



Equal access to hospitality services for guests with mobility impairments under the Americans with Disabilities Act: Implications for the hospitality industry

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ABSTRACT

The hospitality operator's obligation to comply with the ADA has provided the necessary impetus to ensure that hospitality services are provided in a non-discriminatory manner. The ADA requires modification of hospitality policies and procedures to ensure that guests with disabilities are provided services in a manner equivalent to those provided to able-bodied guests. This article provides the hospitality operator with a framework for training front-line employees and offers recommendations for analyzing how current policies and procedures could be modified in a way that limits potential liability as well as more effectively meets the needs of guests with mobility impairments.

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1. Introduction

Over 15 years since passage of the *Americans with Disabilities Act of 1990 (ADA)*, hospitality service providers continue to experience challenges in how to effectively meet the needs of guests with disabilities during the hospitality service experience. While “the situation in the United States and Canada for travelers with disabilities can be considered one of the best in the world” (Flores, 2006, p. 59) in terms of accessible hospitality facilities, it can be persuasively argued that, in the United States, the hospitality service provider's obligation to comply with the ADA has provided the necessary impetus to ensure that facilities are accessible and services are provided in a non-discriminatory manner. Moreover, there is an emerging recognition by industry professionals that the scope of the ADA is not limited to facility accessibility alone but also mandates equal access to hospitality services.

1.1. Market data on travelers with disabilities

A 2002 market study conducted by Open Doors, a well-recognized staff training firm focused on serving guests with disabilities, found that travelers with disabilities took 31.7 million

trips per year in the U.S. and spent \$13.6 billion annually, including \$3.3 billion on airfare, \$4.2 billion on hotel accommodations, and \$2.7 billion on food and beverage (Opening Doors, 2002). A valuable finding of the initial study was that travelers with disabilities would double their travel spending if enhancements to accessibility were made, including “improvements in hospitality services such as nearby room amenities and a more accommodating staff” (Opening Doors, 2002). In 2005, a follow-up study revealed that, in the past 2 years alone, more than 21 million adults with disabilities traveled for pleasure and/or business (Opening Doors, 2005). This data confirms that people with disabilities represent a significant yet untapped market, especially when the desire to utilize hospitality services with friends and family is taken into account (McKercher et al., 2003). Despite the obvious potential that exists to attract new customers, the follow-up study found that 60% of travelers with disabilities who have stayed overnight in paid accommodations said they experienced problems, including physical barriers, problems with customer service, or communication barriers (Opening Doors, 2005). McKercher et al. (2003) similarly found that travelers with disabilities must contend with a number of internal and exogenous barriers to participation in tourism, including lack of knowledge, physical or psychological-related barriers, attitudes of travel and hospitality industry workers, and availability and accuracy of information.

1.2. Managerial perceptions toward serving travelers with disabilities

Open Doors' initial survey also provided a sense of the perceptions of managers toward accommodating travelers with

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disabilities. Despite the fact that 100% of the managers interviewed believe that investments to improve facilities and services for guests with disabilities would be compensated by an increased demand from those travelers, only 20% are planning improvements for the coming year (Opening Doors, 2002). Hospitality managers cited lack of prior knowledge of the guests' needs as a major obstacle to effectively serving guests with disabilities (Opening Doors, 2002). Recent research conducted by Rice (2006) within the Australian tourism industry provides additional insight into current managerial thinking on this issue, particularly with regard to the attitudes of managers related to travelers with disabilities. According to Rice (2006), "there has been no appreciable or demonstrable shift in the basic tenets that apply to managerial thinking . . ." (p. 66). The current managerial perceptions related to serving travelers with disabilities reflect what could most accurately be described as a conscious state of indifference toward meeting the needs of this segment of travelers.

Few managers would see the issue as one of importance beyond the need to comply with building codes. . . . Very few operators would equate anti-discrimination legislation or accessible facilities with a marketing or customer service advantage worth developing. Few would openly accept that an attractive return on investment exists. Few are demonstrating such acceptance through any major focus of managerial time or effort on developing accessibility beyond the levels stipulated in building codes (Rice, 2006, p. 66–67).

