

competition winner

IHOP and Applebee's: Stacking up more than pancakes!

By Judy Rady, Amanda Baden, Umair Ali and Mahmood Khan

Introduction

In the media recently there have been several high profile figures accused of years long sexual harassment, and misconduct. These include, news broadcasters Matt Lauer, influential Hollywood celebrities such as Harvey Weinstein, and even the Commander in Chief of the United States, Donald Trump (Winton, 2018). Some have been ousted from their positions, while others have also faced criminal prosecution. However, sexual harassment is nothing new, and there has often been media coverage given to on air personalities such as David Letterman, politicians such as President Clinton, and even Supreme Court Justice Clarence Thomas (Traylor, Davis, & Cammarata, 1994).

Sexual misconduct has been on the forefront of media headlines due to the increasing number of incidents over different industries. There has been rising movements and campaigns against the snowballing sexual harassment occurrences. One the most popular ones is the #MeToo movement. Although originally started in 2006 it has gone viral since October 2017. The movement has been giving great attention and awareness about how subordinates, specifically females, are being subjected sexually by their direct superiors or people of influence. #MeToo hashtag went viral and was reignited in 2017 when Hollywood producer Harvey Weinstein was accused of harassing actress Alyssa Milano (Chappell, 2017). The actress wanted to share her experience and stop the ubiquity of sexual harassment regardless of the background, industry, or even gender. This resulted in the incredible spread of sexual harassment stories shared over social media. The hashtag has been encouraging women to speak out share their stories. As a result of the powerful wave of alertness about the issue, the #MeToo has been titled the Person of the Year for 2017, by Time magazine.

While advancements in technology and social media provide a platform which allows courageous victims to band together and share their exploits collectively, there are a growing number sexual harassment cases in the hospitality industry which don't make national headlines. California based Dine Brands, which owns popular establishments International House of Pancakes and Applebee's are dishing out a lot more than hot meals. Combined, the two companies have a high volume of federal sexual harassment lawsuits.

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Theoretical Background

The terms sexual misconduct, assault, and harassment have all been thrown around in the media and it is important to understand the definition of each. According to the University of Iowa, sexual misconduct is described as "any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation". In fact, sexual misconduct encompasses sexual assault, harassment, exploitation and intimidation. Sexual misconduct differs in its severity depending and has various ranges of behaviors and endeavored behavior. It can happen among strangers or acquaintances, this even comprises of people involved in sexual relationships (The University of Iowa, n.d.).

Sexual assault is a type of sexual misconduct that compels and forces one to engage in sexual activity against their willpower (Department of Justice, n.d.; The University of Iowa, n.d.). Sexual assault includes any form of sexual intercourse, attempted sexual intercourse, deliberate unwelcomed bodily contact, and use of pressure, compulsion, manipulation or coercion to make someone else participate in sexual touching any of its forms.

Whereas the definition of sexual harassment has been agreed upon in most of the sources, according to the United Nations, sexual harassment is identified as the "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" (U.S. Department of State, n.d.; United Nations, n.d.). Although unwelcome behavior might seem ambiguous, it is does not mean "involuntary" act as a victim might agree to a specific behavior and action and could be actively contribute in it despite it being belligerent and offensive. Hence, in reference to the United Nations, sexual conduct is unwelcome when the person being exposed to it regards it as undesirable.

There are different types of sexual harassment, verbal, non-verbal and physical. The verbal aspect is considered to be the comments made referring to an adult as a "babe", "girl" or such informal and inappropriate terms. Whistling and cat calling are also forms of harassment. Making sexual comments or innuendos are also considered verbal harassment. Sharing sexual jokes or sling about one's fantasies or history. Making comments about one's clothing, anatomy, appearance, or inquiring about social or sexual life (United Nations, n.d.). On the other hand, non-verbal sexual harassment can be considered staring at a person, looking at a person up and down, stalking the person, making

sexual gestures, by facial expressions, hand gestures or body and getting intimate gifts (United Nations, n.d.). Lastly and most importantly, based on the United Nation's instructions, the physical sexual harassment includes standing close or brushing oneself up against the other, kissing, hugging, or patting, touching any part of the person's clothing or body, giving one a massage even around the neck or over shoulder.

