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Professionalism and Ethics in Hospitality

Abstract

In their discussion - Professionalism and Ethics in Hospitality - by James R. Keiser, Associate Professor and John Swinton, Instructor, Hotel, Restaurant and Institutional Management, The Pennsylvania State University, Keiser and Swinton initially offer: "Referring to "the hospitality profession" necessitates thinking of the ethics of that profession and how ethics can be taught. The authors discuss what it means for the hospitality industry to be a profession."

The authors will have you know, a cursory nod to the term or description, profession and/or professional, is awarded to the hospitality industry at large; at least in an academic sense.

Keiser and Swinton also want you to know that ethics, and professionalism are distinctly unique concepts, however, they are related. Their intangible nature does make them difficult, at best, to define, but ethics in contemporary hospitality has, to some degree, been charted and quantified.

"We have left the caveat emptor era, and the common law, the Uniform Commercial Code, and a variety of local ordinances now dictate that the goods and services hospitality offers carry an implied warranty of merchantability," the authors inform you.

About the symbiotic relationship between ethics and professionalism, the authors say this: The less precise a code of ethics goes, the general rule, the fewer claims the group has to professional status." The statement above may be considered a cornerstone principle.

"However, the mere existence of an ethical code (or of professional status, for that matter) does not ensure ethical behavior in any group," caution Keiser and Swinton. "Codes of ethics do not really define professionalism except as they adopt a group's special, arcane, exclusionary jargon. Worse, they can define the minimum, agreed-upon standards of conduct and thereby encourage ethical corner-cutting," they further qualify the thought.

And, in bridging academia, Keiser and Swinton say, "Equipped now with a sense of the ironies and ambiguities inherent in labeling any work "professional," we can turn to the problem of instilling in students a sense of what is professionally ethical. Students appear to welcome this kind of instruction, and while we would like to think their interest comes welling up from altruism and intellectual curiosity rather than drifting down as Watergate and malpractice fallout,

our job is to teach, not to weigh the motives that bring us our students, and to provide a climate conducive to ethical behavior, not supply a separate answer for every contingency."

Keiser and Swinton illustrate their treatise on ethics via the hypothetical tale [stylized case study] of Cosmo Cuisiner, who manages the Phoenix, a large suburban restaurant. Cosmo is "... a typical restaurant manager faced with a series of stylized, over-simplified, but illustrative decisions, each with its own ethical skew for the students to analyze." A shortened version of that case study is presented.

Figure 1 outlines the State Restaurant Association Code of Ethics.

Keywords

James R. Keiser, John Swinton, Professionalism and Ethics in Hospitality, Uniform Commercial Code, Cosmo Cuisiner

Professionalism and Ethics in Hospitality

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Referring to "the hospitality profession" necessitates thinking of the ethics of that profession and how ethics can be taught. The authors discuss what it means for the hospitality industry to be a profession.

Hotel, restaurant, and institutional management programs generally promise their students an education to match the trends and needs in "the hospitality industry."¹ But the word "industry" has caused some recent concern among HRI faculty members for both internal and external reasons. First, HRI students, typically conservative and business-oriented men and women, like not only to feel "professional" but also to avoid the stigma they associate with the word "industry."

Second, HRI programs are often located in colleges (at Penn State, the College of Human Development) given over largely to applied social science or theoretical business. Colleagues there, many of them sociologists or psychologists or accountants by education and training, tend not only to consider themselves "professional" but also to consider hotel and food service work somewhat less professional than work in the traditional disciplines, an impression the word "industry" does little to allay.

A faculty's first, casual response is typically rhetorical: We simply begin to label hospitality a profession and tell the world that we prepare our students for "the hospitality professions." But casual discussions about terminology lead inevitably to serious thoughts about hospitality professionalism and quickly then to the recent faddish preoccupation with "ethics" in all branches of business and the professions. Only a step behind their professors, students too now raise questions about hospitality ethics for us to solve. Consequently, many HRI programs now find themselves obliged to examine hospitality professionalism and ethics in a systematic way.

Journalism Serves as an Analogy

The first serious question we often ask ourselves is whether or not hospitality is a profession as opposed to a craft, business, or industry.

One good analogy comes from a field surprisingly similar to hospitality in its goals, academic history, and workforce composition—namely, journalism.²

If one remembers that a newspaper is both a service and a business, one recognizes that no matter how clear and credible its news coverage and feature writing, the business cannot survive without advertising and fiscal officers—a fact of life that produces continual tension between those who write the stories and those who manage the business.

Restaurants and hotels work exactly the same way, as generations of great cooks and cheerful hosts who have nevertheless failed in their hospitality endeavors can verify. Profit and artistic success are not necessarily incompatible, but they are not always mutually dependent either.

