
Organisation's procedures for raising legal, regulatory and ethical concerns

Describe an organization'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 organizations 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 concerns 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.

Explain the scope of legal, regulatory and ethical requirements in sales or marketing

In any business, the sales and marketing departments will have practices that meet legal, regulatory and ethical requirements. The scope of these practices is 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.

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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 of 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 been 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 activists must be followed. It is of utmost importance that no one is discriminated against or treated any differently and if this behavior does occur in the workplace or anywhere it is breaking the law.

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

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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 the 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 effects how businesses can use the 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 the 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.

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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 involve 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.

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 the 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 businesses 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 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 up to date, relevant acts and laws. The downside of accessing this information on the internet is that there is a risk that the information could be outdated or incorrect.

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Internal

Internal sources of legal, regulatory and ethical requirements are the HR department and in the company handbook as above. The HR department will hold private and confidential information for each employee including their bank details, all of which will need to be kept in a secure location whether it is in physical form or held securely on a computer.

The HR department is responsible for entering personal details when an employee first starts as well as generating and giving the paperwork to collect this data, so they will be familiar with most legal, regulatory and ethical requirements and should be able to offer information regarding this. The company handbook will include all the acts that the company must legally follow.

External

External sources such as the government will provide information in different forms like helplines that can be called and official websites that can be accessed at any time.

Explain how an 'ethical approach' affects organizations in the sales or marketing environment

Ethical approaches in marketing such as an awareness of people's beliefs as to not offend anyone affects the business in more ways than one. Primarily it will make customers happy and encourage repeat business. Ethical marketing will make a customer more likely to remember and recommend the business to others and because of this more business 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.

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

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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.

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 business's 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 peoples 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.

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

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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. The Corporate Manslaughter and Homicide Act 2007 was put in place to penalize any breach and the penalty for breaching this Act is an unlimited fine as well as the business being made to publicly disclose the details of their conviction.

Working Time Directive and employment legislation

Businesses are responsible for monitoring their employee's working time and breaks. If the working time directive 2003 is breached the employee affected can make a claim and may be entitled to compensation. The employee will likely be entitled to compensation if they have suffered health issues as a result.

Copyright Laws

The penalty for copyright infringement in the UK's magistrate's court is imprisonment for 6 months and a fine of up to £50,000. Whereas in the Crown Court the maximum length of imprisonment is 10 years and an unlimited fine.

Equality Act

All businesses will have disciplinary actions in place to deal with breaches of the Equality Act 2010. Depending on each situation and the businesses policies, the consequences could vary from the employee making a formal apology to the person affected or as serious as the employee losing their job and further action being taken for example the police being involved.

Data Protection Act

Information Commissioner's Office or ICO as they are otherwise known is the public body responsible for enforcing the Data Protection Act 1998. If a person who has not been authorized views private data due to an organization's negligence, this is considered a data breach. ICO can act against data breaches, they're able to pursue criminal prosecution for serious offenses, take non-criminal enforcement, issue monetary penalties and undertake audits to ensure that companies are complying with the Act.

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Ethical requirements

Unless an ethical requirement is also a legal requirement, a business will not face any legal consequences for being unethical. Although if a business is found to be unethical customers will likely not be happy and look elsewhere. If enough people are unhappy and aware of the unethical practice then it will damage the reputation of the business, if severe enough the business may go bust.

Explain the importance of working within the limits of the role, responsibilities, and authority

Flightcase Warehouse expects me to be polite and friendly when I am speaking to anyone on behalf of the business. Even in day to day operations such as answering the phones, I help to build a good reputation for the company. Daily tasks such as checking low stock and helping while another member of staff is off are also important. It is important to work within the limits of my role but assist with others where and when I can as this is responsible.

Explain the process for reporting legal, regulatory and ethical concerns

There are different ways to raise concerns regarding legal, regulatory and ethical issues in every business. At Flightcase Warehouse I would speak to either Sam Austin or Steve Austin who would then help me decide what the best course of action would be. If Sam or Steve were unable to help me however there are other people I can talk to within the business. If the situation is very serious in some businesses, there will be an external helpline and in extreme cases, the relevant agency can be contacted.

Explain the importance of clarity of communication with the customer to ensure a common understanding of agreements and expectations

Clarity of communication with the customer is important to ensure a common understanding of agreements and expectations is achieved. The customer's satisfaction with the service or product is important as this will encourage them to use the business again. If there is any misunderstanding between the business and the customer, this could leave the relationship between the two parties in a less than ideal state and as such may lead to the customer not wanting to purchase from the business in the future. In extreme cases, the customer may feel as though they have been exploited and try to pursue compensation, which would most likely turn other current and potential customers away.

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