Generally, any employee who finds himself exposed or subjected to sexual harassment is encouraged to communicate with the aggressor about how the actions that have taken place are unwelcome and must cease immediately. In the case of the victim does not want to contact the offender they could report to the Department official¹ as soon as possible. However, if the case involves the department official, the employee has other means to stop occurring offending actions such as mediation, grievances, EEOC processes, and processes for Foreign Service Nationals (FSNs). All of these resolution techniques are available to assist the victim and penalize the offender according to the severity of the case (U.S. Department of States, n.d.).

Background on IHOP & Applebee's

IHOP, or International House of Pancakes, was started in 1958 by Al and Jerry Lapin, with the help of investors Al and Trudy Kallis. Its first location was in Los Angeles, California and in just two years, the company began to expand through franchising. In 1963, IHOP acquired several other franchised brands under the name of International Industries. It wasn't until 1973 when a marketing program introduced the acronym "IHOP." By 1992, the 500th IHOP restaurant opened, and in 1993 the average sales per IHOP restaurant exceeded \$1 million. In 1999, IHOP began trading on the New York Stock Exchange under "IHP." IHOP's 1,000th restaurant was opened in Layton, Utah. In 2003, IHOP launched their "Come hungry. Leave Happy." Campaign, which even won them a prestigious Advertising and Marketing Awareness award in 2004. IHOP Corp. completed the acquisition of Applebee's International, Inc. with over 3,300 restaurants in 2007. This combination created the largest full-service restaurant company in the world (IHOP, 2018).

Applebee's was started in 1980 by Bill and TJ Palmer, under the name T.J. Applebee's Rx for Edibles & Elixirs in Atlanta, Georgia. In 1983, the Applebee's concept was sold to W.R. Grace and Company. The name was changed to Applebee's Neighborhood Grill & Bar in 1986, and the first Applebee's franchise restaurant was opened in Kansas City by Abe Gustin and John Hamra. In 1988, they purchased the rights to the Applebee's concept from W.R. Grace and Company. Then in 1989, Applebee's International, Inc. (A.I.I.) completed an initial public offering of common stock as APPB, and also opened its 100th restaurant in Nashville, Tennessee. Applebee's 1,000th restaurant was open in 1998 in Aurora, Colorado. In 2004, Applebee's started a partnership

with its Weight Watchers menu, and increased sales with their Carside To Go pickup service. In 2009, Applebee's opened its 2,000th restaurant in Harlem (Applebee's, 2018).

The Casual Dining Industry

Both IHOP and Applebee's are a part of the casual dining industry. These are full service restaurants, with a relaxed ambiance and moderately priced menu. Casual dining restaurants are a large part of the food service industry, meaning that there is a large amount of competition. This competition is not just between casual dining restaurants, but also fast food, fast casual, and even potentially fine dining. Unfortunately for restaurants, especially casual dining, they have experienced declining sales and traffic. This has caused many restaurants to shut down several locations, including Applebee's closing 99 locations in 2017, and IHOP closing 23 locations. In 2018, Applebee's and IHOP plan to close 120 restaurants between the two chains. Applebee's places this blame on their failed attempts to win over millennial diners. This brand tried to reposition their restaurant as a modern bar and grill to bring in a younger demographic. But, with their focus going solely to millennials it confused their core guests, which tends to be an older crowd. However, even with these closures, Applebee's and IHOP plan to open new locations this year. Applebee's plans to open 10 to 15 new restaurants, with most being outside of the United States. As for IHOP, this brand plans to open 85 to 100 new restaurants, but these would be primarily in the United States (Taylor, 2018).