The hospitality and journalism workforces are also remarkably similar: a cadre of manual workers performing routine tasks (dishwashers and service personnel, copyboys and printers); a large group of specially-trained personnel performing skilled work (cooks and reporters); a level of managerial employees, most of them with the same skills and training as those they supervise and probably some formal education as well; and, finally, executives and owners devoted to the business but concerned first with its profitability.

The diversity of the workforce in the two businesses and the generally open flow between job responsibilities make hospitality and journalism difficult to classify as professions in the sense that we call accountants, doctors, and attorneys professionals. In fact, a recent National Labor Relations Board decision disqualified “news reporters” as professionals under the following definition in the NLRB Act:

The term “professional employee” means—

(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in their performance of routine mental, manual, or physical processes; or

(b) an employee who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a) and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).³

News reporters did not qualify as professionals under this definition, nor probably would hospitality employees, as strange as it must seem to those who read the various academic journals devoted to the field. But hospitality can differ in practice from how it appears as an academic pursuit. A comparatively recent arrival in the educational pantheon, hospitality schools self-consciously promote the spirit of professionalism while striving to provide the educational framework appropriate for a professional person like the one in the NLRB definition. Elevating hospitality to the level of a profession this way also reinforces the argument for specialized hospitality courses and the faculty members to teach them.

But acceptance of the college-trained HRI person beyond the ivied walls themselves has come no quicker than it came at the news bureaus and city desks. In fact, support for HRI academic preparation comes most reliably from successful alumni, who are now fortunately growing in numbers. Far more familiar is the rough-hewn, rock-ribbed entrepreneur who brags about having made it without a sheepskin. Academically trained journalists and hospitality employees continue to encounter strong currents of anti-intellectualism in their work—currents rarely found, for example, in medicine, the law, or engineering, all of which require formal education and training.

The “Codes of Ethics” Pose A Problem

The specific issue of “professional ethics” arises directly from any general discussion of professionalism. Ironically, most journalists applauded the NLRB ruling denying reporters professional status, some because they remained free to unionize but most because of the artificial and restrictive ethical codes that quickly appear in the professions. The traditional professions have all enacted, and usually flaunt, elaborate codes of ethics that, despite their precision and specificity, define only the minimum standard of behavior deemed professional. As one journalist observed,

The principal effect of professionalism is to erode the moral basis of society. It does this because each profession insists that it inhabits a particular moral universe, peculiar unto itself, in which the standards and judgments exercised are not those of the general society and its moral point of view, but a distinctive code. The professions divide up the moral universe in highly self-conscious ways, reorganize it through the explicit formulation of codes of ethics, and prosecute their distinctive moral claims with judicial, financial, and authoritative power.⁴

To test this apparently radical statement, one can ask whether professions like medicine and the law, with their carefully articulated but sporadically enforced codes of ethics, are any freer from irresponsibility than any other line of work. In a profession widely admired for its probity, the American Institute of Certified Public Accountants found that a precise code of ethics could actually erode the profession’s image to the extent that a CPA might assume everything not covered in the code

to be permissible. Thus, the AICPA falls back, finally, upon this nicely but vaguely phrased admonition:

Ethical conduct in the true sense is more than merely abiding by the letter of explicit prohibitions. Rather, it requires unswerving commitment to honorable behavior, even at the sacrifice of personal advantage.⁵

Whatever their level of professionalism, hospitality employees hardly lack ethical codes, and Figure 1 provides a typical example. One notices immediately, however, its platitudinous composition—no specifics, no enforcement provisions, no binding punishment. State and local hospitality associations, hotel and restaurant chains, even individual operations draw up and display similar codes, just as readily as newspapers, news services, broadcasters, and a hundred press clubs and associations promulgate ethical codes among journalists.

The less precise a code of ethics, goes the general rule, the less claim the group has to professional status. However, the mere existence of an ethical code (or of professional status, for that matter) does not ensure ethical behavior in any group. Codes of ethics do not really define professionalism except as they adopt a group's special, arcane, exclusionary jargon. Worse, they can define the minimum, agreed-upon standards of conduct and thereby encourage ethical corner-cutting.

The Instruction Becomes a Challenge

Equipped now with a sense of the ironies and ambiguities inherent in labeling any work "professional," we can turn to the problem of instilling in students a sense of what is professionally ethical. Students appear to welcome this kind of instruction, and while we would like to think their interest comes welling up from altruism and intellectual curiosity rather than drifting down as Watergate and malpractice fallout, our job is to teach, not to weigh the motives that bring us our students, and to provide a climate conducive to ethical behavior, not supply a separate answer for every contingency.

