

2019

Preventive Strategies to Reduce Discrimination Lawsuits Against Restaurants

Kenneth James Welch
Walden University

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Walden University

College of Management and Technology

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Kenneth J. Welch

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Review Committee

Dr. Chad Sines, Committee Chairperson, Doctor of Business Administration Faculty

Dr. Teresa Jepma, Committee Member, Doctor of Business Administration Faculty

Dr. Scott Burrus, University Reviewer, Doctor of Business Administration Faculty

Chief Academic Officer
Eric Riedel, Ph.D.

Walden University
2019

Abstract

Preventive Strategies to Reduce Discrimination Lawsuits Against Restaurants

by

Kenneth J. Welch

MSAT, American International College, 2015

BA, St. Anselm College, 1971

Doctoral Study Submitted in Fulfillment

of the Requirements for the Degree of

Doctor of Business Administration

Walden University

August 2019

Abstract

Discrimination lawsuits can bankrupt organizations and are a continuous problem for many organizations. The purpose of this multiple case study was to explore strategies restaurant managers used to deter discrimination lawsuits. The conceptual framework for this study was a theory of 4Cs, which represent critical thinking, collaboration, communication, and creativity. The targeted population consisted of 10 restaurant managers who have implemented successful strategies that reduced discrimination lawsuits, work in the Boston metropolitan area, and have 10 years of recent experience in the restaurant industry. Data were collected from face-to-face semistructured interviews, direct observation, and review of company document. Data analysis included methodological triangulation. Themes emerged from data analysis, including hiring practices, employee training, and discrimination prevention policies and procedures. Managers who practice these strategies and comply with the Equal Employment Opportunity law may reduce discrimination lawsuits, which may promote the self-worth, dignity, equality, and human rights for those who might otherwise suffer discrimination. The result of these managers' practices may contribute to social change, which may reduce bias, prejudice, and create a healthy society.

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Acknowledgments

I must acknowledge my Higher Power, whom I believe is God. He provided me with the strength and the knowledge to complete my Doctoral Study. I am now thanking Dr. Chad Sines, all the other Walden University professors and auxiliary staff, my family, and my friends who encouraged me continuously to complete my Doctoral Study. Without their support, I may never have completed my study. Thank you very much.

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Section 1: Foundation of the Study

Discrimination has existed since organizations began operations, creating challenges for managers to maintain sustainability for their employers (Becton, Gilstrap, & Forsyth, 2017). Since 2008, United States business owners have lost nearly \$100 million and have filed 95,000 bankruptcies because of 10 million discrimination lawsuits (Bol, Kramer, & Maas, 2016). As employment laws continually evolve and the Equal Employment Opportunity Commission (EEOC) strengthens its aggressive pursuit of employment discrimination, business managers are increasingly facing challenges with their discrimination prevention strategies (Gao & Zhang, 2016). Some business managers believe the government is imposing excessive costs, such as liabilities for statutory violations (Feldman & Kricheli-Katz, 2015), on their businesses. When plaintiffs file complaints, business managers will mitigate their legal risks basing their decisions on recognized legal defenses (Lynn & Brewster, 2015).

Background of the Problem

In 2014, there were nearly 89,000 employment discrimination complaints filed with United States agencies (EEOC, 2015). When defending litigations, business owners incur substantial expenses and allocate significant resources to address the complaint. A business owner, when faced with employment discrimination litigation, incurs substantial costs. If the plaintiff's claim(s) have merit, business owners may incur additional costs, such as back pay, punitive damages, and compensatory damages. A wise decision for leadership is obtaining an understanding of the elements surrounding discrimination, ensuring that business managers are cognizant of all statutes as they manage their

employees. Additionally, the implementation of discrimination prevention strategies must be part of the onboarding process for all management and employees.

Problem Statement

Closures for Boston's family restaurants are pending because of voluminous unresolved discrimination lawsuits (Dean, Safranski, & Lee, 2015). Since October 2014, more than 250 plaintiffs have filed discrimination lawsuits on Boston restaurant owners for an aggregate total of \$62 billion, which often exceeds the companies' net worth resulting in possible bankruptcies (McMullen, 2016). The general business problem is discrimination lawsuits negatively affect organizations' profits and reputations. The specific business problem is some restaurant managers lack preventive strategies to reduce the costs of plaintiffs' discrimination lawsuits.

Purpose Statement

The purpose of this qualitative multiple case study is to explore preventive strategies restaurant managers implement to deter plaintiffs' discrimination lawsuits. The targeted population will consist of 10 restaurant managers, who have implemented successful strategies that reduce discrimination complaints, which decreases overhead expenses. The 10 managers will have a minimum of five years of recent management experience and be working in 10 different restaurants in the metropolitan area of Boston, Massachusetts. The social implications of this study include a positive social influence in the community. Reducing discrimination lawsuits will enhance the sociocultural evolution of equal rights for those affected by discrimination. Reducing discrimination will increase diversity in communities and organizations. Those who previously suffered

discrimination will have more employment and housing opportunities. As these people enter the workforce, business managers will inherit new talent.

Nature of the Study

I chose a qualitative research method for this study. Russell et al. (2016) found qualitative researchers conduct an in-depth exploration of purposeful samples, which provides a better understanding of a phenomenon. The qualitative method is the most appropriate method for the researcher to obtain answers from the research question, which discovers what and why for the strategies business managers use to prevent discrimination lawsuits. Contrarily, quantitative researchers focus on examining relationships and differences between two or more variables (Huang & Dyerson, 2015). The quantitative method was not appropriate for this study because I did not examine the relationships between variables. Researchers who use a mixed method employ both a qualitative component and a quantitative component (Dean et al., 2015). Since I refrained from testing hypotheses, the mixed method fails to be the best choice for this study.

I chose a case study research design after considering four designs: (a) case study, (b) phenomenological, (c) narrative, and (d) ethnography. In a case study design, the researcher uses an investigative strategy that explores and expands existing knowledge of a single subject, such as a group, community, or a situation (Alexander, Havercome, & Mujtaba, 2015). This case study design is appropriate because I expanded the existing knowledge of plaintiffs filing discrimination lawsuits against restaurant management. Under a phenomenological research design, the researcher asks a group of people about

their perceptions, opinions, and beliefs about a particular phenomenon (Cary, 2016).

This research design is not appropriate for this study because I am not seeking opinions or beliefs related to a lived experience. A narrative research design relies on the written or spoken words of visual representation of individuals (Bennett, Hill, & Daddario, 2015). For this study, I explored a known phenomenon, rather than rely on written words. An ethnography research design is a systematic study of people and their culture (Tsai et al., 2016). This study does not examine cultures; therefore, ethnography design is not the best choice.

Research Question

What prevention strategies do restaurant managers use to deter plaintiffs' discrimination lawsuits?

Interview Questions

1. What prevention strategies do you use to deter plaintiffs' discrimination lawsuits?
2. How do you revise prevention strategies for deterring plaintiffs' discrimination lawsuits when there are revisions in discrimination laws?
3. What, if any, training do you provide for deterring plaintiffs' discrimination lawsuits?
4. What responsibilities do your managers have to practice the company's discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits effectively?

5. What, if any, discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits do you have in your hiring procedures?
6. What additional information do you have related to deterring discrimination lawsuits?

Conceptual Framework

The conceptual framework is a 4Cs reorientation of university curricula to address sustainability (RUCAS) theory. This theory originated as a 2Cs theory, developed by David L. Morgan (Morgan, 2007). Morgan's (2007) 2Cs theory is a pattern of critical thinking and effective communication that enhances a business' sustainability. Subsequently, based on Morgan's findings, Markrakis and Kostoulas-Markrakis (2015) developed a 4Cs RUCAS theory for 21st-century business managers jointly. The 4Cs represent (a) critical thinking and problem-solving, (b) collaboration and team building, (c) communication, and (d) creativity and innovation. Building on the 4Cs RUCAS theory, Triana, Jayasinghe, and Pieper (2015) developed prevention strategies to avert plaintiffs' discrimination lawsuits. Employing the 4Cs theory, Terpstra and Honoree (2016) found proactive human resources (HR) team to be an essential prevention strategy. Triana et al. (2015) found a transformational management style is the most effective preventive strategy. Managers who use this management style cause positive changes with their subordinates, resulting in management and staff becoming one team working toward the company's vision (Guillaume, Arshad, Jakeman, & Jalava, 2016). The HR staff needs to be cognizant of all discrimination laws, and then integrate these

laws into their daily routine while apprising all employees of the laws continuously (Hersch & Shinall, 2015).

Markrakis and Kostoulas-Markrakis' (2015) 4Cs theory aligns with this study by exploring the strategies for restaurateurs to deter discrimination lawsuits. Huang and Dyerson (2015) found that business managers who practice the 4Cs theory increase their profits and value. Banks, Vera, Pathak, and Ballard (2016) listed several strategies for discrimination prevention. Critical thinking finds solutions for discrimination problems. Communications must be clear. Collaboration is a shared corporate effort that minimizes discrimination. Creativity discovers innovative methods for improving products by involving a diverse workforce.

Operational Definitions

Affirmative Action: Affirmative action is a set of guidelines, policies, laws, and administrative practices intended to reduce discrimination. Affirmative action mandates employers comply with the U.S. Constitution's equal opportunity principle, which holds that all persons have equal access rights for self-development. Affirmative action includes training programs, outreach efforts, and other programs that inhibit discrimination (Carden & Boyd, 2014).

American Disability Act: The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities, including employment, transportation, public accommodations, communications, and access to state and local government programs and services. The ADA protects the rights of both employees and applicants for employment (Latner et al., 2015).

Civil Rights Act of 1964: The Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex, or national origin. The act prohibits racial segregation in schools, employment, and public accommodations (Hersch & Shinall, 2015).

Diverse workforce: A diverse workforce has similarities and differences among employees' age, race, sex, cultural background, abilities, religion, disabilities, and sexual orientation (Durrani & Rajagopal, 2016a).

Equal Employment Opportunity Commission (EEOC): The EEOC governs and enforces civil rights laws within the workplace. The EEOC has investigative authority over discrimination complaints founded on an individual's religion, race, sex, national origin, age, disability, gender identity, children, genetic information, and retaliation for reporting, participating in, or opposing a discriminatory practice (Feldman & Kricheli-Katz, 2015).

Full-service restaurants: A full-service restaurant provides complete and varied breakfast, lunch, and dinner menus; a broad assortment of beverages and foods; and table service (Baldrige & Swift, 2013).

Intellectually-disabled people: Intellectually-disabled people have an IQ less than 70, deficits in two or more adaptive behaviors, and insufficient skills necessary for sustaining a normal daily living (Feerasta, 2016).

The Age Discrimination in Employment Act of 1967 (ADEA): ADEA protects employees and applicants who are 40 years old and older. ADEA protection includes discrimination in hiring, working conditions, promotions, compensation, discharges, and benefits of employment (Sipe, Larson, McKay, & Moss, 2016)

The 4Cs RUCAS theory: The 4Cs RUCAS theory is a primary strategy for managing a business. The strategy uses critical thinking, collaboration, communication, and creativity, which Markrakis and Kostoulas-Markrakis (2015) developed, naming it the 4Cs RUCAS theory (Gundry, Ofstein, & Kickul, 2014).

Title VII of the Civil Rights Act (Title VII): Title VII prohibits discrimination by covered employers based on ethnicity, gender, religion, national origin, or color. Title VII applies to and covers an employer who has more than 14 employees for at least 21 calendar weeks in the present or previous calendar year (Karatuna, 2015).

Assumptions, Limitations, and Delimitations

All research investigations have underlying assumptions, limitations, and delimitations. According to Lo (2016), assumptions, limitations, and delimitations are essential components of a sustainable research doctoral study. Clearly articulating these components is necessary; otherwise, reviewers and evaluators may question the credibility of the study.

Assumptions

Assumptions represent conditions a researcher accepts as being true, without verifying its authenticity (Marshall & Rossman, 2016). Explicitly documenting assumptions help reduce misunderstandings and resistance to the proposed research. When citing assumptions in this qualitative case study of restaurant managers' prevention strategies to deter plaintiffs' discrimination lawsuits, the research needs to be convincing.

This study includes several assumptions, such as undocumented and unverified data interviewees provided the researcher. Participants will be honest throughout the

interview process. The second assumption is that participants are providing pertinent discrimination data. Another assumption is I assume that participants will render a sincere effort to complete the assignment and answer the questions honestly.

Limitations

Doctoral studies have limitations, which are potential weaknesses or problems outside the control of the researcher (Bol et al., 2016). Limitations are irrepressible threats to the study's internal validity, which refers to the likelihood the study's results coincide with the researcher's intention (Becton et al., 2017). A limitation is the participants may have a bias. Another limitation of this study is obtaining information for a specific geographic area, which may not be representative of other venues. In addition, the restrictions in a study's design may influence the researcher when interpreting the study's results.

Delimitations

Delimitations affect the external validity of the study's results (Marshall & Rossman, 2014). Delimitations are conditions the researcher sets to keep the study manageable (Lo, 2016). I have chosen to limit the study to full-service restaurants in Massachusetts only. I only interviewed restaurant managers only, excluding other employees. I limited interviews to 10 participants who were in their position at least one year and other management positions for a minimum of five years. Collins (2016) cited his primary limitation is not having access to an interview with the victim of discrimination, which limits the sources of data.

Significance of the Study

Contribution to Business Practice

This study contributes to business practice because its findings and conclusions may provide business managers with successful discrimination prevention strategies. Discrimination lawsuits are inevitable; working to deter them is a necessary business practice (Guillaume et al., 2016). When business managers successfully implement then practice discrimination prevention strategies, the result may improve their employer's reputation, profits, and sustainability. Discrimination prevention strategies may contribute to better business practices because managers who use the strategies may provide equal job opportunities for employees and applicants and establish a diverse workforce. Equality and diversity may enrich a business' innovation, improve problem solving, enhance team spirit, and increase staff retention.

Implications for Social Change

This study of discrimination prevention strategies has implications for social change. Positive social change occurs when people change their behavior to benefit society (Banks et al., 2016). Discrimination causes social problems, poverty, and inequities. Successful discrimination prevention strategies may promote the self-worth, dignity, equality, and human rights for those who might otherwise suffer discrimination. Decreasing discrimination lawsuits may result in more opportunities for employment, housing, and education. A decrease in discrimination lawsuits may reduce bias, prejudice, and create a healthier society.

A Review of the Professional and Academic Literature

The purpose of this qualitative study was to provide business managers with strategies to deter discrimination complaints and develop programs and policies that will promote compliance with discrimination laws. In this literature review, I demonstrated that an effective strategic basis for deterring discrimination lawsuits occurs when business managers use critical thinking, collaboration, communication, and creativity. The majority of the literature review emanates from the critical analysis and synthesis of previous research on strategies for deterring discrimination complaints.