A Backlash: Applebee's and IHOP

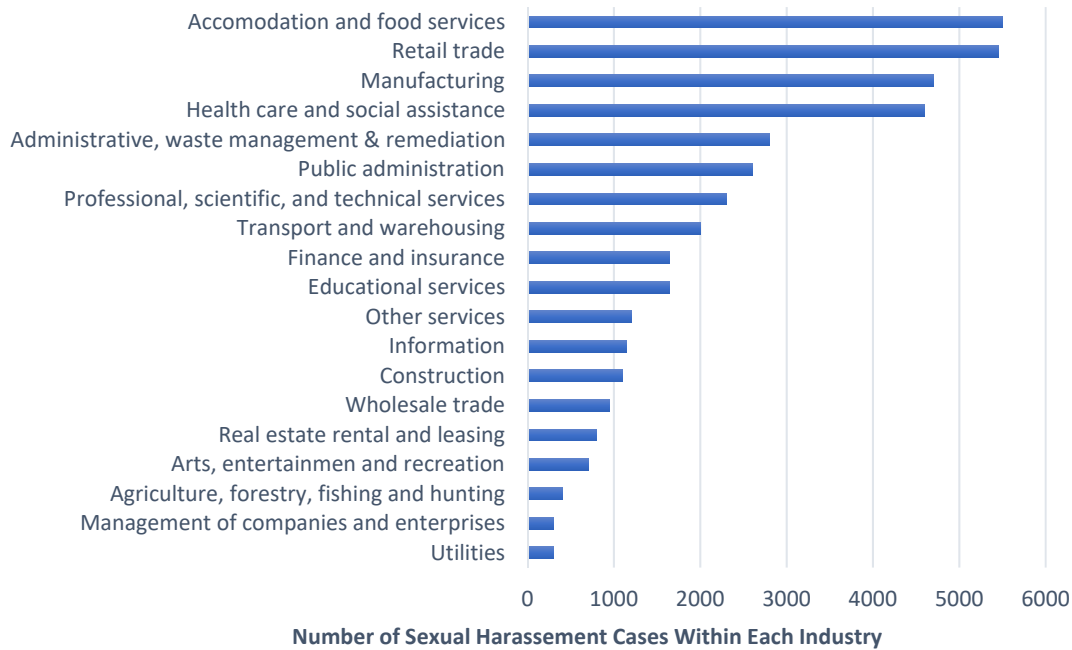
With the increase awareness of the #MeToo movement, employers and authorities are becoming more cognizant and responsive to sexual harassment allegations. Previously, victims were blamed and retaliated against for speaking out, however, now sexual harassment allegations are dealt with in a swift and efficient manner. This is evidenced by the recent firing of newscaster Matt Lauer, and celebrity chef Mario Batali.

In February 2018, a backlash against Applebee's and IHOP initiated, and a lot of coverage has focused on the allegations and charges filed against the two companies. Coincidentally both brands are owned by the same parent company Dine Equity. In fact, federal lawsuits consider Applebee's and IHOP cradles for sexual harassment in the restaurant industry (Sen, 2018). According to Bartiromo (2018), of approximately 7,000 sexual harassment complaints filed to the U.S. Equal Employment Opportunity Commission (EEOC) since 2010, 60 cases of them are directly related to the two sister companies. These complaints have resulted in a total of eight federal lawsuits, four for each brand. According to Vox this is the highest number of federal sexual harassment lawsuits that it has ever filed against a single chain. In addition each brand has been sued at least four times due to sexual harassment accusations. (Bartiromo, 2018; Alexia Fernandez Campbell, 2018).

¹ Department officials embrace first or second line supervisors.

Figure 1

Sexual Harassment Charges within Each Industry (Campbell, 2018)



Dilemma

The Equal Employment Opportunity Commission, EEOC, which is responsible for investigating harassment complaints, is filing cases individually against franchisees. As a result, collectively there has been minimal action taken by the parent company, Dine Equity. As a matter of fact, cases are being treated as isolated incidences instead of a pandemic issue. Hence, we will discuss some prominent sexual harassment cases specifically in the restaurant industry, and the verdicts of corporate versus franchisee owned establishments. This paper focuses on two household brands Applebee's and IHOP as they were both recently a sizzling topic in the media. Combined, the two companies have a high volume of federal sexual harassment lawsuits.