Figure 1 State Restaurant Association Code of Ethics

A member of the State Restaurant Association is a professional restaurateur and food specialist whose sincere purpose is to serve the best food always.

Members formulate their purpose and direct their responsibilities by continuing to

REGARD the food service industry as an honorable profession and conduct self and business so as to enhance its public acceptance;

SERVE wholesome food with a high standard of sanitation in the best interest of public welfare;

BUILD fair and just competition using integrity in relations with other food service people;

STRIVE to improve self, employee relationships, technique, and proficiency in the interest of those served;

PARTICIPATE in the interests, welfare and ethical principles of family and community;

INSTRUCT new generations through personal efforts, scholarship programs and vocational guidance to pursue the art of food preparation; and

REPRESENT the food service industry, the individual restaurant, the local chapter of the State Restaurant Association by personally adhering to this Code of Ethics.

Even so, providing the appropriate instruction can be difficult for these three reasons: first, ethical standards are inherently fluid, and overly specific codes can actually undermine ethical behavior under the *expressio unius est exclusio alterius* principle (loosely, “specific phrasing supersedes general intent”); second, notions of professionalism, ethical behavior, and codes of ethics can conflict—as discrete “principles” so often do; third, as a practical matter, universities often avoid professional ethics courses because their approach almost has to be situational and possibly because philosophy departments, being territorial, like to keep the “ethics courses” for themselves.

But Penn State’s College of Human Development did, indeed, inaugurate a required course in the “Ethics of the Human Development Professions,” and the authors contributed to that course (1) by delivering occasional guest lectures covering some of the points discussed so far in this article; (2) by videotaping five dialogues on the pros and cons of familiar ethical issues in hospitality; and (3) by preparing an “ethics case study” designed to encourage the sort of give-and-take likeliest to foster a feeling for what is right and fair.

The human development ethics course is, in general, popular, and instructors report that its “hospitality unit” produces lively debate, since everyone is a food and lodging expert. The videotapes and the case study make up the major portion of that unit.

• **The videotapes.** The authors usually take positions at opposite ends of the political-social spectrum. With the help of Penn State’s Division of Telecommunications and a grant from the National Endowment for the Humanities, we spent a day videotaping the informal, sometimes strident discussions of five topics: truth in menu; hotel overbooking; right-to-work legislation in hospitality; the responsibilities a hospitality operation owes its customers, employees, stockholders, and community; and the fairness of the minimum wage law to unskilled hospitality workers.⁶ The five tapes ran from 12-15 minutes each with a brief introduction and a statement of the issue at the beginning and some discussion questions at the end.

While the contrasting personalities and social viewpoints play some part in the students' reception of the tapes, the issues themselves generate discussion because of their inherent interest and because HRIM students tend to be conservative while the other human development students in class tend toward a liberal outlook. The lessons were clear: Students respond when they see their professors engaged in productive disagreement in a professional context, and a faculty enriches itself when it accommodates differing professional viewpoints.

• **A case study.** To further a consideration of hospitality ethics, the authors also developed a case study featuring "Cosmo Cuisiner," a typical restaurant manager faced with a series of stylized, over-simplified, but illustrative decisions, each with its own ethical skew for the students to analyze. A shortened version of that case study follows, with each decision node numbered.

Study Features Cosmo Cuisiner ⁷

Cosmo Cuisiner, who manages the Phoenix, a large suburban restaurant, starts his day with the breakfast special of eggs, sausage, home fries, and coffee. As he eats, he remembers a local "health nut" urging him once to stop "pushing" high-calorie, high-cholesterol, high-sodium foods and to provide some nutritious alternatives. Cosmo replied that he only served what his customers wanted and that, besides, his high-calorie desserts were far too profitable to abandon. (1)

The glow of a hearty breakfast quickly fades when Cosmo walks into his kitchen to find a Teamsters organizer circulating among his employees. Cosmo orders the organizer to leave and threatens to arrest him for trespass should he return. The organizer angrily replies that the Phoenix employees approached him first, that there will soon be a union representation election, and that the Teamsters are sure to win it. (2) Cosmo makes a mental note to confer with Tillie, the "stool pigeon" he secretly pays to spy on her co-workers. (3) It would be helpful, Cosmo thinks, to learn who the union instigators are. Even though it is unlawful to discriminate against union activists, Cosmo has "ways" of dealing with disgruntled workers. (4)