The literature review consists of peer-reviewed articles, books, government reports, and other scholarly resources. *Ulrich's Periodical Directory* was the means for verifying articles are from recognized peer-reviewed journals. Within the 121 sources in this literature review, 107 are peer-reviewed articles, which represent 88% of the sources; 111 have a publication date less than five years old, which is 92% of the total sources.

I used the following databases searching for peer-reviewed articles applicable for this study: Google Scholar, Insight databases from the Walden University Library, Science Direct, Emerald Management Journals, Management and Organizational Studies, Lexis Nexis Academic, EBSCOhost, and ProQuest from the year 2014 through 2018. To locate articles with precise information, I used the following search themes and terms: discrimination history, discrimination in the United States, discrimination prevention strategies, restaurant employee discrimination complaints, discrimination laws, discrimination in Boston area restaurants, adverse effects of discrimination, restaurant

management's responsibility to deter discrimination complaints, restaurant managers' discrimination prevention strategies, and Massachusetts discrimination laws.

Although employment discrimination has existed for centuries, this study explores discrimination in the U. S. from the 1960s to 2018. In the 1960s, some scholars found discrimination is unexplained differences in housing, employment opportunities, and compensation (Baldrige & Swift, 2013; Folta, Glenn, & Kynskey, 2017; Kloek, Peter, & Wagner, 2015). In 1960, President Kennedy sought the elimination of inequity and injustice by enacting anti-discrimination laws and reforms (Doring & Wansink, 2015). President Johnson declared war on poverty, and in doing so, he believed this would eliminate discrimination (Miller, 2016; Swain & Lightfoot, 2016). President Johnson established Medicare, Medicaid, Headstart, Job Corps, and other programs that help disadvantaged people secure employment, housing, medical care, food, and clothing (Arshad, 2016).

RUCAS 4Cs Theory

During the 1960s, U.S. Congress began enacting anti-discrimination laws under the Civil Rights Act (McMullen, 2016). Simultaneously, business managers began developing critical thinking and effective communication business practices, 2Cs of the 4Cs RUCAS theory, which will support compliance with the discrimination laws (Hertzman & Zhong, 2016). Critical thinking may help managers set thresholds in their companies' policies that are higher than the law and continuously communicate the policies effectively throughout their workforce (Weinzimmer & Esken, 2016). Markrakis and Kostoulas-Markrakis (2015) developed a business management strategy, naming it

the 4Cs RUCAS theory (Gundry, Munoz-Fernandez, Ofstein, & Ortega-Egea, 2016). Controversy exists, among corporate leaders, on the effectiveness of the 4Cs: critical thinking, collaboration, communication, and creativity (Harvey, 2015).

Critical thinking is seeking new ways to solve a problem, such as discrimination (Bol et al., 2016). Collaboration means working effectively with others, including diverse groups and those with opposing views (Hertzman & Zhong, 2016). Communication focuses on the ability to communicate ideas either in the written or spoken word (Brewster & Brauer, 2016). Creativity is visualizing the invisible then creating something from it (Harvey, 2015). Chowdhury, Schulz, Milner, and Van De Voort (2014) found business managers who use these 4Cs promote equality and diversity in their workforce, which results in fewer discrimination complaints. Cerne, Nerstad, Dysvik, and Škerlavaj (2014) found business managers who practice a 4Cs RUCAS theory encounter minimal discrimination and comply with Affirmative Action.

Building on 4Cs RUCAS theory, Triana et al. (2015) developed prevention strategies for deterring plaintiffs' discrimination lawsuits. Prevention strategies, under the 4Cs RUCAS theory, include encouraging equal job opportunities, promoting diversity, and managing the workforce fairly. Gordon, Gilley, Avery, Gilley, and Barber (2014) found business managers who practice the 4Cs RUCAS theory, encounter minimal religious harassment complaints. Triana et al. posited managers, who practice the 4Cs RUCAS theory, recognize discrimination at its earliest stage. Business managers who use critical thinking, one of the 4Cs, understand discrimination laws and regulations

thoroughly, which results in identifying discrimination in its infancy stage (Bol et al., 2016).

Managers should refrain from assuming all employees are practicing the 4Cs (Bol et al., 2016). Durrani and Rajagopal (2016b) posited that when the workforce has skills beyond basic reading, writing, and arithmetic, the employees are capable of practicing the 4Cs resulting in increasing the company's sustainability and decreasing discrimination (Bol et al., 2016). Doring and Wansink (2015) posited that the pace of business in the 21st century creates responsibility for managers to practice the 4Cs and train their subordinates to adhere to them. Durrani and Rajagopal (2016a) found when interviewers use critical thinking the discriminatory preconceived notion disappears.

When senior managers inspire their teams to use critical thinking, such as using their reasoning powers, product efficiency increases (Gordon et al., 2014). Reasoning is more than using formulas and methods to reach a conclusion; it involves creativity (Doring & Wansink, 2015; Gao & Zhang, 2016). Creativity is a result of resolving problems, having an open mind, being aware, connecting ideas, and finding solutions, such as resolving discrimination issues (Hertzman & Zhong, 2016). Huang and Dyerson (2015) posited that creativity is the foundation of the 4Cs theory. Organizations can develop and maintain creativity by recruiting creative people and train current employees to use creative thinking (Feldman & Kricheli-Katz, 2015). Some people are creative idea generators; others can implement creative ideas; both can find viable ways to earn profits for their employers (Guillaume et al., 2016). Creative managers can take both types of

creative people, create a diverse workforce, and manage them using the 4Cs to increase sustainability for their organizations (Miller, 2016).

Some scholars believe solving the phenomenon of employment discrimination is using the 4Cs theory to create diversity (He, Zhu, & Zheng, 2014). Scholars that postulate creating diversity includes a commitment from upper management, diversity training, a strategic plan, accountability, measurement, recruitment, and succession planning (Albdour & Altarawneh, 2014; Chowdhury et al., 2014; Gundry et al., 2016; Pauly & Buzzanell, 2016). Chowdhury et al. (2014) found when upper management focuses on communication, problem-solving increases, a harmonious team becomes creative, and discrimination decreases. In another study of African Americans receiving discriminatory treatment, Gundry et al. (2014) found managers who practice the 4Cs theory, including transformational leadership and employee skills development programs, minimize discrimination complaints. Business managers implementing the 4Cs theory may encourage quality and diversity among their employees, thereby benefiting the sustainability and growth of the organization (Weinzimmer & Esken, 2016). Durrani and Rajagopal (2016b) posited that employers, who implement 4Cs in their training, minimize discrimination complaints. Other advantages of the 4Cs theory are an increased ability to serve a diverse worldwide market, enhancement of innovative products, and an increase in problem-solving (Durrani & Rajagopal, 2016b). A diverse workforce has a broad range of backgrounds that will have input in producing ideas and solutions for solving problems and creating innovative products (Albrecht, Bakker, Gruman, Macey, & Saks, 2015).

With employees from various backgrounds, business managers who encourage awareness and understanding of different characteristics might reduce discrimination complaints, improve team spirit, and increase employee retention (Karatuna, 2015). Although the 4Cs theory is only one technique analyzing discrimination prevention, legal scholars and economists have examined discrimination using a variety of methods (Weinzimmer & Esken, 2016). Scholars define discrimination as an act, which involves an individual receiving treatment deemed less favorable than other people receive (Johnson, 2015). Those individuals, who receive unfavorable treatment, identify with different cultural backgrounds, or social development, or may have physical challenges due to: (a) youth, (b) handicap, (c) gender, or (d) ethnicity (Alexander et al., 2015; Bennett et al., 2015; Butt, Dahling, & Hansel, 2016; Guchait, Ruetzlerb, Taylor & Toldi, 2014; Lynn & Brewster, 2015; Taylor & Toldi, 2014). While these characteristics may not adversely affect an employee's productivity, some business managers may believe differently, that these characteristics will impede a worker's productivity (Baldrige & Swift, 2013; Gundry et al., 2014; Karatuna, 2015).

RUCAS 4Cs Theory's Alternative Strategies

Contrary to the 4Cs, some scholars believe the 3Rs are a better alternative (Maher & Pakinam, 2016). Maher and Pakinam (2016) found the 3Rs, respect, responsibility, and results are the basis for a company's sustainability. The authors posited those who practice the 3Rs are ethical business people and are less likely to discriminate. Pauly and Buzzanell (2016) posited that an ethical person treats everyone with dignity and courtesy, uses company resources appropriately, and protects their work environment. Ethical

business people provide high-quality goods and services and add company value with superior job performances (Pauly & Buzzanell, 2016). The 3Rs are a common-sense business teaching; employees provide services with an emphasis on productivity, customer service, and increasing profits (Huang & Dyerson, 2015). Employees accomplish the 3Rs by utilizing efficient operational processes and negotiating with their customers to provide them with only the products they need (Feerasta, 2016). As these ethical employees focus on their 3Rs, they are less likely to file discrimination complaints (Artal & Rubenfeld, 2017).

4Cs Theory in the Restaurant Industry

Although several studies indicate racial discrimination exists in the restaurant industry, other studies reveal managers who practice the 4Cs theory minimize discrimination complaints (Martin, 2016). Gundry et al. (2016) found, in the restaurant industry, collaborative communication, promoting innovation, creating trust and commitment, and critical thinking creates a harmonious workforce resulting in minimal discrimination complaints. A harmonious workforce can be innovative (Johnson, 2015). Effective communication among a company's employees supports innovative, creative behavior, resulting in original products, which provides the company with a competitive edge in their industry (Rhou, Singai, & Koh, 2016). Using the 4Cs theory as a basis for racial discrimination prevention strategies in the restaurant industry, Durrani and Rajagopal (2016a) posited that managers, who focus on where discrimination originates, found discrimination frequently starts during the hiring phase. Durrani and Rajagopal (2016a) found when restaurant managers solicit for employment opportunities, to

minimize discrimination lawsuits the managers: (a) avoid citing characteristics that are protected legally, (b) state an equal opportunity commitment, and (c) assure their advertisement reaches diverse groups of people. When recruiting and interviewing applicants, managers who are clear on the jobs' responsibilities and necessary skills and maintain a clear audit trail throughout the process are strategizing to minimize discrimination lawsuits (Barrick, Thurgood, Smith, & Courtright, 2015; Crump, Singh, Wilbon, & Gibbs, 2015)

Affirmative Action

Under Title VII of the U. S. Civil Rights Act, 1964, the definition of discrimination is an employment practice that causes a disparate impact on the race, color, religion, sex, or national origin (Karatuna, 2015). Under EEOC's authority, affirmative action mandates employers comply with the U. S. Constitution's equal opportunity principle, which holds that all persons have equal access rights for self-development (Youngman, 2017). In a Title VII claim, the employer has the burden of proving the contested job is consistent with a business necessity where essential elements of work performance are requirements for the job (Martin, 2016). Under this performance requirement, if the employer proves that the complainant cannot perform his or her job, the employer will prevail (Karatuna, 2015).

Affirmative action includes training programs, outreach efforts, and other curricula that prevent discrimination (Carden & Boyd, 2014). Affirmative action provides hiring and advancement rights for ethnic minorities, which redresses their past discrimination (Crump et al., 2015). Private sector employers who do not receive public

funding are exempt from adopting affirmative action policies (Artal & Rubinfeld, 2017). Contrarily, Title VII requires federal contractors and subcontractors adopt affirmative action policies and practice the laws that mandate the recruitment and advancement of qualified minorities, persons with disabilities, women, and covered veterans (Kochan & Riordan, 2016). Government contractors, under executive orders, have affirmative action policies for equal opportunity employment for (a) targeted employment, (b) management development, and (c) employee support programs (Avery, Mckay, Volpone, & Malka, 2015).

Since 1964, Affirmative Action laws and policies have nearly achieved diversity (Gordon et al., 2014). The primary beneficiaries of affirmative action were African American and Native American men and women (Hertzman & Zhong, 2016). Since the 1960s, the tenets have been evolving from a race-based quota system into a range of approaches that provide a preference for all low-income citizens and not solely focusing on the minority population (Dean et al., 2015). Durrani and Rajagopal (2016a) found that the effects of affirmative action on employment from 1973 through 2003 varied across race and gender groups. With Affirmative Action focusing on past discrimination, the law as presently written targets goals that render good faith efforts for identifying, selecting, and training qualified minorities, low-income people, and women (Bender, Heywood, & Kidd, 2017; Crump et al., 2015). Colleges and universities are achieving diversity through their affirmative action policies, which stimulates an increase in the recruitment and admission of racial minority students and staff (Gundry et al., 2014).

Bona Fide Occupational Qualification

Some employee discrimination claims exempt employers from liability (Cavico & Bahaudin, 2016). Under the bona fide occupational qualification (BFOQ) defense, employers can hire employees based on qualities or attributes that they may otherwise be discriminatory (Cavico & Bahaudin, 2016). Because EEOC accepts BFOQ, EEOC prohibits discrimination in employment based on protected categories or characteristics (Rhou et al., 2017). The BFOQ doctrine allows discrimination if the employer is basing it on national origin, religion, sex or certain circumstances when these aspects of diversity are BFOQ exclusions (Rhou et al., 2017). Most business managers are reluctant to implement the BFOQ doctrine because of its complex sensitive nature, and the common belief that BFOQ is discrimination. The BFOQ doctrine prevails in rare employment circumstances where a discriminatory exclusion reasonably supports the sustainability operations of the business (Shuck & Reio, 2014). Rhou et al. (2017) posited business managers have an obligation substantiating that a BFOQ exclusion is necessary for the business' operations. Cavico and Bahaudin (2016) found business managers, who establish a BFOQ exclusion, practice diversity and equality in their workplace.

Equal Employment Opportunity Commission

In 1965, the United States Congress created the Equal Employment Opportunity Commission (EEOC) in support of Title VII (Hertzman & Zhong, 2016). The EEOC's mission was to strengthen North America's employees in their workplace, providing all employees and applicants with equal opportunities for employment (EEOC, 2015). The

EEOC has investigative authority over discrimination complaints against employers (Barrick et al., 2015). If EEOC discovers discrimination in their findings, they will pursue settlement negotiations on behalf of the complainant (EEOC, 2015). If the settlement negotiations fail to produce an amicable resolution, the EEOC may pursue legal proceedings against the employer (Baldrige & Swift, 2013).

In 2014, there were nearly 89,000 employment discrimination complaints filed with U. S. agencies (EEOC, 2015). In 2016, the EEOC resolved 97,443 employment discrimination complaints, such as racial bias, employer retaliation, and disability were the most common claims (Becton et al., 2017). Employers who face a rise in discrimination complaints will incur an increase in the expense associated with defending the claims (Gundry et al., 2014). When the complainant's claims have merit, organizations incur additional costs, such as (a) retroactive pay, (b) punitive damages, and (c) compensatory damages (Gundry et al., 2014). When defending litigation, organizations devote significant hours establishing a defense (Weinzimmer & Esken, 2016). To minimize defense expenses, Brewster and Brauer (2016) found managers who consistently revisit their company's discrimination strategies and train their employees on discrimination policies; their efforts result in fewer discrimination complaints.