Hospitality & Tourism Industry: A Ferment for Sexual Harassment

The hospitality industry has shown hostility towards its own workers, specifically females, during the past few years. With the increasing rate females filing cases against their managers/co-workers due to sexual harassment. Only from the restaurant workers, there were 10,057 sexual harassment claims from 1995 to 2016 (Lancaster, 2018). Also, from only 2005 to 2015 more than 5,000 sexual harassment cases were filed from the hospitality industry. Moreover, in reference to Campbell (2018), out of the total 85,000 complaints filed

only half of them were related to specific industries (Figure 1). In fact, studies show that in the U.S. sexual harassment cases and claims that are filed are mostly from the restaurant industry (Madera & Johnson, 2018). Researchers revealed that about 90% of women experience sexual harassment in comparison with 70% of their male counterparts. Not only managers and co-workers are involved in sexually harassing the employees, customers also play a significant role. Studies reveal that workforces with larger numbers of young employees could have more susceptibility to be sexually harassed than others (EEOC, 2017). It seems like the hospitality industry is roiling with more sexual assault claims over restaurant chains and famous chefs over the past years. The support of U.S. Equal Employment Opportunity Commission (EEOC), media, and the online campaigns using social media have enabled and encouraged victims of harassment to speak out and spread their word sung in the raise of more claims and allegation in the hospitality industry.

Other restaurant chains have been involved in such indictments as well. Chipotle Mexican Grill, which is a publicly traded corporation that employs over 65,000 employees and runs more than 1200 restaurants in the U.S., has been sued by the EEOC. This was due to a sexual harassment complaint filed by a male employee, against a female general manager. After raising the issue to upper management and complaining about the different forms of harassment he has been facing, his complaints were

neglected by upper management. EEOC's San Jose Local Office Director Rosa Salazar explained that around 16.6% of sexual harassment cases filed in the fiscal year of 2016 were brought by male employees.

Moreover, in 2016 a 16-year-old female employee working in Houston Texas was sexually harassed by Gerardo Solis, the assistant manager who was 26-years-old. According to Long (2016), despite attempts and interventions by the girl's mother several times to put this to an end, the manager did nothing other than cover up what was happening. In response to the lawsuit, the company issued a statement excluding itself from any responsibility by issuing the following statement "We care about our employees but even rigorous policies can't prevent relationships that happen away from the workplace." The statement indicates that the harassment ensued from what was a mutual consenting relationship. This was refuted by the judge as there cannot be legal consent between a 16-year-old teenager and an adult. Eventually, the girl and her mother were compensated with \$7.65 Million, by Chipotle, as it was held liable for what was going on (Fox News, 2016; Long, 2016; Penton, 2016; Taylor, 2016b). Of note, Chipotle currently does not franchise and the majority of its 1200 locations are corporate owned.

Applebee's direct competitor Ruby Tuesday was also found to be involved with sexual harassment cases in 2009. However, the food chain decided to settle the problem amicably with the five females that accused their male supervisors of sexually harassing them. Ruby Tuesday decided to pay a total of \$225,000 to the five female employees (unevenly). The main motive for this settlement was to reduce the costs associated with the lengthy trial and to save time (Amerman, 2009; EEOC, 2009). This allowed the case to be handled before getting much attention and publicity from the media, thus avoiding brand name tarnish and smear. Furthermore, Ruby Tuesday insisted that it stays consistent with its values and code of ethics stating the that "the company has a longstanding commitment to treating all individuals with dignity and respect and maintains effective policies which strictly prohibit any type of harassment or discrimination and has done so for many years.". As a part of the settlement, to prevent future recurrence, it agreed to provide annual training at the Stroudsburg site, where the harassment took place. The training involved all managers and supervisors and it also requires a redeployment of its harassment policy to the employees for awareness purposes (Amerman, 2009).

Sexual Harassment: A Pandemic

This year is not the first time to have Applebee's or IHOP involved in sexual harassment cases. In fact, they have long history of sexual assaults and harassments. For instance in 2011, a restaurant in Bismarck, North Dakota, had to pay \$1 million in EEOC suit filed against them due to the exposure to six female employees to sexual harassment by their general manager for 6 successive years between 2002 till 2007 (EEOC, 2011b). As a result of the suit, a training program was imple-

mented and enforced to assist employees in recognizing harassment and manage related complaints appropriately.

