



ASSOCIATION OF
SOUTHERN AFRICAN TRAVEL AGENTS

CODE OF CONDUCT

1. THE REASON FOR OUR CODE

ASATA is a voluntary association established to represent and secure the interests of our members. We also play an active role in the international travel community and among travel associations to promote transformation among members, as well as the travel industry.

Our code sets out the minimum standards that we and our members must follow and is aligned with our core values of:

- Ethical conduct
- Professional service
- Trustworthiness
- Servant leadership

The code is not intended to cover all situations that may arise or all legislative requirements. Rather, it is a guide that directs our behaviour and helps us and our members make the right decisions. We will all be held to the same standards of conduct set out in this code.

2. OUR STANDARDS

2.1 Ethical and lawful conduct

We:

- respect diversity of religious and philosophical beliefs
- are honest and act with integrity;
- act with due care and diligence;
- protect the traveller's legal and financial interests;
- ensure that our pricing is transparent;
- comply with all applicable laws (e.g., the Consumer Protection Act, the Companies Act, the Competition Act);
- put the traveller's interests first;
- protect the traveller's personal information;
- behave in a way that upholds ASATA's and the travel industry's good reputation; and
- build trust in the travel industry.

We do not:

- provide false or misleading information that could harm our reputation or that of the travel industry;
- make improper use of information gained as a member of ASATA to benefit ourselves or others;
- treat the funds paid to us by travellers as our own;
- put profit before ethics;
- avoid addressing inappropriate behaviour; and
- compromise our values.

2.2 Professional service

We:

- treat everyone equally and with dignity;
- ensure that we have the technical, communication and leadership skills required to participate in the travel industry;
- have a good understanding of the travel industry and our products and services;
- educate and advise our travellers to ensure their health and safety;
- communicate clearly with travellers and manage their expectations;
- resolve issues and complaints fairly and without delay;
- have a positive attitude; and
- have an innovative approach and good problem-solving skills.

We do not:

- compromise ASATA's reputation or the travel industry's local or international standing;
- compromise professionalism when we are under pressure;
- devalue the contributions of ASATA representatives or members;
- resolve disputes or differences poorly; and
- apportion blame when something goes wrong.

2.3 Trustworthiness

We:

- communicate clearly and transparently with each other and other travel industry role players;
- deliver what we commit to deliver;
- have the courage to do the right thing;
- take accountability for our actions;
- set an example for members and other travel industry role players; and

- cooperate and assist ASATA with any investigations.

We do not:

- mislead or deceive;
- disclose confidential or sensitive information; or
- dishonour commitments.

2.4 Servant leadership (spirit of ubuntu)

We:

- consider the needs of ASATA and our members before our own interests;
- are committed to the growth of ASATA and the travel industry;
- ensure that our contributions to achieve the aims of ASATA are of a high quality;
- commit time and effort to ensure ASATA succeeds in its endeavours and meets its objectives;
- promote collaboration between members;
- respect each other, as well as each other's views;
- make ourselves available to each other and our travellers;
- resolve conflict transparently and professionally;
- focus on ASATA's long-term objectives and goals;
- learn from the past and the consequences of our decisions; and
- make decisions that benefit all members.

We do not:

- put our interests above those of others;
- discriminate against members;
- see feedback as a personal attack but rather as a way to improve ourselves; and
- show respect and politeness to only those we need to impress.

3. WHEN THE CODE IS CONTRAVENED

Members are responsible and accountable for their actions and the consequences thereof. Where ASATA needs to address behaviour to protect itself and its values, we will not hesitate to take action. It may even be necessary to take disciplinary action, which we will handle according to our disciplinary code.

If we must take action, we will:

- try to prevent objectionable behaviour before we need to correct it; and
- act fairly and consistently.

4. OUR DISCIPLINARY CODE

4.1 Why we have a disciplinary code

We have a disciplinary code to ensure that all our members are treated fairly in terms of our business practice, our constitution and our terms of reference. Our disciplinary code protects us, our consumers, our members, and our board against false allegations, and we use it to prevent and correct unacceptable behaviour.

In a disciplinary matter, we communicate in writing, by email.

4.2 Automatic suspension

The board may, under certain circumstances, automatically suspend a member until we can follow the formal disciplinary procedure.

Should this happen, the CEO must notify that member immediately:

- that they have been automatically suspended; and
- of the date for their formal disciplinary hearing.

4.3 Dealing with disciplinary matters

Members should always try to resolve differences between themselves, or with ASATA, through negotiation. Every effort must be made to resolve the problem amicably in this way.