Carden and Boyd (2014) provides an example of employment discrimination. An EEOC's investigation commenced with the review of company policies and focused on the rights of female employees whose marital status supported their job termination (Carden & Boyd, 2014). The EEOC claimed that any company policy that discharges a female employee when she marries violates Title VII (Carden & Boyd, 2014). The

EEOC ordered the employer to reinstate the discharged employee (Carden & Boyd, 2014).

In an EEOC case, McGuire, Mahdavian, and Yevari (2015) explored an ADA complaint, from 2006, filed against Denny's restaurant. The EEOC alleged that Denny's managers refused modification for one of its Baltimore restaurant managers with reasonable accommodations for her disability, a leg amputation. After recovering from an accident, the infirmed manager was capable of performing her job duties, but Denny's managers forbade her from working in the restaurant because of her disability, which violated ADA laws. McGuire et al. found Denny's managers violated the ADA statutes and were not practicing discrimination prevention strategies. In June 2011, Denny's agreed to a settlement with the EEOC, paying \$1.3 million in fines and compensation for the fired Baltimore manager and furnishing other undisclosed relief (EEOC, 2015). Other assistance included Denny's providing monetary relief for 33 additional workers claiming a denial of reasonable accommodations and unlawful terminations (EEOC, 2015).

In another EEOC case, in May 2017, Bakker, Shimazu, Demerouti, Shimada, and Kawakami (2014) found the managers and owners of Rosebud Restaurants, a Chicago-based restaurant chain, refused to hire African-American employees. The Court ordered the employer to pay \$1.9 million to African-American applicants and establish a program for hiring African-Americans (EEOC, 2015). Those African-American applicants not hired will receive a proportionate share of the \$1.9 million settlement (EEOC, 2015). As part of the court order, Rosebud's owners implemented hiring goals for qualified African-

American applicants (Gundry et al., 2016). The judge also ordered the owners to provide EEOC with periodic reports on compliance with discrimination laws, including the court's order for hiring and training qualified African-Americans (Gundry et al., 2016).

In another EEOC case, an age discrimination complaint alleged that 1.9% of Applebee's' restaurant employees 40 years of age or older have a server or host job (Weinzimmer & Esken, 2016). The EEOC (2015) found that 1.9% is substantially below that of employees at other restaurant chains (Hersch & Shinall, 2015; Laperriere, Messing, & Bourbonnais, 2017; McGuire et al., 2015). The EEOC ordered Applebee's to revise their age requirement for server and host jobs because the age factor was the primary reason for securing such a position (EEOC, 2015). The complainants' burden of proof is proving age discrimination was the primary factor supporting the restaurant managers' discriminatory employment decision (Battistella, De Toni, De Zan, & Pessot, 2017).

EEOC has authority over age discrimination complaints. Under the Age Discrimination Employment Act (ADEA), age discrimination occurs when employers treat employees 40 years of age or older less favorably than of a younger age employee (Dean et al., 2015). The employer's defense for an ADEA claim is demonstrating the discrimination complaint relies on reasonable circumstances other than age; proof of business necessity is not a requirement. The circumstances employers are required to demonstrate are that the employment practice is reasonable for achieving the business purpose of the job's specifications (Griffin, Piers, & Hesketh, 2016). An essential component of preventing employee discrimination claims is business managers knowing

the age discrimination laws, and then practicing them (Bakker et al., 2014; Youngman, 2017). Government contractors, under executive orders, have equal opportunity employment policies: (a) targeted employment, (b) management development, and (c) employee support programs (Aver et al., 2015).

Transformational Leadership

A leadership study is important for reviewing an organizational management style that mentors subordinates and minimizes discrimination (Crump et al., 2015). Leaders advocate the vision and objectives of an organization (Durrani & Rajagopal, 2016a). Effective leaders are visionaries, employee development builders, innovators, and promote sustainability in an organization (Brewster & Brauer, 2016). Successful restaurant managers who have the skills to assess the changing business environment and drive performance may enhance the organization's sustainability (Crump et al., 2015). Transformational leadership styles tend to yield positive benefits in the form of improved performance (Choudhary et al., 2013). Economic, social, political, and technological innovations are the dynamics that drive organizational changes, which accomplished transformational leaders implement successfully (Praus & Mujtaba, 2015).

Brewster and Brauer (2016) found transformational leaders focus on changing the ethical attitude of their community and inspiring intellectual stimulation. Priyanko, Ruetzlerb, Taylor, and Toldi (2014) found a transformational leadership style stimulates creativity, innovation, and team spirit. Transformational leadership includes individualized consideration, idealized influence, intellectual stimulation, and inspirational motivation (Bol et al., 2016). Intellectual stimulation begins when leaders

encourage their subordinates' creativities as they develop and cultivate independent thinking (Albdour & Altarawneh, 2014). Inspirational motivation occurs when transformational leaders pronounce a vision, which motivates the employee to accomplish the objectives of the organization. Transformational leaders implant confidence in their subordinates and create respect and trust, which will increase their productivity and dedication to their organization (Fusilier & Penrod, 2015). Employees under transformational leadership receive encouragement to seek innovative solutions, create opportunities for their organizations, and ask questions to achieve a common objective collectively (Katsos & Fort, 2016).

Managers, who are creative, build accountability into projects, where their analyses focus on resolving issues that prevent the organization from reaching goals and achieving its goals (Katsos & Fort, 2016). Self and Self (2014) posited that harmonious teamwork between project leaders could foster creativity, help companies reach their goals, and reduce discrimination among employees. Martin (2016) found preventing routine from becoming boring enhances creativity. Changing employees' roles and having brainstorming sessions are two methods to limit boredom (Fusilier & Penrod, 2015). Other means for managers to move from routine to creativity are encouraging groups to streamline their operations, avoid ridiculing employees, encourage mediation, clarify goals, encourage curiosity, and prevent micromanaging (Albdour & Altarawneh, 2014).

Age Discrimination

Senior employees have some protection from discrimination (Albdour & Altarawneh, 2014). Age Discrimination in Employment Act (ADEA) prohibits employment discrimination for applicants and employees who are 40 years old or older (Sipe et al., 2016). Age Discrimination in Employment Act is applicable for the federal government, state and local governments, labor organizations, private employers with 20 or more employees, and employment agencies (Bennett et al., 2015). This discrimination act also prohibits differentiating a person because of his or her age concerning any condition of employment, which includes hiring, promotions, compensation, layoffs, terminations, benefits, training, and work assignments (Avery et al., 2015). Retaliating against an aged employee for challenging aged-based employment practices or for filing an age discrimination complaint violates the ADEA (McGuire et al., 2015). Other protections that ADEA provides are age preferences in employment notices, pre-employment inquiries, apprenticeship programs, and benefits (Kloek et al., 2015). Triana et al. (2015) found there are a few strategies that both employers and employees can practice, such as updating aged employees' skills, which may minimize discrimination. Triana et al. found as employees age, remaining current with their job skills would help them maintain their fitness with their work environments. An aging employee who maintains a highly active work standard will rarely encounter age discrimination (Kloek et al., 2015; Martin, 2016).

Many employers endorse hidden schemata that include discriminating against employees over the age of 40 (Carden & Boyd, 2014). Carden and Boyd (2014) posited

that a holistic approach for managing employees is an appropriate strategy that prevents age discrimination in the workplace. A holistic strategy creates a culture that focuses on protecting intellectual capital, decreasing discrimination complaints, and stimulating a productive workplace environment. When employers embrace a new strategy that may challenge older employees to use, Kloek et al. (2015) found some managers may not be acknowledging that one-half of the workers receive protection under the Age Discrimination Act. If managers release workers over the age of 40, the organization will lose experienced employees and retain the inexperienced younger generation who lack skills and will require training (Triana et al., 2015).

Aging employees who feel they are receiving less respect from managers than young employees may be experiencing perceived age discrimination (Griffin et al., 2016). Carden and Boyd (2014) found perceived age discrimination can: (a) increase the risk of lawsuits, (b) generate inferior psychological problems with employees, (c) promote unenthusiastic work mindsets, (d) cause an effortless organizational commitment, and (e) heighten the risk of inferior work engagements. Successful managers are proactive in retaining aged employees who have substantial knowledge and skills (Brewster & Brauer, 2016). A few practices managers use that retain their senior employees include: age awareness training, portraying aging employees are the role models, and including aging employees in advertising campaigns (Feldman & Kricheli-Katz, 2015).

Carden and Boyd (2014) combined age and gender in their discrimination study and found perceived workforce support minimizes discrimination. Their survey indicated

employees with managerial jobs, regardless of gender or age, receive significant support for workplace learning resulting in advancing into higher management positions. Banks et al. (2016) wrote a concurring opinion; under a transformation leadership style, managers of all ages and both genders have opportunities for workplace learning and advancing into higher positions.

Managers are encountering challenges with supervising an age-diverse workforce along with fast-paced technology changes and global competition (Kloek et al., 2015). Considering the age-diverse workforce is increasing, Becton et al. (2017) posited managers have a duty to fully understand its dynamics and the stereotypes of all age groups. Focusing on age meta-stereotypes in the workplace has the potential for managers to obtain a clear understanding of age dynamics (Finkelstein, King, & Voyles, 2014). Meta-stereotype is how one age group of individuals predicts how a different age group views those of the first group (Kloek et al., 2015).

Disability Discrimination

The American Disability Act (ADA) forbids employers from discriminating against applicants and employees with disabilities in all aspects of employment including hiring, pay, promotion, firing, and others (Lyons et al., 2016). The ADA protects disabled employees from employers' retaliation when the disabled enforce their rights under the law (McGuire et al., 2015). Under the ADA guidelines, employers cannot discriminate against employees who have a documented disability (Feldman & Kricheli-Katz, 2015). To prevent discrimination, employers provide reasonable accommodations for the disabled (Arshad, 2016; Baldrige & Swift, 2013; Feerasta, 2016).

The U. S. government recognizes obesity as a disability (McGuire et al., 2015). In 2009, the U. S. Congress passed the ADA, expanding the definitions of disability, which will include severe obesity (McMullen, 2016). Latner et al. (2015) posited ADA fails to define obesity, which allows managerial discretion in identifying obesity. The authors found minimal public and congressional support for explicitly defining obesity. Latner et al. posited that under the ADA law managers continue to exercise discretion, leaving overweight people at the mercy of discriminatory practices.

Latner et al. (2015) also found there have been several weight discrimination lawsuits filed by overweight restaurant employees. Obese employees do not necessarily result in a business liability; rotund wait staff might increase sales (McMullen, 2016). Feldman and Kricheli-Katz (2015) found customers are much more likely to order dessert when their server is overweight. Griffiths (2016) posited a server's physical size could determine the quantity of a customer's order; an overweight server receives larger orders than a petite server does. Overweight staff, who diet by eating their employer's healthy food, can advise customers on the positive effects of a healthy diet (Bujisic, Hutchinson, & Parsa, 2014; Tu, Yang, & Ma, 2016).

Restaurant managers deter overweight lawsuits by promoting nourishing eating habits and providing a healthier eating environment (Tu, Yang, & Ma, 2016). Carden and Boyd (2014) found when overweight wait staff suggest healthy entrees, a majority of customers follows their recommendations. Bol et al. (2016) posited when managers prepare healthy menu items and have their employees endorse these alternatives, there

are fewer overweight lawsuits. If managers provide wait staff with incentives for promoting healthy eating, sales and profits increase (Hersch & Shinall, 2015).

Massachusetts does not have a weight discrimination law, which creates many incidents where overweight people suffer negative consequences (Latner et al., 2015). In Boston, the authors interviewed overweight people who experienced obesity discrimination. One example is applicants who have sufficient qualifications for wait staff jobs at a restaurant, but they did not receive an offer for employment due to their obesity (Latner et al., 2015). Although discrimination was blatant, these job applicants had no recourse, and the restaurant managers may have lost qualified applicants who could have been an asset for the business (Latner et al., 2015; Lyons et al., 2016).

Ethnic/Racial Discrimination

Lyons et al. (2016) found when managers do not pursue adequate preventive measures for deterring discrimination in the workplace, the atmosphere at the business can become uncomfortable. Inadequate enforcement of discrimination laws may initiate a discrimination complaint (Cukier et al., 2016). Arshad (2016) posited business managers, who practice discrimination prevention, maintain up-to-date discrimination policies and procedures manual and ensure all employees read and understand the manual. When managers encourage equality in the workplace and create diverse workgroups and departments, discrimination complaints decrease (Carden & Boyd, 2014). A whistleblower system in organizations will assist managers with enforcing discrimination policies, help safeguard fairness, ensure equality among the workforce, and create a harmonious work environment (Martin, 2016).

Ethical discriminatory practices exist in the service industry (Martin, 2016). Martin found discrimination when there are customer-to-customer relationships. Martin posited that such relationships occur when someone creates an environment where customers can sell goods to each other. Martin explained discrimination exists when managing such relationships because some managers may be unethical and immoral, which can create racial discrimination and intentional annoyances of emotional distress. For example, Marshall and Rossman (2014) found discriminatory practices with online auction sites. Marshall and Rossman explained some managers would refrain from posting racially discriminatory goods on some sites.

In 1971, a racially integrated high school in Virginia won the state football championship. This incident initiated a march that demonstrated African Americans and Caucasians could unify and live peacefully in the same community (Moon, 2016). Before this march, most Virginian African Americans experienced discrimination. African Americans filed discrimination, but frequently white supremacy prevailed (Baldrige & Swift, 2013). After the high school football team won the championship, the community began accepting African Americans. White supremacy became less prevalent than in the pre-1971 years, when white supremacy reigned, as restaurant servers improved the quality of their service to African Americans, resulting in fewer discrimination lawsuits (Kochan & Riordan, 2016).

Some business managers assume consumers will favorably respond when they notice African American leaders (Dong, Bartol, Zhang, & Li, 2017). Wallace, Nazroo, and Becares (2016) found evidence of consumers intentionally avoiding racial-ethnic

minorities and purposely providing African American wait staff with minimal tips. If consumers continue this trend, the result may be fewer African American employees will advance into management positions (Arshad, 2016). Praus and Mujtaba (2015) found most people associate Caucasians with leadership and African Americans with facing stereotypes that challenge their leadership fitness. African American leaders are more vulnerable to receiving discriminatory treatment from servers in full-service restaurants than other ethnic groups (Brewster, 2015). The prejudicial service of these patrons is a systemic, industry-wide problem that warrants further study from scholars and restaurant executive staff (Bennett et al., 2015; Dong et al., 2017). In support of this analysis, Brewster (2015) performed a study that indicated over half of restaurant servers admitted their customers' ethnicity affects the quality of their service.