Cosmo realizes that the Phoenix is, unfortunately, ripe for unionization. He has awarded no general wage increase in two years despite steady inflation; his workers often start with the lowest wages in town, and only the lack of job opportunities in the area keeps them from leaving. Cosmo once asked the owners of the Phoenix to invest some of their profits in wage increases, but they informed him that they felt entitled to a healthy return on their investment first, and then they had to channel money into renovations. The law of supply-and-demand, they said, should control wages. (5)

Moreover, no restaurant (they said) can afford to pay more than its competitors pay, and they deplored those "radicals" at the state capital trying to enact a higher state minimum wage. Such a bill might doom those operations that cannot absorb or pass on the extra expense. (6)

One solution to Cosmo's union dilemma might be to arrange a "sweetheart contract" with, and thereafter recognize as bargaining

agent, a hospitality union in preference to the Teamsters, who would no longer then be able to force a representation election. The hospitality union would receive the union dues with little effort on its part and, in return, would make only slight demands on behalf of its members at the Phoenix. Of course, this sweetheart arrangement would deprive the workers of a choice of unions and eliminate any chance of their receiving more benefits through the more militant union. (7)

Cosmo also wonders whether he ought to join his trade association in lobbying for right-to-work legislation, which curtails union effectiveness by exempting from unionization those employees opposed to it, even though the majority of their co-workers vote to unionize. "That's the American way," Cosmo thinks. "No one should have to join a union. I can't understand why anyone who accepts the gains won by a union without joining it is called a freeloader, especially when the union uses collective action to win them." (8)

Cosmo's thoughts of unionization are interrupted by a cook who reports that he has almost run out of chicken for the chicken a la king. He wants to extend the chicken with some leftover turkey. Under the sauce, no one will tell the difference, and the Phoenix's menu has already been printed. Cosmo agrees, secretly pleased that there is no "truth in menu" law in his town. (9) In some localities, zealous enforcers impose stiff fines for such routine substitutions, but Cosmo chuckles to himself remembering the time he used day-old pork for chicken and received several compliments on the unusually tasty chicken salad. (10).

Meanwhile, waiting patiently in Cosmo's office is a visitor from a minority rights group wanting the Phoenix to give minority people some hiring preference in the future. Cosmo bristles at the mere suggestion that he has been guilty of hiring discrimination. The visitor tries to explain that unemployment affects minorities more than others and that social stress could result from disproportionate joblessness. Making no promises, Cosmo asks his visitor to leave. (11)

Soon thereafter, a policeman arrives soliciting ads for the Police Benevolent Association's yearbook. Cosmo knows the ad will be a useless promotion, but he reasons, "It never hurts to stay on the good side of the city's finest." (12) In fact, he prefers paying for the PBA yearbook space to being shaken down by the building inspector who found several violations at the Phoenix a week ago. Cosmo knew the phony violations would be thrown out of court, but it would cost him time, legal expenses, and no doubt more harassment. For a \$50 bill, the inspector tore up his citation and left the Phoenix saying, "I'll see you again in a year." (13)

Cosmo realizes, of course, that not all inspectors are "on the take." Why, only the day before, grateful for suggestions about cleaning up some potential health code violations, Cosmo invited a helpful sanitation inspector and his family for dinner on the house. (14)

Among the papers on his desk, Cosmo finds a notice from the State Milk Control Board announcing a hike in milk prices. "More bureaucratic meddling," he thinks, "but luckily I can get around it." While some less ethical operators might demand under-the-table reimbursements to bring milk prices down to competitive levels, Cosmo keeps himself above such

behavior. Instead, the Phoenix pays the legal price for its milk but receives compensatory discounts on the ice cream and cottage cheese the dairy supplies. (15)

An assistant brings Cosmo next week's employee schedule. The Phoenix's business is slightly off, and Cosmo knows he should trim the labor hours. He decides to reduce some full-time waitresses to part-time and chooses those whose husbands have jobs and can, thus, afford the reduction. He is glad his employees remain unorganized because a union could force him to reduce hours in strict accordance with seniority. (16) The more he thinks about the part-time idea, the better Cosmo likes it. He can schedule his waitresses only for the four-hour rush period and avoid all the wasted time that occurs over a full eight-hour shift. Also, he need not pay part-timers the expensive health and pension benefits full-time employees receive. (17)

Unlike the labor cost, the food cost at the Phoenix has been steadily rising, and Cosmo suspects some employees of stealing food even though he has yet to find a culprit. He thinks about making a clear polygraph test a condition of employment, and he thinks as well about ordering a polygraph test for all employees whenever he believes someone is stealing. Lie detector tests would, he reasons, reveal the guilty party and discourage others from taking food. Despite the civil liberty questions they raise, polygraph tests do, indeed, reduce employee theft. (18)

In fact, polygraph testing might have prevented Sally Jones's problem. Sally had been a cashier at the Phoenix for 10 years, but Cosmo recently slipped a \$20 overage into the register receipts and caught Sally taking it for herself. (19) Sally tearfully assured him it was her first offense, and he believed her. He also knew that Sally, a widow with four children to support, was woefully underpaid. She pleaded that she desperately needed the money to buy shoes for her youngest child, but Cosmo fired her anyway because he knew that no operation could safely tolerate stealing and that Sally's dismissal would serve to warn the other employees. (20) His morning of decisions over, Cosmo orders the Phoenix's luncheon special, which he eats with a blissfully clear conscience.