Burnett and Baker (2001) acknowledged similar negative perceptions of travel-related businesses toward the ADA's costly requirements and toward people with disabilities as a distinct customer group but suggested the strong market potential that exists if this group is served in an accommodating manner.

Despite the critical need to understand the disabled as consumers, the general focus has been on satisfying a set of costly rules for a customer group that is often not even desired. . . . This is a serious mistake. . . . The potential of the sizeable, accessible, and responsive disabilities market is largely ignored (Burnett and Baker, 2001, p. 4).

Burnett and Baker's (2001) study, therefore, supported the need for "research actions that address the problems, feelings, perceptions, and actual choice models made by consumers [with disabilities]" (p. 4).

Hospitality operators who believe that "accessibility remains largely an exposure to risk and the minimum action needed for compliance and risk minimization" (Rice, 2006, p. 67) have, perhaps unwittingly, adopted a very narrow view of accommodating travelers with disabilities which is focused primarily on the accessibility of the facility itself but which largely ignores the broader service components of accommodating the guest's unique set of needs. This narrow view contradicts the unequivocal legal recognition that the scope of the ADA extends to include non-discrimination in the provision of services.

1.3. Differences between goods products and service products

Hospitality operators who ignore the broader range of service issues present in accommodating guests with disabilities' unique sets of needs are simultaneously disregarding the fundamental differences between the marketing and management of goods products versus service products. These differences can become critically important in hospitality service provision for guests with disabilities. The four unique characteristics of services, intangibility, heterogeneity, inseparability, and perishability, distinguish

the marketing of services from the marketing of goods (Lovell, 1996). For example, mobility-impaired guests, in particular, may rely heavily upon communications from the hospitality operator to ensure that accessibility will not pose a problem for them during their stay. In addition, if guests with disabilities perceive they are being treated differently than able-bodied guests due to their disability, this may impact their repatronage intentions.

The unique characteristics of services necessitate strategic adjustments to their marketing and delivery. While Zeithaml (1981) suggested that engaging in post-purchase communications is considered an important tool to better understand the changing needs of consumers, Gray et al. (2002) found that service firms "appear to make less use of salespeople to gather market intelligence" and are "slightly more likely to ignore changes in customers' products/service needs" when compared to goods firms (p. 189). To improve performance, service firms must "provide customers with the services they require in a manner which is acceptable to them . . ." (Gray et al., 2002, p.196). While one could interpret this as encouraging the customization of hospitality services, the recommendation can perhaps be more accurately understood as a way to conceptualize service provision in a way that ensures that guests with disabilities and able-bodied guests alike are provided hospitality services in an equivalent manner which ensures equal enjoyment of the goods and services provided.

2. Purpose of this research

The purpose of this research is twofold. The first purpose is to analyze the current legal climate in the United States related to ensuring equality of access to hospitality services in order to clarify the hospitality operator's legal obligations under the Americans with Disabilities Act. The second purpose is to propose a training framework which would allow hospitality operators to more effectively integrate the ADA's service provisions into their operations by encouraging front-line staff members to proactively meet the needs of guests with disabilities. Since there is an overall lack of research related to hospitality service provision and consumers with disabilities, it is prudent to begin this line of inquiry by focusing initially on guests with mobility impairments since they have a unique set of needs in terms of physical aspects of the facility and may desire staff assistance during the hospitality service experience.

The article begins by providing a brief overview of the ADA, including a discussion of the hospitality operator's obligation to accommodate guests with disabilities. The researchers then analyze judicial interpretation of the duty to provide equivalent services. A framework, developed from analysis of the ADA case law and the hospitality and human resource management literatures, is proposed which management could implement to ensure compliance with the ADA as well as allow for quality service to be provided.

3. Overview of the Americans with Disabilities Act

The ADA was signed into law in 1990 in order to eliminate a broad range of discrimination faced by people with disabilities and bring people with disabilities into the mainstream of society (42 U.S.C. § 12101 *et seq.*). Title III of the ADA, the relevant provision applicable to places of public accommodation (hereafter "PPA"), states that

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any

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