In the 21st century, preventing prejudice and discrimination and creating a diverse workforce remains a challenging obstacle for business managers who govern their operations (Huang & Dyerson, 2015). Garcia-Almeida and Hormiga (2016) examined the impact of a diverse workforce in the restaurant industry. The authors' 19 participants were general and assistant restaurant managers who were working in a resort area off the shores of Massachusetts. The authors found there were no immigrant managers, resulting in immigrants filing discrimination lawsuits, costing their employers' significant amounts of time and money. Among the plaintiffs' complaints were a lack of nondiscriminatory promotions and unequal pay (Dong et al., 2017).

In the restaurant industry, other than immigrants, African Americans encounter significant discrimination (Praus & Mujtaba, 2015). Brewster and Brauer (2016)

explored negativity toward African American restaurant customers. Existing research indicates that a high percentage of waiters and servers confess that they occasionally discriminate against African Americans by servicing them with less than their optimal effort (Prau & Mujtaba, 2015; Thomas, Rothschild, & Donegan, 2015). Garcia-Almeida and Hormiga (2016) found research is lacking in assessing the generalized consequences of wait staff's discriminatory practices on restaurant patrons' experiences. Garcia-Almeida and Hormiga analyzed survey data from a demographically diverse sample of 415 restaurant customers testing for interracial differences when dining in full-service restaurants. The authors and Brewster and Brauer (2016) found there is minimal discrimination against African Americans. The results of Brewster and Breuer's (2016) examination indicated that African American and Caucasian participants report comparable dining experiences when eating at full-service restaurants; however, there were differences. African American customers recorded slightly more positive and less negative experiences when comparing them to their Caucasian counterparts (Brown & Patston, 2015).

There is previous research that documents restaurant servers' self-reported tendencies that discriminate racially in their service delivery (Prau & Mujtaba, 2015). However, Brewster and Breuer's analysis did not find any evidence of African American consumers systematically perceiving disparate treatment when reflecting on their recent dining experiences in full-service restaurants. Contrarily, African American and Caucasian respondents in their sample reported mostly similar experiences across a diverse set of service-related outcomes (Brewster & Brauer, 2016). Where differences

existed, African Americans identified more experiences that are favorable to diversity as compared to Caucasians (Avery et al., 2015). While unexpected and counterintuitive, these results are broadly consistent with findings from Brewster and Brauer's (2016) recent single restaurant exit survey.

Brewster and Brauer (2016) extended African American-Caucasian earnings gap research by assessing the mediating effects of a broader range of server skills that were previously under consideration, and which predicted customers' tipping behaviors. Brewster and Brauer's analyses provided convincing evidence that the clients' tendency to tip African American servers less than Caucasian servers did not qualify for interracial differences in service skills. The causal contrivance(s) underlying this African American tip penalty remains elusive, thus emphasizing the need for additional research on this unique source of racial earnings disparity (Bujisic et al., 2014; Garcia-Almeida & Hormiga, 2016).

Racial inequity in earnings also exists and is discriminatory (Brown & Patston, 2015; Battistella et al., 2017). In another discrimination study, Brewster (2015) explored the earnings gap between African Americans and Caucasians. The authors investigated consumer racial discrimination by assessing the effects of restaurant servers' race on consumers' tipping behaviors. Their study replicated prior examinations of racial discrimination in the tipping practices of African American and Caucasian customers, thus suggesting that the effect is indeed a real phenomenon (Cukier et al., 2016; Durrani & Rajagopal, 2016b; Griffiths, 2016; Lynn, 2014). Existing research on racial discrimination in consumer markets is relatively scarce, and previous studies have

disproportionately concentrated on customers being the victims of race-based oppression (Huang & Dyerson, 2015). There is minimal awareness of how consumers contributed to inequalities in their roles of being architects of racial discrimination (Bujisic et al., 2014).

Brewster (2015) continued his investigation of intergroup tipping differences when he examined the practice of tipping that might induce restaurant servers showing favoritism in their service delivery by providing comparatively less attention for affiliates of groups who are usually meager tipppers. In this study, Brewster analyzed 954 current and former restaurant servers and explored the relationships between opinions of intergroup tipping variances, tip earnings, and discrimination. Brewster's results indicated that servers who have negative attitudes are usually discriminatory in their service delivery. Brewster; Lynn and Brewster (2015) found harboring attitudes that are harmonious with positive and negative tipping stereotypes have contradictory effects of similar magnitude on the reported average percent tip of servers.

Although discriminatory tipping practices are prevalent in most full-service restaurants, tableside racism is another form of discrimination that exists in these venues (Talamo, Mellini, Camilli, Ventura, & Di Lucchio, 2016). Restaurants are one such public setting wherein African Americans encounter tableside racial prejudices and discriminatory treatment (Ragins, Ehrhardt, Lyness, Murphy, & Capman, 2016; Thompson, 2015). Ragins et al. (2016) queried 200 restaurant servers, asking them about the racial climate of their workplace. The results of the queries disclosed there is significant server negativity on the tipping and dining behaviors of African Americans. The data found racial discriminatory behaviors are significantly common in the restaurant

business (Latner et al., 2015; McGuire et al., 2015; Miller, 2016). Brewster and Brauer (2015) found there is convincing evidence that anti-African American actions and attitudes illustrate the continuing significance of ethnicity in the contemporary society of the United States.

Brewster and Brauer (2015) found ethnicity factors into the discriminatory practices of income inequity. The high level of income inequality began shrinking in 1932 with the New Deal legislation (Self & Self, 2014). Prieto, Phipps, Thompson, and Smith (2016) cited income inequality among employees might result in discrimination lawsuits. Dong et al. (2017); Latner et al. (2015); and Prieto et al. (2016) explained that in 1980 a productivity-wage gap began requiring further study which will determine whether developing a systematic strategy can consummate a change in trends, decrease inequality discrimination claims, and place the economy on a different path.

Although income inequality is decreasing since the Civil Rights Act, income remains discriminatory (Durrani & Rajagopal, 2016a). Using data from the Internal Revenue Service (IRS), Katsos and Fort (2016) found a pattern of income inequality. The top 1% earners realized disproportionate gains, accounting for nearly 60% of revenue growth between 1976 and 2007, but income growth of the bottom 90th percentile was flat (Alexander et al., 2015; Volpone, Tonidandel, Avery, & Castel, 2015). Another indicator of inequality focused on long-term trends in compensation and labor productivity. From 1979 through 2014, there was a 63% growth in productivity, while the United States hourly employees' compensation grew about 8% (Arshad, 2016; Battistella et al., 2017).

The contracting industry has income inequality (Sipe et al., 2016). Kochan and Riordan (2016) cited the cumulative effects of affirmative action in contracting companies from 1973 through 2003 were a mixture of ethnic and gender groups, with the primary beneficiaries being African American and Native American women and men. From 1973 through 2003, the share of these groups grew more as more federal contractors were under an affirmative action obligation than non-contracting organizations (Arshad, 2016). This growth of federal contractors significantly enhances the control of organization size, corporate structure, economy-wide shocks, industry-specific shocks, and fixed organizational effects (Arshad, 2016). Contrarily, affirmative action in non-contracting companies did not expand the employment share within organizations of Hispanic women and Asian women and men, while it reduced the average Caucasian female and Hispanic male representation (Becton et al., 2017; Cukier et al., 2016).

Alexander et al. (2015) found Non-Caucasian shoppers in retail stores are at the mercy of discriminatory practices. Bennett et al. (2015) explored a phenomenon classified as “shopping while non-Caucasian.” In their study, they chose participants who were Caucasian retail store employees. Bennett et al. found their participants covertly pursued techniques that avoid servicing minority customers. The techniques included negotiating with managers who will divert minorities where there is available minority staff who will service non-Caucasians (Bennett et al., 2015). After analyzing their data, the authors found shopping while non-Caucasian is discriminatory.

Huang & Dyerson (2015) posited that African Americans are only one ethnic group that encounters discrimination. Sipe et al. (2016) found international students confront discrimination while working in the United States' cafes and restaurants. The international students' wages and working conditions are frequently undesirable and inferior when compared to those encountered by American students (Sipe et al., 2016). This scenario created significant social justice issues, which may cause hazardous work environments for international students (Miller, 2016).

Alexander et al. (2015) posited that there is a global concern about managing diversity, which is necessary for sustaining businesses. Alexander et al. posited a diverse workforce includes a variety of racial groups, genders, religious philosophies, physically disabled employees, senior citizens, and bisexual employees. When managers become culturally competent, their organizations are more adaptable with a staff of different ages, races, genders, ethnicity, and sexual orientations, resulting in increasing organizational value (Albrecht et al., 2015; Huang & Dyerson, 2015; Miller, 2016; Tsai et al., 2016).

Culturally competent business managers will recognize that color or racial blindness and multiculturalism offer different prescriptions for reducing racial tensions (Albrecht et al., 2015). Apfelbaum, Grunberg, Halevy, and Kang (2017) explained color blindness nurtures looking beyond racial differences; multiculturalism supports recognizing color-blind people. Apfelbaum et al. introduced perceived intentional racial discrimination (PIRD), which is a construct that explains how color blindness versus multiculturalism will improve race relations. The authors found discrimination stems from the lack of awareness and understanding of racial differences; whereas,

multiculturalism minimizes discrimination and promotes race relationships (Enoksen, 2016; Kloek et al., 2015; Priyanko et al., 2014). Apfelbaum et al. conceded there is no one universal prescription for improving race relationships; each case has circumstances that vary from other cases.

When searching for employees, culturally competent managers interview a wide range of diverse applicants in their effort to avoid racial discrimination. Guchait et al. (2014); Morris, Hong, Chiu, and Liu (2015) found the interview process minimizes discrimination by using valid procedures that will predict job performance and suitable procedures validating the applicant will avoid creating adversity among a diverse workforce. Such procedures include personality tests, cognitive tests, questionnaires on diversity, reference checks, verifying resumes, and others (Morris et al., 2015). Durrani and Rajagopal (2016a) found interviews are essential criteria that provide the employer with an opportunity to ask appropriate questions that will determine whether the applicant can work well in a diverse workforce.

Managers who conduct interviews with new applicants emphasize the importance of maximum productivity and a diverse workforce as essential criteria for business success, which results in fewer discrimination complaints (Durrani & Rajagopal, 2016a). Some employers have the preconceived notion that some people with certain characteristics are less productive than those who have features that are customary and acceptable by the majority of individuals (Self & Self, 2014; Triana et al., 2015). This preconceived notion created discrimination; some applicants and employees believe their treatment is less favorable than others (Arshad, 2016). Durrani and Rajagopal (2016a)

found interviewers can enhance business' sustainability by determining how to use applicants' job skills optimally, rather than believing in a preconceived notion the interviewee has characteristics that are non-productive for the business.

When examining discrimination, business managers are cognizant that victims may have a biased opinion on how managers view discrimination (Bujisic et al., 2014). Some scholars researching employment discrimination used qualitative methods focusing on the victims of discrimination (Brewster, 2015; Marshall & Rossman, 2014; Morris et al., 2015). Other scholars study discrimination from a management viewpoint by researching the hiring and training processes, which may avoid bias (Bujisic et al., 2014). Using surveys and interviews, these scholars concentrated on employers' attitudes, managers' critical thinking, and human resource managers' personal feelings for ethnic groups that are discrimination targets (Weinzimmer & Esken, 2016). Researchers performed field experiments, either an in-person examination or correspondence tests (Feldman & Kricheli-Katz, 2015). Considering the limitations of existing research designs, researchers, who performed field experiments, measured the effect of ethnicity or race in the application process that will show statistical results on the extent of discrimination (Feldman & Kricheli-Katz, 2015).

In full-service restaurants, Baldrige and Swift (2013) found that African American restaurant employees are susceptible to receiving discriminatory treatment. Durrani and Rajagopal (2016a) found that over half of restaurant servers admitted that the quality of their service predicates their customer's ethnicity. When restaurant wait staff have a bias toward a particular ethnic group but must serve them, the wait staff will

provide them with inferior service (Dean et al., 2015). Replacing biased wait staff is not a solution because it is time-consuming and expensive (Durrani & Rajagopal, 2016a.). A more effective solution is adequate training procedures that will minimize employees' biases (Feldman & Kricheli-Katz, 2015). Another solution is establishing policies that prohibit biases among employees and ensuring applicants are aware of this policy (Dong et al., 2017; Wu, Han, & Mattila, 2016).

When Human Resource Managers search for employees, they are responsible for recruiting, interviewing, processing, enforcing fair hiring policies, and other obligations (Praus & Mujtaba, 2015). Considering the restaurant industry is one of the largest employers in the United States and employs a diverse workforce, enforcing fair hiring practices is compulsory (Durrani & Rajagopal, 2016a; Youngman, 2017). The discrimination phenomenon exists because some restaurant managers use discriminatory practices during the recruitment process (Dong et al., 2017). Hersch and Shinall (2015) found that minority applicants are 50% less likely to receive an interview than applicants from the majority race.

Gender Discrimination

Under Title VII, gender discrimination is unfair treatment in the workplace where employees' assignments are disadvantageous when compared with other employees because of their gender rather than their ability or skills (Youngman, 2017). Gender discrimination in hiring, promotion, and salary is illegal under Title VII of the Civil Rights Act (Banks et al., 2016). Under Title VII, all private employers, government agencies, and educational institutions that employ 15 or more people must abide by the

Title VI gender discrimination laws (Brewster & Brauer, 2016; Thompson, 2015). These statutes cover employees in labor organizations, employment agencies, and apprenticeship programs (Durrani & Rajagopal, 2016a). Although several organizations have policies that prohibit gender discrimination, such discrimination exists in the workplace (Alexander et al., 2015). Legislation and news media indicate gender inequity in the workforce is of substantial importance in the 21st century (Finkelstein et al., 2014).

Legislation agenda does not reduce the continuous gender wage gap, diminish the number of gender discrimination lawsuits filed each year, or lessen the overabundance of high profile cases the media exposes (Arshad, 2016; Sipe et al., 2016). Previous gender discrimination studies suggested that the people preparing entry into the workforce do not recognize gender discrimination is a significant threat aimed at them and their colleagues (Wu & Chen, 2014). In another study, after Sipe et al. (2016) interviewed 773 university students majoring in Business Administration, found students minimized or disregarded the likelihood that they will witness or experience gender bias or discrimination in their careers. Regardless of the students' disregard for bias, Sipe et al. posited that gender discrimination exists in the workforce.

Arshad (2016) found gender discrimination in the workplace influences the victim's job satisfaction and performance. Some employees may perceive inequitable opportunities in the workplace as a discriminatory practice because it has an impact on the excluded employees' income and social status (Wu & Chen, 2014). Some employees may opine that different opportunities undermine the social-political system, human waste resources, underutilize skills and knowledge, and prevent accessing the

advantages that different types of global knowledge may enhance an organization's sustainability (Martin, 2016). Triana et al. (2015) found minimizing different opportunities and maximizing job satisfaction occurs when managers use critical thinking, collaboration, communication, and creativity because they provide their employees with assignments that match their skills. Job satisfaction plays a vital role in minimizing gender discrimination (Triana et al., 2015). Kloek et al. (2015) posited that job satisfaction and psychological well-being decreased for both men and women when the workplace observes hostility toward women.