Ethics May Be Superfluous

Hospitality employees certainly "ought" to behave ethically, but the sort of professionalism that mandates hard-and-fast codes of ethics, complete with internal enforcement mechanisms, can be alien to the type of work hospitality employees perform. It may even be superfluous. We have left the caveat emptor era, and the common law, the Uniform Commercial Code, and a variety of local ordinances now dictate that the goods and services hospitality offers carry an implied warranty of merchantability. In other words, hospitality employees must conform to at least a minimal conduct standard. In fact, one prominent restaurateur argues that operators have been much too reluctant to help local, state, and federal authorities formulate those laws liable to affect hotels and restaurants.⁸

While formal ethics courses may belong in the philosophy department, on-going discussions of "situational ethics" (as illustrated by the

Cosmo Cuisiner case) can raise and sometimes resolve ethical questions almost anywhere in the academic or professional hospitality scene, and the term “professional” can be assigned to any hospitality person who acts like an aspirant to that status.

Meanwhile, we commend the short AICPA statement quoted earlier, and to it we would add Rabbi Hillel’s summation of the Talmud:

Do unto others that which you would have done to you. That is the law. All the rest is commentary.

Hillel’s rule is better than good; it’s golden.

References

¹The authors gratefully acknowledge the help of our colleagues, Debra L. Moody and Peter L. Bordi.

²H. Eugene Goodwin, *Groping for Ethics in Journalism*, (Ames, Iowa: Iowa State University Press, 1983), pp. 31-55.

³Express News Corp. v. San Antonio Typographical Union #172, before the NLRB, Case 23-RC.4219 (decided April 6, 1976).

⁴James W. Carey, “A Plea for the University Tradition,” presidential address to the Association for Education in Journalism, Seattle, (April 13, 1978), quoted in Goodwin, *op. cit.*, p. 53.

⁵American Institute of Certified Public Accountants, “Concepts of Professional Ethics,” AICPA Professional Standards, Vol. 2, (Chicago: Commerce Clearing House, Inc., 1984).

⁶An example of one side of one of these dialogues appears in John Swinton, “The Hidden Costs of Menu Misrepresentation,” *Ideas for Restaurant Profits*, (Winter, 1979), pp. 22-24.

⁷The following discussion questions, keyed by number to the decision nodes, frame the ethical implications of the Cosmo Cuisiner case study:

- (1) Should restaurants offer healthful foods or only what their customers expect.?
- (2) Is it ethical to keep union organizers from contacting employees?
- (3) Should a manager ask employees to spy on one another?
- (4) Should a manager make work uncomfortable for union sympathizers?
- (5) Should supply-and-demand alone determine wages, or should other considerations govern an operation’s salary structure?
- (6) What are the ethical implications of a state-mandated minimum wage law?
- (7) Do you consider “sweetheart contracts” ethical?
- (8) What are the ethical implications of “right-to-work” legislation?
- (9) Does “truth-in-menu” legislation encourage fair dealing or corner cutting?
- (10) Is this extreme example of menu substitution defensible?
- (11) Is it fair to hire minority people preferentially?
- (12) Do you like the idea of business people currying favor with the police?
- (13) Does business necessity ever justify bribery?
- (14) At what point does a favor given in gratitude become a bribe?
- (15) Does the legal circumvention of a milk pricing law nevertheless raise ethical problems?
- (16) What ethical considerations attend the act of reducing full-time employees to part time?
- (17) Does an employer ever have a responsibility to provide fringe benefits even when the law does not require them?
- (18) Do you consider polygraph testing an ethical business practice?
- (19) Does the discovery of Sally’s dishonesty justify her entrapment?
- (20) Should a manager extend leniency to an otherwise loyal employee caught stealing?

⁸Anonymous [John Swinton], “An Interview with Chef Louis: Dr. Szathmary Speaks on Food Service and Hospitality Education,” *Journal of Hospitality Education*, (June, 1977), pp. 31-38.