.4 The Executive Committee shall be entitled to call for a written or oral report of the investigation and hearing of the Disciplinary Committee and shall have power to call any member of the Disciplinary Committee before it for the purpose of explaining, expanding or clarifying any matters contained in such report.
- 6.5 The Executive Committee shall be at liberty to publish its decisions and the sanctions imposed in disciplinary matters in the Association's newsletter or by means of a circular to members of the Association or any other way that is deemed appropriate.