Alexander et al. (2015) found several gender discriminatory practices, which include hiring, promotion, salary, job stability/security, performance measures, and others. Scholars identified that job satisfaction depends on employment security, benefits, adequate compensation, an opportunity for using skills/ability, career development, feeling safe in the work environment, and relationship with management (Avery et al., 2015). Alonso, Moscoso, and Salgado (2017) complimented Avery et al.'s (2015) study when they found employees' personal growth and development increased job satisfaction, whereas lack of security in the work environment causes job dissatisfaction. Employees feel job satisfaction under a high-performance work system, which provides employees with opportunities for participating in decision-making processes, improving their job skills, having autonomy within their job, and providing career advancements (Gundry et al., 2014).

When restaurant employees believe their gender limits their career advancements, they may protest by using deviant behaviors against their employers or

specific employees (Bol et al., 2016). Such behavior may include exploiting their sick leave, pilfering, and performing their assignments with minimal enthusiasm, all of which threaten the restaurant's sustainability (Albdour & Altarawneh, 2014; Griffiths, 2016; Robinson, Wang, & Kiewitz, 2014). Restaurant employees who develop deviant workplace behaviors is a result of perceived injustice and gender discrimination; they then become emotionally detached and have minimal concern for their employer (Bennett et al., 2015). The employees' deviant behavior adversely affects the restaurant's profitability, tarnishes its reputation, and impedes the employees' teamwork spirit (Hersch & Shinall, 2015).

Female restaurant employees usually encounter more gender discrimination than male employees (Pauly & Buzzanell, 2016). In a gender discrimination study, Kloek et al. (2015) found full-time female restaurant employees earn 79% of what their male colleagues earn. Kloek et al. posited that restaurateurs place female employees in low-paying work assignments and hinder them from high-paying segments; chefs are an example. Triana et al. (2015) found the predominant male occupations have a higher statutory minimum wage than the predominant female positions. The federal minimum wage for non-tipped employees, of which 52% are male, is \$7.25 per hour; whereas, the tipped employees, 66% are females, have a \$2.13 per hour statutory minimum wage (Triana, et al., 2015). Brewster (2015) found among restaurant servers, full-time Caucasian female employees earn 68%, and African American female servers earn 60% of what their male counterparts earn.

Harassment

The EEOC 1990 Policy Guidance on Current Issues of Sexual Harassment mandated that all employers have written procedures, including guidelines for preventing sexual harassment from occurring (EEOC, 2015). Written procedures include an explanation of harassment and suitable sanctions for violations (EEOC, 2015). Managers are responsible for explaining harassment to their staff, the procedures for filing a harassment complaint, and the complainant has a right to representation (Becton et al., 2017; Triana et al., 2015). Dean et al. (2015) found when explaining harassment, an important aspect is informing their subordinates that having a bias toward a particular ethnic group does not exclude them from serving that group.

Harassment complaints in the workplace include mental and verbal interactions between employees (EEOC, 2015). Demeaning comments, whistling, bullying, and derogatory naming, from one employee regarding another, are examples of harassment (Dean et al., 2015). Verbal harassment includes indiscreet political declarations, risqué jokes, and suggestive art (Sipe et al., 2016). The Civil Rights Act of 1964 protects employees from such harassment because of its discriminatory nature (EEOC, 2015). Such verbal harassment may create a hostile work environment for the employee (Dean et al., 2015). Cavico and Bahaudin (2016) explained when verbal harassment creates a hostile work environment for an employee or adversely affects an employee's status within the organization; a harassment complaint has legal standing. Verbal comments that are infrequent light teasing or insignificant incidents are usually insufficient to support a harassment claim (Bennett et al., 2015). Business managers have a

responsibility to consider and analyze verbal harassment allegations seriously (Sipe et al., 2016). Ignoring complaints can cause reductions in employees' productivity, litigation, and government investigations (Kloek et al., 2015). Complaints from employees who only hear the harassment from a perpetrator have legal standing as acceptable evidence of verbal harassment (Sipe et al., 2016).

Management has the responsibility to confirm that their employees, English speaking or non-English speaking, understand the anti-harassment policies and comprehend the reporting and filing protocol for unlawful harassment claims (Enoksen, 2016). Cavico and Bahaudin (2016) found the best practices for training and supporting harassment policies are for the employer to create employee handbooks and make them available for review by the staff at any time. Pauly and Buzzanell (2016) posited an effective anti-harassment program includes a clear explanation of prohibited behavior.

Fusilier and Penrod (2015) explored dysfunctional behavior under the sexual harassment laws. The authors studied the role of business leaders in managing employees' dysfunctional behavior at their workplace, which negatively affects employees' performance. Fusilier and Penrod's objective was to develop prevention strategies and solutions for these destructive behaviors. Wu et al. (2016) found critical thinking and communication, which help solve dysfunctional behavior problems, are essential components of a discrimination prevention strategy program.

Smith, Stokes, and Wilson (2014) found that managers, who practice discrimination prevention strategies, know the sexual harassment laws, incorporate the laws into their company policies, and communicate the harassment policy with all

employees, including an explanation of procedures for filing a harassment complaint. Fusilier and Penrod (2015) posited business managers, who conduct regular interactive training on harassment policies, are practicing discrimination prevention strategies. An essential sexual harassment policy is including practices that set a communicative tone for minimizing such complaints (Smith et al., 2014; Swain & Lightfoot, 2016; Triana et al., 2015). In an effort to minimize discrimination, when business managers conduct performance reviews, they hold employees, especially supervisors, accountable for how they interact with each other (Dean et al., 2015; Hersch & Shinall, 2015; Wu & Chen, 2014).

When business managers practice critical thinking, collaboration, communication, and creativity, they resolve verbal harassment complaints (Gundry et al., 2014). A necessity for business managers is reviewing and considering all employee harassment complaints with respect and be certain the complainant feels at ease that retaliation will not happen (Smith et al., 2014). When reviewing and investigating a complaint, managers' obligations include interviewing all employees involved with the complaint and complying with antidiscrimination procedures in the company's employee handbook (Dean et al., 2015). A primary concern in the process is confidentiality as the complaint's evidence must remain with only the parties' involved (McGuire et al., 2015).

Religious Beliefs Discrimination

Within their harassment statutes, Title VII protects individuals' religious beliefs and practices (McGuire et al., 2015). Religious discrimination in the workplace is treating employees or applicants unfavorably because of their religious beliefs (Dean et

al., 2015). The law protects employees who practice any religion and who have held religious, ethical, or moral beliefs (McGuire et al., 2015). Dean et al. (2015) found business managers have a responsibility for safeguarding employees from religious harassment. Title VII mandates employers provide reasonable accommodations for employees when they practice their religious beliefs (Griffiths, 2016). If business managers retaliate against their employees for practicing their religion in the workplace, the managers are violating Title VII (Feldman & Kricheli-Katz, 2015; Griffin et al., 2016; Griffiths, 2016; Latner et al., 2015). Katsos and Fort (2016) posited managers, who are cognizant of employees' religious rights, will incorporate the rights into the company's corporate governance. Communicating the company's policy on religious practices may reduce discriminatory religious complaints (Griffiths, 2016).

Under Title VII, employers are responsible for offering adequate time and space for employees' religious beliefs and practices (Dean et al., 2015; Rey-Marti, Ribeiro-Soriano, & Palacios-Marques, 2016). Title VII prohibits employers from sanctioning employees who practice their religion in the workplace and from discriminating against employees because of race, national origin, skin color, and sex (Cukier et al., 2016). Business managers, who practice discrimination prevention strategies, protect employees from religious harassment; then monitor and recognize any harassment incident (Rey-Marti et al., 2016).

Katsos and Fort (2016) found business managers, who recognize that employees' job obligations could clash with their freedom of religion rights, provide accommodations for employees to practice their religion. These employees practice religion doctrines that

stipulate times for their religious observances, wearing religious clothing and jewelry while working, and a variety of daily duties based on religious beliefs (Feldman & Kricheli-Katz, 2015; Kloek et al., 2015). An essential obligation for managers is to know Section 20 of the Equality Act of 2010, which allows for reasonable adjustments in the workplace for employees who have protected characteristics, such as sex, race, disability, religion, and others (Cavico & Bahaudin, 2016; Griffiths, 2016). Katsos and Fort explored religious accommodations in the workplace, finding most workplaces in the U. S. maintain a secular character, which may cause disputes between employees and employers. Consistent with this concern, the number of religious discrimination lawsuits in the U. S. is increasing, which indicates more research may provide a better understanding of why biases toward religious practices might emerge at work (Hersch & Shinall, 2015; Latner et al., 2015). Minimizing religious biases and deterring discrimination complaints necessitates developing strategies that will accommodate employees' religious beliefs (Feldman & Kricheli-Katz, 2015).

Employers, who recognize their employees' religious practices, provide for necessary religious accommodations in the workplace in accordance with discrimination laws (Feldman & Kricheli-Katz, 2015). Dean et al. (2015) explored religious discrimination in the workplace by using a Right-Wing Authoritarianism (RWA)-Traditionalism scale on 120 participants (Smith et al., 2015). Right-wing authoritarians are people who willingly comply with authorities, whom they recognize as authoritarians, are conventional and genuine (Butt et al., 2016). Participation in RWA included only Christians or individuals without religious affiliations; no members of religious minority

groups in the U. S. were eligible to participate (Dean et al., 2015). Butt et al. (2016) found a two-way interaction between faith and workplace accommodations was insignificant, but the three-way interaction between faith, accommodation, and RWA-Traditionalism was significant. The results indicated how people with low-authoritarian traits might exhibit their forms of biased judgments, which is a critically understudied issue (Dean et al. (2015). Although the biases of people with high-authoritarian traits are well known, people with low authoritarianism may exhibit equally hostile reactions for traditional, conservative, or mainstream targets, which includes businesses that have traditional social values (Apfelbaum et al., 2017).

Transition

Section 1 is the foundation of the study, which includes a background of the problem, and a problem statement that addresses the negative affect discrimination lawsuits have on organizations' profits and reputations. Section 1 also includes a purpose statement, nature of the study, research and interview questions, conceptual framework, operational definitions, assumptions, limitations, and delimitations, significance of the study, and a professional literature review. In this literature review, I synthesized prior research and provided a chronology of the study's problem statement.

Section 2 comprises information about an appropriate research method and design for studying discrimination prevention strategies. I explained the research procedures for thinking, writing, understanding, and collecting information. Section 2 also includes the researcher's role, the purpose of the study, the tenets for selecting the targeted

participants, the data's collection and analysis, and the reliability and validity of the research.

Section 2: The Project

Section 2 explains the purpose of this study is exploring discrimination prevention strategies in the restaurant industry and methods on how I retrieved and analyzed sufficient data that answered the study's research question on prevention strategies. I presented information on the research method and design used to address the business problem guided by the research question of what prevention strategies do restaurant managers use to deter plaintiffs' discrimination lawsuits. I also discussed the role of the researcher, the participants, and the justification of the selected methodology and design. This section includes data related to population and sampling techniques, ethical concerns, data collection instruments, and strategies to assure the reliability and validity of this study.

Purpose Statement

The purpose of this qualitative multiple case study is to explore preventive strategies restaurant managers implement to deter plaintiffs' discrimination lawsuits. The targeted population will consist of 10 restaurant managers, who have implemented successful strategies that reduce discrimination complaints, which decreases overhead expenses. The 10 managers will have a minimum of five years of recent management experience and be working in 10 different restaurants in the metropolitan area of Boston, Massachusetts. The social implications of this study include a positive social influence in the community. Reducing discrimination lawsuits will enhance the sociocultural evolution of equal rights for those affected by discrimination. Reducing discrimination will increase diversity in communities and organizations. Those who previously suffered

discrimination will have more employment and housing opportunities. As these people enter the workforce, business managers will inherit new talent.

Role of the Researcher

As the researcher, I am responsible for the collection of the data. The researcher's role is to make informed decisions, link and abstract the explored data, and remain impartial (Collins, 2016; Otengei, Bakunda, Ngoma, Ntayi, & Munene, 2017). I obtained institutional review, attained permission for completing the research, and procured the obligatory documentation from the Walden University Institutional Review Board (IRB). The IRB verifies that I am a current student who is conducting this study in partial fulfillment of the requirements to complete the Doctor of Business Administration (DBA) degree. As the primary researcher, I explained the research perception. I also developed themes by interviewing, designing, transcribing, recording, authenticating, and analyzing the study's data.

As I prepared this study's research, I addressed and mitigated my personal lens/worldview. During the research process, the scholar creates an atmosphere of trust and allows participants to provide their individual descriptions of corporate experiences; and use the participants' viewpoints, which achieve their research objectives (Kochan & Riordan, 2016). Although I have previously managed and owned restaurants in Massachusetts during the 1970s and 1980s, I was open-minded, created trust with the participants, and mitigated biases. Since retiring from the restaurant business, I have no close personal relationships with any of the restaurant managers who are working in the geographic area of this study. I discussed my restaurant experience with the participants

to determine whether they knew me as a restaurateur. If they did, I decided whether to accept them as participants, depending on their responses.

To mitigate bias, I followed the outline of the interview protocol (Appendix) for all participants. During the interview process, I avoided seeking alternate interpretation for information collected from participants. Feerasta (2016) posited that researchers ensure their data influences the quality of their study is accurate, transparent, and genuine. I mitigated any undue influence by eliminating business leaders with an apparent or acknowledged relationship with this study. Pauly and Buzzanell (2016) believed that scholars who validate the data in their study could enhance the dependability, credibility, and transferability of their results and purge the possibility of distorting data. As part of the validation process, I asked each participant the same open-ended questions in the same order and continued interviewing participants until I achieved data saturation. In a qualitative case study, the scholar explores all related elements of the phenomenon under review with conscientious consideration focused on eliminating bias and establishing validity (Durrani & Rajagopal, 2016a).

To mitigate personal bias and personal lens/worldview about restaurant managers, I chose an interview protocol that prescribes strict adherence to alleviating personal bias, which encouraged obtaining fruitful data. I gathered data through email questionnaires, face-to-face interviews, and observations of the businesses' environments. As I searched for participants and while I conducted interviews, I refrained from developing a personal relationship with the interviewees, their businesses, and employees.

While semistructured interview questions guide the overall topic, participants have the opportunity to answer the questions as they see fit, allowing themes to emerge. When I conducted interviews, I remained neutral in dress, voice tone, and body language. I listened attentively to participants and record their beliefs and opinions accurately and without incorporating personal opinions. I recorded data electronically using a SONY ICD PX333 digital audio recorder. Conducting in-depth face-to-face semistructured interviews, as a qualitative research technique, I collected detailed information about this study's research question. I had full control over collecting primary data and had an opportunity to clarify any uncertainties that may arise. Enoksen (2016) posited that face-to-face interviews for qualitative research allow the researcher to obtain a direct observation of the participants' business operation, ask follow-up questions, and secure relevant data pertinent to the study.