In accordance with Antonov & Kostov (2005), Applebee's was set to pay \$310,000 to seven female employees to reconcile filed cases against them for sexual harassment and retaliation in 2005. Kimberly Beaty was sacked after she complained that she was sexually harassed by a co-worker. The EEOC sued the restaurant chain on behalf of Kimberly and the other six female employees in the U.S. District of New Mexico, for violations against the laws of employment discrimination. This was due to Applebee's negligence in not taking appropriate actions to circumvent occurrences of sexual harassment. In addition to a financial settlement, the consent decree included the initiation, institution and the implementation of national policies that preclude sex discrimination, incorporating sexual harassment of its employees and other individuals (Antonov & Kostov, 2005).

Similarly, Applebee's in North Myrtle Beach, South Carolina, had another case filed against it in May 2017 on the behalf of two sisters Tracy and Cindy Frye. They both were sexually harassed in the workplace by their supervisor. Tracy was frequently harassed and touched by the supervisor and her complaints to the manager and general manager were (is this supposed to say were not?) taken into consideration when she tried to reach out. Also, Cindy asked the general manager to assign her shifts at timings different than her supervisor, but the request was denied. Only when Cindy's husband found out and confronting the general manager, the supervisor was fired based on the plaintiff's complaint. The lawsuit's state is currently pending with no comments from the owner or the alleged victims' attorney.

In 2011, several companies in Albuquerque, New Mexico including IHOP violated federal law by exposing numerous female employees to sexual harassment and compelling those who could not tolerate the harassment to quit their jobs (EEOC, 2011a). With respect to EEOC (2011), more than 11 female staffers only in the Glen Carbon IHOP location were imperiled to sexual harassment incorporating consistent and recurrent sexual touching and grasping in addition to explicit requests for sex and lascivious comments. Moreover, both male and female employees were subjected to offensive and threatening gestures by the general manager. Even though the restaurant owner and manager were aware of the prevalent and atrocious sexual harassment at the restaurants, according to the suit they did not pay attention or take any actions to impede or avert sexual assaults that were taking place. Eventually, a year later, the owner of the 6 IHOP restaurants Fahim Adi agreed to pay \$1 million to 22 employees including those that were harassed in his IHOP restaurants to settle the lawsuit. This settlement is actually considered the second largest resolution made by EEOC's Albuquerque office. It also prohibits all the entities owned by Adi to discriminate or retaliate against employees who complain about sexual harassment also it enforces providing an

atmosphere that is free of sex discrimination and retaliation (Dennis Domrzalski, 2012; Tsikoudakis, 2012).

Additionally, in September 2017 EEOC filed a case against two IHOP restaurants based in Illinois, as a result of the complaints and condemnation of 11 female employees a male employee who were sexually harassed by the general manager and the owner's brother, Rami Ramadan. One of the alleged victims is a teenager who was harassed both verbally and physically by Ramadan. However, the case was pending and the owner refused to speak out mentioning that "We do not comment on pending litigation in the media, except to note that at this point the claims made are only allegations, which the defendants intend to defend vigorously in court." (Alexia Fernandez Campbell, 2018) Furthermore, also in September 2017, another case was filed against the owners of seven IHOP restaurants in Las Vegas and New York. The claims included verbal and physical harassment in addition to discrimination and mocking of those who complained about it. Waitresses who complained were chiefly punished by being provided with less shifts. When supervisors were informed about what was happening, the complaints were ignored and nothing had changed (Alexia Fernandez Campbell, 2018; Rock, 2018).

Given the history, the cases, and the following actions taken by EEOC, it is apparent that what is mostly done and accepted is settle-

ments taken place between the individual franchisees and the abused employees. The EEOC did not file any complaints or mandate any corrective actions against Dine Equity, the parent company. Based on the lack of preemptive programs, there has not been any intervention from the franchisor. The victims in each of these instances accepted settlements which provided a temporary solution, but what is needed is effective educational programs, preventive measures, and open lines of communication for employees to have an avenue to voice their concerns with corporate management. If franchisors are also being held responsible for the sexual harassment slips in individual stores, they could be more selective in their franchisee selection, instill more ethical values and create a stronger code of ethics to be followed and adhered to. Continuous education programs as a preemptive measure, and further follow-up with staff requests and complaints could help franchisors implement better controls over their individual stores.