If this is not possible, members may follow the steps set out below:

- First, the matter must be brought to the attention of the ASATA CEO. The CEO, or their nominated representative must try to resolve the matter through negotiation within 10 business days.
- If they cannot, the board must elect a disciplinary committee to deal with the matter. The CEO must ensure that notice of the matter, and all written supporting documentation and claims, are forwarded to all the members of the disciplinary committee, as well as the member in question, at least 10 business days before the date of the disciplinary hearing.

4.4 Our disciplinary committee

Our disciplinary committee must comprise at least the following members, who each have one vote:

- an independent chairperson, appointed by the board, who acts as presiding officer;
- three ASATA members; and
- one ASATA member nominated by the member appearing before the disciplinary committee, who has no business or familial relationship with that member.

The disciplinary committee may choose up to two more representatives, for example, legal advisors, or a sub-committee to assist, but these representatives and the sub-committee will not have voting rights.

4.5 Hearings and procedures

For a disciplinary hearing to take place, the disciplinary committee must follow certain procedures. The member called before the disciplinary committee also has certain rights.

- The committee must give the member at least 10 business days' notice of the date, time, and place of the hearing.
- In addition to the notice described in 4.3, the committee must give the member written details of the case against them, as well as free access to any information or evidence that the disciplinary committee has in its possession that could be used against the member.
- The member may postpone the hearing twice, whereafter the hearing will take place in their absence.
- The member may attend the hearing in person with a representative. Where the member is not an individual but an entity – a legal representative may attend the meeting on its behalf. If the member wants more than one representative, the member must send the independent chairperson a list of all the representatives who will attend the hearing and their capacity, at least 24 hours before the hearing, failing which, they may only have one representative.
- Members must have the opportunity to state their case to the disciplinary committee. The member may testify, bring their own witnesses, and cross-examine any witnesses heard by the disciplinary committee, or question any evidence that the committee uses or refers to.

Disciplinary hearings are not open to the public. Individuals may only attend if they have been invited.

Individuals may record the proceedings only while they are present.

Access to confidential information:

- If the disciplinary committee needs access to confidential information held by ASATA to make a decision, it may have access to that information. The independent chairperson will ensure that the disciplinary committee has access to only the relevant sections of the confidential information.
- Members of the disciplinary committee must keep confidential the information to which they have access, failing which, they will be expelled.

The committee's findings:

- When the committee has considered all the evidence, it must decide (in camera), whether the member is innocent or guilty by means of a secret ballot on each individual issue.
- A guilty verdict must be decided with a 60% majority vote.
- If the member is found guilty on an individual matter, the committee must give that member an opportunity to make a final representation.
- Once the committee has heard the final representation, it must decide on appropriate disciplinary action by a majority vote.
- Within 24 hours after the committee has made its final decision, it must send a full written report to the member via email stating the facts with reasons for the findings.
- If the member was found guilty, the committee must publish its final decision within 10 days to all members stating:
 - the member's full details;
 - the matter(s) on which the member was found guilty; and

- the penalty per individual matter.
- The committee must keep originals or copies of all correspondence and other documents that relate to the matter, as well as minutes of meetings, for three years from the date of the final decision.

4.6 Right of appeal

If a member is found guilty by the disciplinary committee and if they believe that the decision was incorrect based on the available facts, they may appeal to the board for arbitration.

The member must submit a written request for arbitration to the board and the chairperson of the disciplinary committee. Then, they and the disciplinary committee must agree on a board member to act as arbiter. If they cannot agree, each may choose a board member as arbiter so that the matter will be considered by two arbiters. These arbiters may decide on the way in which they will resolve the dispute and they must reach a decision within 30 days of receiving their instructions.

Should there be a dispute between the arbiters, the matter must be referred to a referee. This individual must be appointed by the arbiters, in writing, *before* they enter the dispute. The referee does not have to be a member of the board or of ASATA. The referee's decision is final and binding. The referee has the right to be compensated as agreed upon before receiving instructions.

Arbitration is subject to and executed in terms of the rules of the Arbitration Foundation of Southern Africa.

4.7 Penalties and fines

If it is found that a member has broken any of ASATA's rules or any laws, the disciplinary committee may:

- suspend the member;
- fine the member;
- reprimand the member; or
- any combination of the above.

If the disciplinary committee suspends a member:

- it must decide on the period of suspension, which may not be longer than 366 days;
- the committee may fine a member up to R10 000 for each matter, plus legal and professional costs.
- the member must immediately stop using the ASATA logo on all advertising, stationery, letterheads, websites, etc.; and
- the member will not be refunded for entrance or subscription fees.

When their suspension is over, the member may be readmitted as full member if they have met all ASATA's criteria.