Throughout the interview process, I remained impartial. To alleviate researcher bias, I respected the guidelines of the interview protocol (Appendix) for all participants. I refrained from pursuing alternate interpretations of the data collected from participants throughout the interview process. Karatuna (2015) posited researchers are impartial, avoid bias, and respect the interview protocol. For data verification purposes, I utilized member checking. I used the member checking process to summarize the information and allow the participants to verify the accuracy of the collected data, which will enhance the reliability and validity of the information collected. Collins (2016) cited member checking provides the interviewees the opportunity to acknowledge and verify the data collected, and then confirm whether it reflects their lived experiences accurately.

Although the member checking process has a few opponents who believe the process initiates negativity from the participants, Ritch and Begay (2001) found proponents of member checking are confident that the process verifies that the participants' descriptions are reliable and valid.

As the researcher, I adhered to ethical, principled guidelines for the protection of humans as outlined in the Belmont Report (1979). I honored the guidelines, which are respecting the confidentiality, ideas, and opinions of the participants and accurately report the information they provide. The Belmont Report explains the three essential ethical principles necessary for research. The three ethical principles for researching human subjects are the principles of justice, respect, and beneficence (Artal & Rubinfeld, 2017). The Belmont Report provides comprehension and safety for research conducted on individuals without their consent or understanding.

Participants

The participants for this study consisted of one restaurant manager from each of 10 restaurants in the Boston, Massachusetts area who have implemented successful strategies that deter discrimination complaints. The participants I selected for this study must have a minimum of 10 years' experience in the restaurant business with the most recent five years at a management level. Feerasta (2016) found participants who have effective proactive business management experience about a researcher's study are desirable candidates for the researcher to interview. Otengei et al. (2017) found participants who have five or more years' experience with successfully deterring discrimination are appropriate for a researcher's study on discrimination. The

participants for this study must have more than five years' experience and the knowledge to respond to this study's research question. Feldman and Kricheli-Katz (2015) explained an essential criterion for participants is having significant expertise in their field.

My strategy for gaining access to participants began by selecting them from a network of professional associations, which includes Massachusetts restaurant managers. Talamo (2016) and Feerasta (2016) recommended the participant selection process necessitate the inclusion of the researcher's professional associations and review professional publications relevant to the study. Using these means, I selected all participants using the purposeful sampling method. When conducting a purposeful sampling method, using professional associations and publications is valuable for obtaining participants (Kastner, Antony, Soobiah, Straus, & Tricco, 2016). To initiate contact with participants, I emailed them. When I received an email confirmation, I prequalified the participant, asking whether he or she has 10 years of recent restaurant experience with at least five years in a management position. I then requested an appointment for an interview at his or her place of employment, which began the development of a rapport with the participant. Russell et al. (2016) posited to obtain a meaningful exploration of a phenomenon; the researcher fosters a relationship with participants. I explained a formal site agreement is in force for which I have permission from the owners to gain access to the restaurant. The site agreement clarified the data collection methods encompassing the interview. Becton et al. (2017) found using formal site agreements is an effective method to gain access to participants.

An essential component of data collection is establishing a working relationship with participants (Robinson et al., 2014). When I arrived at the participants' site, I continued developing a working relationship as I explained the purpose of the study, the research procedures, and I will answer any questions the participants may have. I also reiterated to the participants that their information would remain confidential. Parker (2014) found developing a rapport with participants is an essential component to obtain sufficient data for a researcher's study. McMullen (2016) found an insightful study includes participants who have a rapport with the researcher and support the phenomenon under study.

Research Method and Design

Research Method

I used a qualitative research method for exploring strategies that restaurant managers practice to deter discrimination lawsuits. The qualitative research method was advantageous because I asked open-ended questions and analyzed participant responses regarding strategies that deter discrimination lawsuits. Scholars use qualitative research as a factual finding process that obtains an in-depth understanding of the analyses and experiences of the surroundings in which the phenomenon occurs (Parker, Chang, & Thomas, 2016). In this study, I sought to obtain the experiences, and an in-depth understanding of strategies restaurant managers use to deter discrimination lawsuits. Researchers, who use a quantitative method, use statistical and mathematical computational techniques to conduct an empirical investigation of a phenomenon (Pavlovich, Sinha, & Rodrigues, 2016). The quantitative method is not an appropriate

choice for this study, as statistical and mathematical computations would not describe the human experience of the participants in this study. Researchers who use a mixed method employ both a qualitative component and a quantitative component (Dean et al., 2015). Since I refrained from testing hypotheses, the mixed method fails to be the best choice for this study.

Research Design

There are five major designs in qualitative research: case study, ethnography, phenomenological, grounded theory, and narrative research (Pavlovich et al., 2016). The research questions support the research design (Parker et al., 2016). I used the case study design to explore business managers' strategies for deterring discrimination lawsuits. Ritch and Begay (2001) posited that researchers conducting case studies would gather several multiple realities from participants, and then interpret the data collected to construct descriptions of the phenomena. In this study, a case study is appropriate because I explored and interpreted data on discrimination strategies by gathering information from 10 participants. Researchers, who use a phenomenological research design, ask a group of people about their perceptions, opinions, and beliefs about a particular phenomenon (Gaya & Smith, 2016). For this reason, the phenomenological design is not an appropriate choice for this study. Ethnographic researchers study cultural groups in their natural environment over a prolonged period (Kastner et al., 2016). I did not study culture groups; therefore, ethnographic was not suitable for this study. A narrative research design relies on the written or spoken words of visual representation of individuals (Bennett et al., 2015). I relied on face-to-face interviews

rather than a visual representation of individuals; therefore, narrative research design is not appropriate. Grounded theory research is discovering emerging patterns in data (Yin, 2014). I did not discover such data; therefore, grounded theory is not an appropriate choice for this study.

Population and Sampling

In this study, I sought an understanding of effective strategies that restaurant managers practice to deter discrimination lawsuits. I used a purposeful sample size of 10 participants, who are restaurant managers from each of 10 full-service restaurants in the Boston, Massachusetts area. Under this sampling method, an appropriate sample size is one that adequately addresses the research question, but that the information will be sufficient for an in-depth analysis (Alonso et al., 2017). Purposeful sampling can help researchers select participants from a set of criteria, such as their characteristics, experiences, and knowledge (Brady, Bruce, & Goldman, 2016; McMullen, 2016). Purposive sampling is a nonprobability sampling technique that is most effective when the researcher is seeking to understand the participant's perspective (Praus & Mujtaba, 2015). Using purposeful sampling, I selected 10 participants who have prior experience and knowledge of successful discrimination strategies. Becton et al. (2017) found purposeful sampling is the researcher handpicks 10 to 15 participants, who have experience in the phenomenon under study. Ritch and Begay (2001) posited purposeful sampling involves a non-random selection of participants with unique individual characteristics and professional perspectives on the particular issue under study.

When validating this qualitative study, I ensured the study's purposeful sampling size provided the in-depth data required that would establish the transferability of its findings. Purposeful sampling comprises specific selection criteria that will target participants with specialized and specific professional and intellectual characteristics (Cary, 2016). Under purposeful sampling techniques, an essential criterion for the participants is having an inherent ability to disclose their professional and individual work experiences, using articulate and expressive communication skills (Kastner et al., 2016). Random sampling involves selecting participants with diverse demographics; expert sampling requires the researcher to examine new areas of research (Alonso et al., 2017).

Random sampling is not appropriate for this study. I did not examine new areas of research. In a stratified sampling method, the researcher uses different categories that divide participants into sub-groups (Kastner et al., 2016). I did not divide participants into sub-groups; therefore, stratified sampling is not appropriate for this study. Convenience sampling requires the researcher to use the most accessible participants (Katsos & Fort, 2016). I did not use the most accessible participants; thus, convenience sampling was not suitable for this study. After reviewing sampling methods, I chose purposeful sample because the participants have specific professional experience with discrimination strategies.

After each interview, I recorded the data and compared it to previous data collected, which guided data saturation by determining when participants ceased providing new information. Data saturation occurs when the researcher determines that

the participants are not providing new or different information; therefore, the data collection process is no longer necessary (Viet-Thi, Raphael, Bruno, & Ravaud, 2017). Ritch and Begay (2001) found researchers achieve data saturation and ensure the validity of their study after carefully creating their research question, choosing appropriate participants, eliminating bias, and analyzing data continuously throughout their interviews. Praus and Mujtaba (2015) found, according to general principles, data saturation occurs when there are no new data, themes and coding, and the ability to replicate the study is possible.

Ethical Research

Disruptive technology and modifications in the global economic environment present new threats and challenges for scholars on adequate management of ethical issues in their research endeavors (Ritch & Begay, 2001). I implemented business research that acknowledged Walden University's code of ethics in the performance of their fact-finding methods. Praus and Mujtaba (2015) believed the ethical approval procedures in business research are pertinent for maintaining the integrity of administrative and academic gatekeeping and for minimizing any negative consequences from the possible self-interest of participants or researchers.

In research practice, scholars are responsible for disclosing and exercising their ethical intent, judgment, behavior, and awareness during the research process (Hersch & Shinall, 2015). I followed this study's primary intention, which was obtaining information from 10 restaurant managers about the strategies they use to deter discrimination lawsuits. Before starting the data collection process, I secured permission

from the Walden University Institutional Review Board (IRB). I then commenced recruiting participants and advising them of their rights and obligations as outlined in the informed consent document. I informed all participants that their participation is voluntary and that they can withdraw their participation in the research process at any time and for any reason. I then asked the participants to sign a consent form that they agree voluntarily to an interview. Karatuna (2015) found using informed consent forms is an additional procedure for verifying the willingness of the participants to provide an interview. Lynn and Brewster (2015) cited that the interview process is for participants willfully disclosing information about a researcher's phenomenon. After signing the consent form and under the protocols of the Belmont Report, I ensured that all participants have a full understanding of their part in the study. Kloek et al. (2015) explained that the researcher has the responsibility to assure participants understand the consent form and that they will forego any monetary compensation and incentives.

I provided ethical protection for the participants in this study, under the 1979 Belmont Report, which protects participants under three principles: beneficence, justice, and respect. The agreement documents are in the text of this study, Appendix, and table of contents. The final doctoral manuscript includes the Walden IRB approval number. The names of the participants and companies will remain confidential. The participants were assigned identification numbers, and I referred to the organizations with a pseudonym to ensure participant confidentiality, which conceals any information that might betray the participants' identity. The participant's data will remain in a secured location in a home in a locked safe on a password-protected flash drive for five years.

After the five-year holding period, I will destroy all raw data. I deleted the files from the flash drive and shredded all paperwork, which ensured the anonymity of the participants and the organization. Laperrière et al. (2016) explained ethical obligations regarding securing and protecting data for five years, when to destroy data, and the importance of maintaining participants' anonymity.

Data Collection Instruments

For this qualitative multiple case study, I was the principal data collection instrument. The primary data collection instrument was semistructured face-to-face interviews. The secondary collection instrument was business documents from the participants' employers, such as discrimination policies and strategies the business managers use to deter discrimination lawsuits. Appendix has the data collection instruments, which includes interview protocol, interview questions, direct observation protocols, and recoding mechanisms.

I conducted semistructured face-to-face interviews, which has six open-ended questions that collected information on participants' professional work experiences with strategies that deter discrimination lawsuits. Doring and Wansink (2015) found that a face-to-face interview is a primary data collection method qualitative researchers utilize to accumulate information about the phenomenon under study. I used semistructured face-to-face interview questions (Appendix) to manage the discussions and listen to the human side of professional experiences. Semistructured interviews have a distinct structure that permits the interviewee to impart information relative to the research subject in which the participant has years of experience (Finkelstein et al., 2014). In a

semistructured interview, the interviewer can develop a purposeful venue to manage the discussion and retrieve the interviewee's experiences, which secures rich data on the participant's opinions, relationships, and professional employment practices (Pauly & Buzzanell, 2016).

During the interview sessions, I remained impartial as I reviewed the recordings to assess any themes, such as leadership styles and training. When scholars are the principal data collection instruments, Durrani and Rajagopal (2016a) found that scholars occasionally fail to separate themselves from the research. Achieving the data collection process necessitates the qualitative scholar to engage participants in spoken and non-spoken interactions, occurrences, and events and collect documents that support the participants' responses to interview questions (Butt et al., 2016). Alonso et al. (2017) found distinctive interpersonal skills, emotional intelligence, and self-awareness are personal characteristics that perceptive scholars display to obtain an in-depth understanding of their participants, expand their analytical perspectives of the research phenomenon, and manage their emotions.

During the interviews, I observed and followed the outline of the interview protocol (Appendix). I also documented personal notes and recorded participants' responses to interview questions by using the recoding mechanisms of the SONY ICD PX333 digital audio recorder. Katsos and Fort (2016) posited that a righteous interviewer maintains control of the session and refrains from using personal or professional experience to influence specific answers. Laperrière et al. (2016) emphasized the primary objective of the qualitative researcher is capturing new concepts about the

phenomenon under study as they relate human experiences in the interviewee's organization. To achieve the researcher's objective, scholars observe the paradigm of their interview protocol that provides relevant subjects to cover during the interview in a systematic format (Parker, 2014).

To enhance the reliability and validity of the information collected, I used the member checking process to encapsulate the information and allow the participants to verify the accuracy of the collected data. Collins (2016) cited member checking provides the interviewees the opportunity to acknowledge and verify the data collected, and then confirm whether it reflects their lived experiences. For scholars to endorse the credibility, reliability, accuracy, and validity of the data reviewed, they use member checking as a quality control process in any phase of the interview procedures (Griffin et al., 2016). Although member checking process has a few opponents who believe the process initiates negativity from the participants, Cerne et al. (2014) found proponents of member checking are confident that the process verifies that the participants' descriptions are reliable and valid.

Data Collection Technique

The purpose of this qualitative multiple case study was exploring preventive strategies restaurant managers practice that deters plaintiffs' discrimination lawsuits. I used the interview protocol, on the participants' premises, for conducting semistructured face-to-face interviews with pre-established questions (Appendix). The interview questions aligned with this study's research question, which is what prevention strategies do restaurant managers use to deter plaintiffs' discrimination lawsuits. During the

interview, I observed the business operations and listened to the human side of professional experiences in the framework of the study's research objectives. A semistructured interview protocol is useful for discovering factual data about subject matter that provides an understanding of the examiner's research questions while applying probing questions that stem from a prepared interview (Cerne et al., 2014). Face-to-face interviews are advantageous because they help acquire insight and perception of the study. Guchait et al. (2014) found face-to-face interviews enhance the researcher's comprehension of his study. I scheduled interviews on a day and time convenient for each participant. With permission from the participants, I audio-recorded the interviews using a SONY ICD PX333 digital audio tape recorder. I anticipated the duration of the interviews would be 45-60 minutes, which was sufficient time for obtaining the participants' individualized experiences. When the interview was complete, I asked the interviewee for pertinent company documents that support this study's research question. Feerasta (2016) found gathering documents would support and help verify the participants' testimonies.