Brand Image Tarnish: A Possibility?

Applebee's has been working on differentiating and positioning itself among the marketplace. In 2016, the brand decided to transform its image which assures to provide the most noteworthy move in the company's history. The objective was to differentiate themselves within the increasing competition of fresh fast casual food chains. The company installed wood fire grills with the investment of \$40 million

Figure 2

Applebee's Sales in Billion U.S. Dollars (Statista, 2017a)

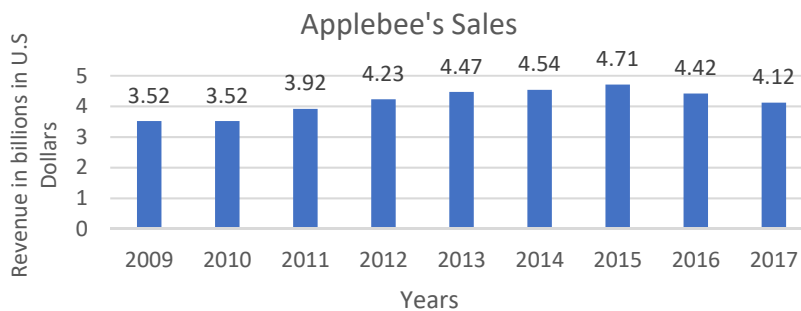


Figure 3

IHOP Sales in Billion U.S. Dollars (Statista, 2017b)

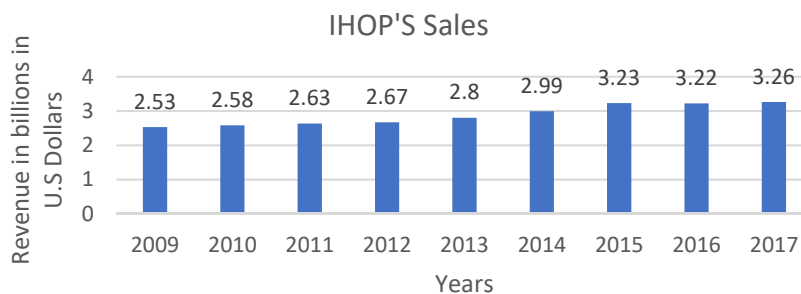
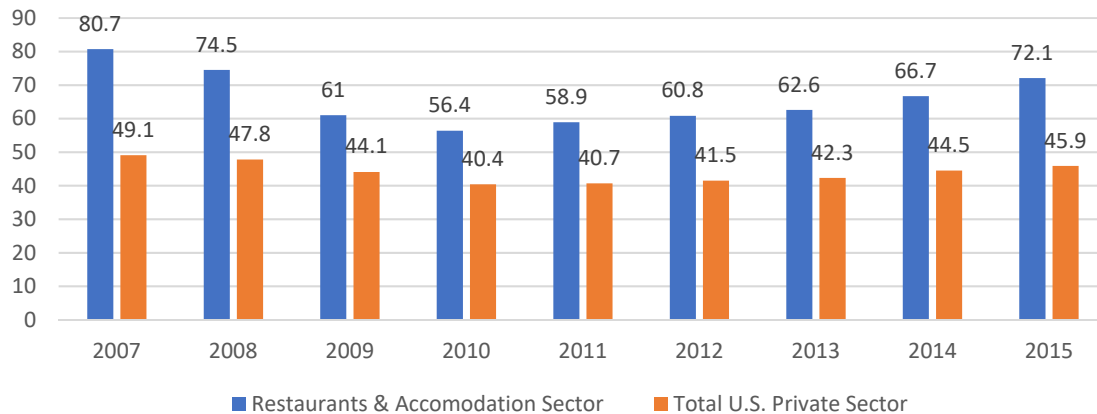


