**BERJAYA**
UNIVERSITY COLLEGE

# FACULTY OF BUSINESS

**FINAL EXAMINATION**

Student ID (in Figures)    :

Student ID (in Words)    :

Course Code & Name    :    **LAW1323 LEGAL ASPECTS FOR HOSPITALITY AND TOURISM**
Trimester & Year    :    SEPT to DEC 2022
Lecturer/Examiner    :    RISHINDRAN PARAMANATHAN
Duration    :    2 Hours

## INSTRUCTIONS TO CANDIDATES

1.   **This question paper consists of 2 parts:**
     **PART A (60 marks)**    :    **Answer all FOUR (4) short answer structured questions. Answers are to be written in the Answer Booklet provided.**
     **PART B (40 marks)**    :    **Answer ONE (1) case study question. Answer is to be written in the Answer Booklet provided.**
2.   **Candidates are not allowed to bring any unauthorised materials except writing equipment into the Examination Hall. Electronic dictionaries are strictly prohibited.**
3.   **This question paper must be submitted along with all used and/or unused rough papers and/or graph paper (if any). Candidates are NOT allowed to take any examination materials out of the examination hall.**
4.   **Only ballpoint pens are allowed to be used in answering the questions, with the exception of multiple choice questions, where 2B pencils are to be used.**

**WARNING:**    The University Examination Board (UEB) of BERJAYA University College regards cheating as a most serious offence and will not hesitate to mete out the appropriate punitive actions according to the severity of the offence committed, and in accordance with the clauses stipulated in the Students' Handbook, up to and including expulsion from BERJAYA University College.

**Total Number of pages = 3 (Including the cover page)**

**PART A (60 marks) Answer all FOUR (4) short answer structured questions supported with decided cases. Answers are to be written in the Answer Booklet provided.**

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1. (a)  Explain the responsibilities of an inns keeper.                                                      (5 marks).

   (b)  Briefly explain the employers' duties to provide a safe working environment and safety equipment for employees under the Occupational Health and Safety Act 1994.                                (10 marks)

2. (a)  Explain FIVE (5) key differences between sole proprietorships and partnerships?               (5marks)

   (b)  Describe briefly what is a "hire-purchase agreement."?                                          (10 marks)

3.  Discuss the essential elements to form a valid contract                                             (15marks)

4.  Differentiate the following terms :

(a)  Invitation to treat and Offer                                                                     ( 3 marks)

(b)  Contract of Service and Contract for Service                                                      ( 3 marks)

(c)  Bilateral contract and Unilateral contract                                                        ( 3 marks)

(d)  Pecuniary losses and Non Pecuniary losses                                                         ( 3 marks)

(e)  Void and Voidable                                                                                 ( 3 marks)

**End of Part A**

**PART B (40 marks)    Answer ONE (1) case study question supported with decided cases. The answer is to be written in the Answer Booklet provided.**

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James is a supervisor at Small Hotel and has worked for them over the last twelve years, he was dismissed without any notice. His manager has claimed that James was incompetent and useless. James has been working for this company for many years now and has never had any problem to date.

After dismissal, James found out that the company did not contribute to his Social Security Organization (SOCSO) for the past 1 year despite the salary being deducted monthly from his salary. He will now need to follow legal procedures to resolve his case.

> *Working days - Monday to Friday*
> *8.30am - 6.30pm. (Lunch break is 2.00pm-2.30pm).*
> *Employees who have completed one year of service and have been confirmed in their position is entitled to 9 days annual leave, 9 days public holidays, 18 days paid sick leave and 45 days paid maternity leave".*
> *Notice of termination – 3 months*
> *Employer`s contribution – Nil*
> *Benefits – Medical insurance (selected staff)*

*Abstract from James s contract of employment*

1. (a)  State your opinion over the manager`s action toward James.                                          (15 marks)


   (b)  Explain the benefits James is entitled to under the SOSCO`S Employment Injury (EI) Scheme?    (10 marks)


   (c)  Explain FIVE (5) factors to be considered when it comes to retrenchment in Malaysia          (5 marks)


   (d) Critically analyze James's contract and state your view on the terms of his employment          (10 marks)


**END OF PAPER**