My secondary data collection method was member checking, which improved the accuracy, credibility, and validity of this study. I summarized the information I received and allowed participants to verify the accuracy of the data captured in my field notes. Using the member checking process, I focused on reviewing the integrity and credibility of information, which relies on the participants' confirming the accuracy of the data, descriptions, and interpretations. Member checking is useful for furthering the credibility, transferability, accuracy, and completeness of the recorded data during the

interview process (Pauly & Buzzanell, 2016). Becton et al. (2017) posited member checking enhances the credibility of a study. The member checking process facilitates the researcher with verifying the participants' data without including the researcher's personal biases (Cerne et al., 2014).

Data Organization Technique

Throughout the organization process, I identified and classified developing patterns and trends, and analyzed contradictory participant interpretations and evaluations. Data organization technique is a process that identifies and catalogs trends, patterns, critiques, conflicts in participants' interpretations, evolving themes, and alternative perspectives (Becton et al., 2017). Durrani and Rajagopal (2016a) posited that codes would develop as researchers analyze the data for themes. Researchers initial data analyses may result in an overwhelming number of emerging codes, but the analysis will strengthen throughout the process as multiple concepts emerge (Becton et al., 2017). I organized and compiled this study's data by using ATLAS.ti Data Analysis for coding, theme development, and data interpretation. ATLAS.ti Data Analysis is computer-assisted qualitative data analysis that facilitates the coding procedure to be meaningful and assists the researchers to focus their analyses on specific codes and themes (Campbell, Boese, & Tham, 2016).

Campbell et al. (2016) posited that for scholars accurate and efficient storage of digital and non-digital information is essential to represent the data and participants' user profiles, to enhance the retrieval process, and to add new information. I ensured the safety, security, confidentiality, and accessibility of data as the primary objective in the

storage of the data. I used a data encryption key and passwords to secure the data stored on electronic devices and assign a pseudonym to each participant to protect their identities. Griffin et al. (2016) advocated data archiving as a procedure that ensures the availability of data and resources for review by future scholars. All paper and electronic copies of this study will remain in a secured fireproof safe in a protected home for no less than five years per IRB requirements, and then shredded or deleted.

Data Analysis

When I analyzed the collected data, I ensured the data provided the framework for this study, which is identifying, classifying, examining, and analyzing strategies that restaurant managers use to deter discrimination complaints. Data analysis is a technique that researchers use when they assess information, which discovers themes and patterns that directly relate to the study's primary research question (Cerne et al., 2014). When analyzing the data, I used methodological triangulation, which helped maintain consistency, as I compared findings from the semistructured interviews, audio recordings, direct observations, and company documents. Using the methodological triangulation, I reviewed and sorted this study's data collection, which included company documents, such as discrimination strategies' policies and procedures and managers' responsibilities for implementing discrimination strategies. The data analysis process involves methodological triangulation, data organization, and coding that identifies central topics and themes to format findings, interpretations, and results (Sipe et al., 2016). Campbell et al. (2016); Miller (2017); and Thaler (2017) posited that methodological triangulation

is a technique researchers use for confirming similar data discovered in various data collection sources.

As I organized collected data, I wrote themes, which may include: (a) group and intergroup dynamics, (b) management styles and processes, (c) interpersonal relationships, and (d) organizational norms. Associated themes may include supportive managerial behaviors, engagement strategies, and employee behaviors that affect organizational productivity (Shuck & Reio, 2014). I used a Microsoft Excel software program, which is helpful for organizing extensive data. Using Microsoft Excel provided this study with a visual representation of two or more themes in a coding system that has similarities associated with strategies managers use for deterring discrimination complaints. Implementing software programs will decrease the potential for bias that may arise from the researcher's background and personal experiences (Sipe et al., 2016). Collins (2016) posited using Microsoft Excel for coding themes helps prevent a researcher's bias. I broke down the study's data into themes, such as different strategies managers use to deter discrimination complaints. Coding is a useful strategy for identifying and categorizing the most important data in the researcher's documented answers from the interview questions (Delcourt, Gremier, van Riel, & van Birgelen, 2015).

On completion of the data collection activity, I inputted the unstructured information in the ATLAS.ti computer software programs and used its functions and features, which enhanced the data analysis process. Delcourt et al. (2015) posited scholars use qualitative data analysis software (QDAS), such as NVivo^R, MAXDAQ^R, or

ATLAS.ti™ that support the coding and analysis of significant amounts of unsorted audio, video, text and image data. Scholars use the mechanisms of the ATLAS.ti software package to code audio and video data and connect transcripts of field notes and media files that they can then display on a screen for ease of interpretation (Harvey, 2015). Pavlovich et al. (2016) posited that the ATLAS.ti software contains a self-organizing component that scholars can program to produce frequency tables and to identify code and organize keywords, themes, patterns, and concepts to form one unit of analysis. Brady (2016) found that users of the ATLAS.ti software could manipulate standard features to display comparisons among patterns, codes, themes, and concepts to form additional analytical conclusions.

Before writing a conclusion and establishing the findings of this study, I assessed alternative theories from the company's documents and the interviews I conducted. I compared data from the member checking follow-up interviews, direct observations, and company documents confirmed the credibility of the collected data. Griffin et al. (2016) posited that comparing data and assessing alternate theories from interview questions helps support a researcher's theme and conclusion. Feerasta (2016) found member checking is an essential analytical procedure for supporting a researcher's analyses of collected data. Cerne et al. (2014) posited comparing data retrieved from participants helps confirm the study's credibility.

Reliability and Validity

Harvey (2015) posited that a researcher's primary objective, when conducting a qualitative case study, is to enlarge available information on the phenomenon under

examination and to improve the validity, reliability, and relevance of the existing knowledge. I ensured this study's validity and reliability by using methodological triangulation and member checking that will verify the theme of the data's content. Methodological triangulation is a research technique scholars use when they compare, complement, and connect data from different sources about the same phenomenon that establishes new conclusions, and enhances the credibility and validity of the information (Delcourt et al., 2015). Researchers use member checking to verify the collected data are analyses of facts, experiences, and beliefs that establish and eliminate researchers' bias and misreporting (Brady et al., 2016). Supplementing validity and reliability with member checking and methodological triangulation, the quality of the data collected confirms the dependability of a case study (Wu et al. 2016). Schuster, Reisner, and Onorato (2016) posited that research had recognized an array of pertinent quality data, which includes accuracy, believability, objectivity, understandable, reputation, interpretability, consistent and concise representation, and relevancy.

Reliability

In the research discipline, the quality of the information in the study is essential to ensure the integrity, reliability, and credibility of the findings (Pauly & Buzzanell, 2016). I confirmed this study's reliability by applying consistency and care in the application of research practices. I reviewed transcripts and use member checking to inspect for accuracy and confirm that I secure the meaning of the participants' statements. Under the member checking procedures, I presented the interpretations of the interview to each participant allowing them to review the information and, if necessary, modify their

responses, which helped ensure data saturation. I confirmed that I had accurately collected the participants' experiences regarding strategies that deter discrimination lawsuits. Qualitative researchers ensure their study's dependability is reliable by confirming they are obtaining data from original sources and using uniform comparisons, which will enlarge the capacity of their analyses (Delcourt et al., 2015). Qualitative researchers minimize their data's variations and retain the thoroughness and precision of their conclusions and findings by using member checking, a coding system, external audits, and triangulation (Alonso et al., 2017).

Validity

I assured this study has validity by reaching data saturation, conducting member checking, and assuring its findings are credible, transferable, and confirmable. I implemented a chain of evidence, safeguarded transparency, and maintained impartiality. In a qualitative study, validity represents the credibility, transferability, and confirmability of the researcher's conclusions and findings (Durrani & Rajagopal, 2016b). Using multiple sources of evidence and maintaining a chain of evidence will help support the validity of the researcher's study (Harvey, 2015). Scholars can strengthen the validity of their study by safeguarding transparency and maintaining objectivity in their sample size and strategy (Luchenitser, 2016).

The credibility of a research study refers to the trustworthiness of the data and the quality of the combined processes of data collection and data analysis (Priyanko et al., 2014). I enhanced the credibility of the research findings and conclusions of this study by employing methodological triangulation and using the reflexivity process. Folta et al.

(2017) found a reflexivity process enhances the trustworthiness and credibility of qualitative studies. Credibility helps support the trustworthiness of data when there is triangulation, peer debriefing, persistent observations, reflexivity, and prolonged engagements (Pauly & Buzzanell, 2016).

When I examined the transcripts from the interviews and reviewed audio recordings and direct observations, I ensured data saturation, which occurs when new data does not surface. The researcher secures data saturation by conducting interviews that do not include new themes, new data, new coding and by having the ability to replicate the study (Folta et al., 2017).

Transition and Summary

Section 2 is the project, where I have described the research process. I collected data using semistructured interviews and secure pertinent documents that support this study's research question. Face-to-face semistructured interviews consisted of six open-ended questions focusing on discrimination prevention strategies that result in improving the organizations' reputations. I asked for company documents that provide additional relevant data, such as discrimination strategies' policies and procedures and managers' responsibilities for implementing the strategies. I ensured credibility, dependability, transferability, and conformability processes through methodological triangulation, semistructured interviews, document analysis, follow-up member checking interviews, acknowledging bias, and continuous contributions and feedback from participants.

In Section 3, I analyzed data that was useful for ascertaining the findings of the study. This section includes an overview of the study, presentation of the findings,

application to professional practice, implications for social change, recommendations for action and future studies, reflections, and conclusion of the study. Using the analyzed data, I explained the outcomes of the study thoroughly.

Section 3: Application to Professional Practice and Implications for Change

Introduction

The purpose of this qualitative multiple case study was to explore preventive strategies that restaurant managers implement to deter plaintiffs' discrimination lawsuits. The targeted population consisted of 10 restaurant managers, who have implemented successful strategies that reduce discrimination complaints and augment their employer's EEO policies. The result of this study may help business managers implement successful strategies the reduce discrimination complaints and lawsuits.

Presentation of the Findings

During the data collection process, I conducted research with 10 restaurant managers from 10 different restaurants in the Boston metropolitan area, who have implemented successful strategies that deter discrimination complaints. The participants I selected have a minimum of 10 years' experience in the restaurant business with the most recent 5 years at a management level and have the knowledge to help answer this study's research question. The research question is what prevention strategies restaurant managers use to deter plaintiffs' discrimination lawsuits. Feerasta (2016) found participants who have effective proactive business management experience about a researcher's study are desirable candidates for the researcher to interview. Otengei et al. (2017) found participants who have experience with successfully deterring discrimination lawsuits are appropriate for a researcher's study on this subject.

The conceptual framework used for this study is the 4Cs theory, which includes:

(a) critical thinking and problem solving, (b) collaboration and team building, (c)

communication, and (d) creativity and innovation (Markrakis & Kostoulas-Markrakis, 2015). The conceptual framework and the research question guided my interview questions. Using the interview protocol cited in Appendix, I asked each participant the following questions:

1. What prevention strategies do you use to deter plaintiffs' discrimination lawsuits?
2. How do you revise prevention strategies for deterring plaintiffs' discrimination lawsuits when there are revisions in discrimination laws?
3. What training do you provide for deterring plaintiffs' discrimination lawsuits?
4. What responsibilities do your managers have to practice the company's discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits effectively?
5. What discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits do you have in your hiring procedures?
6. What additional information do you have related to this topic?

After completing the interviews, I member checked, then analyzed the data collected using Microsoft Excel and ATLAS.ti computer software programs. From my analyses, I developed themes that support this study's conceptual framework. The themes that surfaced are (a) hiring practices, (b) training employees, and (c) policies and procedures.

Hiring Practices

Lynn and Brewster (2015) explained an applicant could sue an employer for discrimination before becoming an employee. Lynn and Brewster found having a good job description, assuring the employment application is legal, and using a script for the interviews helps prevent pre-employment discrimination complaints. Marcus and Fritzsche (2016) supplement Lynn and Brewster's finding that using pre-employment testing judiciously is another strategy that helps prevent pre-employment discrimination complaints.

When hiring employees, Bender et al. (2017) recommended that employers cite the skills applicants need for the available job, refrain from asking questions on protected characteristics, interview fairly, and record hiring decisions. When soliciting for new employees, P-5 and P-6 start their discrimination prevention strategies with creating job applications that ensure applicants know their employer is an Equal Employment Opportunity (EEO). These participants also specify the skills applicants need to perform the job. P-3 found constructing applications that align with the job specifications limits new employees from claiming discrimination on job requirements. P-1 and P-9 designed employment applications jointly with Human Resources to prepare interview questions that will detect whether applicants have a discriminatory or prejudicial nature. Both participants referenced an application question whether the applicant had been disciplined by a previous employer.

P-10 said, "I must be certain the applicant has the ability to perform his job without being discriminatory." He also emphasized that we must analyze and evaluate

the applicant's responses to our questions to determine whether he has an impartial nature. P-2 and P-4 focused on determining whether the applicant can work amicably with the staff and whether he or she has a prejudicial nature. P-4 said, "We must remain impartial and verify the applicant's references and prior employment to determine whether he has a discriminatory nature." P-6's standard hiring procedure is having the applicant participate in an interview and take a test with an independent consultant to help determine whether the applicant's communication is nondiscriminatory. After interviewing applicants, all participants indicated that they check the applicants' references and secure their criminal background information.

P-7 and P-8 review all applicants' applications, face-to-face interviews, verify references, and contact prior employers to determine which person is best suited for the job. P-7 said speaking with prior employers helps determine whether the applicants have a discriminatory nature. Despite such practices that help prevent discrimination, P-8 remembers an incident where she failed to follow her practices, which resulted in hiring a chef who had previous incidents of harassing employees. When the chef harassed two of P-8's waitresses, she terminated his employment. After dismissing the chef, she contacted his previous employer who told her the chef harassed employees.

Training Employees

Brewster and Brauer (2016) found that because discrimination lawsuits are costly, it is important that managers create a work environment that encourages diversity and deters employment discrimination. Durrani and Rajagopal (2016b) posited employers must adopt guidelines that prevent discrimination, and then prevention training for their

staff. All ten participants in this study provide discrimination prevention training for their staff. When orientating new employees, all participants start their discrimination prevention training sessions explaining the basis of discrimination can be on race, sex, religion, national origin, color, gender identity, pregnancy, and sexual orientation. At this training session all the participants apprise the attendees of recent changes in discrimination laws. During this training session, all the participants inform the attendees that all the employees are responsible for preventing discrimination.