Figure 4

Annual Employee Turnover Rate (Ruggless, 2016)



provided by Applebee's franchisees (Taylor, 2016a). These upgrades are resulting in 40% impact of the menu items. The goal was for the customer to "literally smell it when you're in the parking lot, and then you're going to walk in and see it on the menu, and then you're going to have a food server talk about it in a very excited way" as explained by Julia Stewart, the chairman and CEO of DineEquity. Moreover, it propelled \$120 million marketing campaign, with another novel and creative marketing agency (Taylor, 2016a). These were attempts to win over more millennials² and to attract more youthful and affluent demographic, as explained by the president of Applebee's, John Cwyinsk (Bhattarai, 2017). Were the results successful and satisfying for these efforts? In 2017, Applebee's admitted it was a mistake 'trying too hard' to change their brand image and spending enormous sum of investment for nothing in return (Bhattarai, 2017).

It is even questioned if it was a good move from the first place, in terms of market segmentation and target marketing. However, since the millennials are too involved in the internet and social media, could have they been possibly affected by the social media streams and news about sexual harassment cases of Applebee's. Due to media coverage and awareness creation about sexual harassment, target consumers, the millennials, may have been consciously and subliminally influenced by the negative publicity brought on by the cases. The CEO of DineEquity have been focusing on the sales and target consumers. Yet, there are other factors that are always present beside the experience provided when choosing where to dine. For instance, how the brand is perceived and how the brand is paying attention to the allegations directed at it. Branding is a very essential characteristic to any business, however sustaining and maintain the intended image

² Those born between 1982 and 2001. They are the biggest generation in the History of America. According to Dookhoo (2015) they are defined by their excessive use of the internet and media which pervades almost every aspect of their daily lives.

requires focusing on the social trends and on the ongoing movements so as to not to deviate or emphasize on irrelevant issues.

Applebee's and IHOP's Sales Fluctuations

Based on the previous sexual harassment incidents and ensuing lawsuits, any investor or shareholder would question how revenues were affected by this negativity. Figure 2 & Figure 3 reveal the sales of Applebee's and IHOP during almost the past decade (Statista, 2017a, 2017b).

As illustrated in the figures, there has not been much fluctuation for the two companies' sales despite the several incidences that took over that past few years. One possible reason is that each case has localized publicity, and aggregate sales do not reflect any noticeable trend. The reputation and revenue of the company based on the statistics remain stable or even demonstrated growth, regardless of the social backlash. Economic conditions may also contribute to the financial results. However, it is believed that sexual harassment may have an effect on businesses in the long-run. According to Merchant (2017), sexual harassment has treacherous effects on the performance of the business and its economy. It restricts employees and limits their innovation, motivation and engagement creating a fearful, hostile and hateful working environment. Thus, this is reflected on the performance of the employees, leading to low customer service. Moreover, when staff resign and quit their work for such reason, the turnover rate of the restaurant would increase, leading to an increase cost of hiring and training new employees in addition to affected economy as a result of people dropping out of their work. As a matter of fact, it was revealed that 80% of female employees that get harassed quit their jobs in two years (Merchant, 2017). According to Ruggless (2016), it is worth noting that the hospitality industry has one of the highest turnover rates in the private sector (Please refer to Figure 4).

Furthermore, a study conducted by the International Journal or

Democratic and Development Studies reveals that there are negative effects of sexual harassment in the workplace such as having a cowed morale, decreasing productivity, losing organizational and employee goodwill, and making employees feel psychological threat (Haruna et al., 2016).

The effects of sexual harassment grow rapidly across the industry and thus negatively affect morale and enthusiasm within the industry. Sexual harassment keeps cultivating in the industry yet with the growth of awareness and anti-harassment campaigns, the question remains in place. Would it be effective enough to the extent that sales would vary depending on the company's social status? Would boycotting be an answer or would it be a punishment for all, also those who have nothing to do with harming others and just trying to make a living? Are training programs sufficient, or should there be a human resource office in each restaurant to interfere in case of harassment, to ensure a safe environment? Are there any loopholes in the control systems enforced by the EEOC, or is the problem always present in the management? Have franchisors been neglected in sexual harassment cases or is it right to focus on the direct responsible franchisee/owner regardless of the mother company? No matter where the gap is, it has to be filled for keeping healthy individuals, workplace and ultimately the economy.

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