All the participants abide by the laws that pertain to discrimination complaints and incorporate these laws into their business strategies that prevent discrimination complaints. According to P-1, “We must be cognizant of the most current discrimination laws and train our employees accordingly. Our training includes having the employees sign a statement that they understand the training session. We strive to prevent discrimination complaints.”

P-1 teaches effective communication as one of his discrimination prevention strategies. He is aware of his diverse workforce and the diversity among his customers. During regular staff meetings, P-1 emphasizes effective communication, explaining how some words or expressions can create a harassment complaint. P-1’s policy manual identifies verbal harassment, categorizing them into racial slurs, racial jokes, cruel religious jokes, gender stereotypes, and others. P-1 also reviews changes in discrimination laws. For example, he recently explained new regulations for religious holidays. At the end of each training session, all employees must sign a document that cites they understand the company’s communication policy and training. P-1 stated his

communication training is successful; his staff are now communicating with one another and customers well. Participant believes the training has been a contributor of the reduction of discrimination complaints; none since 2005.

P-2 and P-5 explained that during training sessions they review changes in the current laws and cite new laws. For example, Massachusetts revised their religious holidays by granting Muslims a leave of absence for their Ramadan season. Also, P-2 and P-5 cite a new one on cell phone harassment. If a person receives a harassing text message, the recipient can file a harassment complaint. P-2 and P-5 have their employees sign a document, which states they agree to abide by current laws. P-2 and P-5 informed their employees that that all company managers and supervisors have the authority to assure their compliance. Because P-5 manages a diverse staff, one of his discrimination prevention strategies is to train staff to work together, accepting others for their talents and contribution to the restaurant's mission.

P-2 said training is our primary prevention strategy. She said her employer has written discrimination policies, which she enforces when she manages and train staff. From her management experience, she said employees' longevity usually correlates with minimal discrimination complaints; the senior employees are very cognizant of discrimination strategies. P-2 explained discrimination prevention strategies include nurturing employees who seek management positions, saying, "65% of the restaurant's management started as line staff."

P-2 brings her public speaking experience into the training programs teaching the attendees to speak without insinuating discrimination and to avoid bias statements. She cited incidents where a derogatory word led to discrimination complaints. P-2 has regular staff meetings where she reiterates the importance of using non-discriminatory words and provides examples of such words. During such meetings, she explains any revisions in discrimination laws, and that her employer will incorporate them in the company's discrimination prevention strategies, which include deterring age, harassment, religion, racial, gender, and other biases.

P-6 trains employees to work together, to accept all staff's contribution to the restaurant's mission, and be cognizant of discrimination laws. He conducts discrimination training sessions with his staff bi-monthly, or more frequently if necessary. At the end of each session, employees sign a document that states they understand the information explained in the training session. P-6 has the discrimination laws for 2017 and 2018 posted in the staff lounge.

As one of their discrimination prevention strategies, P-7 and P-8 indicated that they explain to their employees that verbal and non-verbal communication must be clear; otherwise, the communicator may be subject to a discrimination complaint. They train their staff to avoid speaking certain words, ~~such as~~ or using **stereotypes** which may insinuate discrimination. P-10 stated, "Because my employees are from different ethnic groups, I teach discrimination prevention strategies, which includes nondiscriminatory communication." During discrimination training sessions, P-10 cited instances where he had a translator, who verifies that non-English speaking employees understand how

effective communication helps prevent discrimination. When a training session is complete, P-7, P-8, and P-10 have their attendees sign a document that they understand and will comply with the companies' discrimination prevention training on communication. For non-English speaking employees, P-7, P-8, and P-10 have a translator available, who signs the training document verifying the non-English speaking employees comprehend the training session.

P-3 explained his employer's communication training. P-3 trains his staff on listening skills; always be alert and aware of customers' needs and listen to understand all employees. If an employee does not understand a customer or co-worker, the employee must ask the company's translator for assistance. P-3, P-4, and P-9 use effective communication training for their employees. These managers stated communication includes interaction between employees and managers or between employees and customers. During training sessions, managers review the company's strategies that prevent age, religious, harassment, racial, and disability discrimination. After the training sessions, P-3, P-4, and P-9 post a summary of the training session in the staff cafeteria and email a copy to the attendees of the session.

Policies and Procedures

Policies and procedures advocate consistency throughout organizations and are a guide that helps reduce liability risks, such as discrimination claims (Swain & Lightfoot, 2016). In this doctoral study, the participants' employers designed policies and procedures to prevent discrimination lawsuits against their restaurants. The policies and procedures will help ensure the primary objective of the participants' employers, which is

being an EEO with impartial training and hiring programs that will help prevent discrimination lawsuits. All 10 participants in this study developed clearly defined policies and procedures as one strategy for deterring discrimination lawsuits.

As diversity increases in the workforce of the United States, collaboration becomes more important for sustaining a business and minimizing discrimination (Brewster & Brauer, 2016). P-1, P-2, P-3, and P-6 said the restaurant owners and shareholders write the policies and procedures and the participants administer them. P-5's employer has discrimination policies stating employees must work together on the company's strategies to prevent discrimination. Likewise, P-6 and P-8 are responsible for administering such policies. P-8 said, "Policies help us to prevent discrimination complaints."

During the hiring procedures, one of P-4's concerns is whether the applicant can adhere to the company's policies and procedures. P-1, P-7, and P-9 said their employers have written policies, procedures, and strategies that prevent discrimination claims, which includes working together as a team to adhere to the policies. P-2 said her employer has written discrimination policies, which she enforces as she manages, trains, and retrains staff. She said because the senior employees are very cognizant of discrimination strategies, they help apprise new employers of the company's policies.

Communication policies complement discrimination policies. When a training session is complete, P-3, P-7, P-8, and P-10 have their attendees sign a document that they understand and will comply with the companies' communication policies. P-4, P-5, and P-9 provide communication training for their employees. During training sessions,

the managers review the company's enforcement discrimination policies. Thereafter, the managers communicate the policies through emails, newsletters, and bulletin board postings.

Applications to Professional Practice

Business leaders and managers with a leadership style that deters discrimination will enhance the sustainability of their business (Crump et al., 2015). Discrimination lawsuits are inevitable; practicing deterrence is a necessary business strategy for business managers (Guillaume et al., 2016). Business managers who implement and follow discrimination prevention strategies successfully may improve their employer's reputation and sustainability (Katsos & Fort, 2016). P-5 said, "Our strict adherence to discrimination prevention strategies created a harmonious staff." Discrimination prevention strategies may contribute to respectable business practices, establishing a well-balanced workforce, fair hiring, training, policies, and accepting customers of all nationalities.

Employers who implement discrimination prevention strategies create a workplace culture that discourages discrimination and may avoid EEOC complaints and lawsuits. Implementing and integrating policies and procedures that any type of discrimination is unacceptable will help deter discrimination lawsuits. Employers who train their managers to implement and supervise anti-discrimination policies will create a culture in which discrimination does not occur. Managers must recognize actions that discrimination is occurring and know how to govern them.

Organizations with prevention strategies play a significant role in recruiting and hiring employees. P-1, P-3, P-5, and P-9 work with Human Resource employees to construct employment applications that align with the job specifications and include questions that will detect whether applicants have a discriminatory or prejudicial nature. These participants reported such procedures help reduce new employees from claiming discrimination on job requirements. P-1, P-3, P-5, and P-9's record of discrimination claims indicates since 2014, complaints filed by new employees are decreasing. If the managers are complying with the company's policies and procedures for preventing discrimination, employees are less likely to file a claim. If an employee files a claim, managers, who are complying with company policies, may prevail in a claim. By having claims dismissed early in the investigation process, may save in extra costs defending discrimination claims.

Discrimination training sessions are an essential strategy for preventing discrimination claims. Training should include refuting historical misconceptions of discriminatory language and behavior. When P-2 conducts training sessions, she uses role-playing for identifying word or actions that may insult different people. During P-4 training sessions, he holds team-building exercises and events that will help his diverse workforce to interact.

Implications for Social Change

Positive social change occurs when people change their behavior to benefit society (Banks et al., 2016). Discrimination causes social problems, poverty, and inequities (Artal & Rubenfeld, 2017). Successful discrimination prevention strategies

may promote self-worth, dignity, equality, and human rights for those who might otherwise suffer discrimination. This study of strategies that prevent discrimination lawsuits has implications for social change.

This study supplements the existing body of knowledge that develops strategies and provides expertise on how the findings for strategies that deter discrimination lawsuits are relevant to improving professional business practices. After analyzing strategies for such lawsuits, there are potential implications in terms of tangible improvements for individuals, communities, organizations, institutions, cultures, and societies. Positive social change occurs when people change their behavior to benefit society (Banks et al., 2016). Discrimination causes social problems, poverty, and inequities (Artal & Rubinfeld, 2017).

When managers and employees practice legal and respectful communication through policies and training, they feel content and safe at work, which may transfer to home and in their community and environment. P-3, P-5, P-7, and P-10 found effective and respectful communication with their staff and customers created an amicable environment in the workplace and community. All participants practiced equality when hiring and training diverse employees, which heightened their employees' self-worth and morale. A diverse work force promotes equality, reduces employee turnover, advocates human rights, and provides dignity.

Recommendations for Action

As managers become aware of changes in discrimination laws, they will need to adjust their prevention policies and strategies to deter discrimination complaints

(McGuire et al., 2015). Strategies that prevent discrimination are necessary for an organization or business to remain unaffected by discrimination claims. As managers adjust their prevention strategies, they must remain sensitive about how employees react to changes. Managers who experienced discrimination complaints previously could benefit from the prevention strategies cited in this study.

Although discrimination exists, practicing the 4 Cs (a) critical thinking and problem solving, (b) collaboration and team building, (c) communication, and (d) creativity and innovation will minimize discrimination complaints. Managers incorporate the 4Cs in their hiring and training practices and their employer's policies and procedures. When reviewing applicants for a job, critical thinking managers will evaluate the applicant's references, prior employment, and criminal history. This evaluation procedure is an effective strategy for minimizing discrimination. When managers train employees, they explain the company's discrimination prevention strategies. The employees sign a document, which states they understand and will adhere to the company's prevention strategies. After each training sessions managers will write a summary, posting it in the staff lounge and emailing it to all employees. Managers follow their employer's policies and procedures on preventing discrimination when they hire applicants and train them. The managers' objective is to remain in compliance with all discrimination laws and an equal employment opportunity employer.

The Equal Employment Opportunity Commission (EEOC) has investigative authority over discrimination complaints against employers. Managers, who know EEOC's authority, will maintain effective discrimination prevention strategies. If EEOC

becomes aware of a discriminatory act, they will pursue settlement negotiations on behalf of the complainant. If the settlement negotiations fail to produce an amicable resolution, the EEOC may pursue legal proceedings against the employer. Managers, who consistently revisit their company's discrimination strategies and train their employees on discrimination practices, will minimize discrimination complaints and EEOC investigations.

Recommendations for Further Research

I recognize there are possible limitations in this doctoral study. Limitations are uncontrollable threats to a study's internal validity (McMullen, 2016). This study focuses on one geographical area, Boston, MA. If I were studying other venues in the United States or other countries, the results might vary. Another limitation is the restriction in the design of this study. I explored discrimination prevention strategies by examining ten full-service restaurant managers who have 10 years of recent experience with a minimum of five years in a management position. If the restaurant managers had fewer than ten years' experience, the results might vary.

Alonso et al. (2017) posited the diverse workforce is rising in the United States due to the continuous increase of immigrants securing employment. The expansion of diverse workforces may support grounds for future research. An enlarged diverse workforce may require revised wording in businesses' policies and procedures to reflect new discrimination laws. After reviewing newly enacted discrimination laws, a future researcher may examine any disparate impact on ethnic groups, such as Hispanic, African Americans, Asian, Europeans, and Colombians.

Although the participants in this study have effective discrimination prevention strategies, in future years a researcher may examine the effectiveness of the strategies. Further research may investigate whether the existing prevention strategies have a plan that will minimize discrimination for the anticipated future demographics in the United States. A future researcher may also analyze the weaknesses and strengths of existing strategies to determine whether accelerating the decrease in lawsuits is possible. A future researcher may examine whether management can implement or strengthen existing strategies that will nearly eliminate discrimination lawsuits.

Reflections

As I reflect on my journey through this doctoral program, I now have a broader understanding of the challenges doctoral students must overcome to complete their study. My study consumed a significant amount of time for which I had to adjust my schedule to meet program deadlines. The result was worthwhile; I now have substantially more academic knowledge than I had when I began my doctoral journal.

I often reflected on one of former President Theodore Roosevelt's speeches. The core issue in his speech, "Citizenship in a Republic," was man should strive to do good deeds effortlessly. His principle issue motivated me to continue pursuing my doctoral degree effortlessly. While studying, I convinced myself I must continue until I complete my doctoral degree. I must never abandon my lifetime goal.

My reflections include the support I received from Walden University's staff, classmates, and family. I found the staff very helpful; they responded promptly to my inquiries and provided guidance and support. Classmates were supportive by providing

responses and offering resources in class. My correspondences with a few classmates led to meaningful discussions on our doctoral studies. My family was supportive; they encouraged me to keep moving forward toward my degree.

My final reflection is in the restaurant business. I was in that business in the 1970s and early 1980s. Since then, the business has changed significantly. There are far more restaurants now, due to a substantial increase in chain restaurants. Restaurants owned by one person or families are nearly non-existent, although I did interview four restaurant managers who were operating as sole proprietors. Other major differences include more menu options, awareness of the laws, an increase in the diverse workforce, additional open hours, and respect for customers. These changes were an awakening for me. I often queried how so many restaurants could survive. Now I understand the changes.

Conclusion

Discrimination lawsuits filed against businesses remain a problem that has captivated the interest of scholars and business leaders. Gundry et al. (2016) posited that discrimination lawsuits in the workplace are a pervasive phenomenon, which affects all businesses. Business owners spend thousands of dollars and hours defending discrimination complaints and lawsuits (Battistella et al., 2017). Not all business leaders or managers have the necessary preventive strategies to reduce discrimination lawsuits. Consequently, many businesses are subject to significant operational interferences, damaged reputations, and the deprivation of sustainability, which creates a need for research on the phenomenon of discrimination lawsuits filed against businesses.

The purpose of this qualitative multiple case study was to explore strategies restaurant managers use to deter discrimination lawsuits. Information reviewed in the data collection and analyses processes showed managers (a) have discrimination prevention strategies in their hiring practices, (b) train employees on the company's discrimination prevention strategies, (c) have discrimination policies and procedures and (d) demonstrate how these strategies minimize discrimination lawsuits. As managers practice these strategies, they build a harmonious team that prevents discrimination lawsuits filed by employees, customers, and independent parties.

Employers have an obligation to establish guidelines that will prevent discrimination (Albdour & Altarawneh, 2014). Strategies that prevent discrimination lawsuits are imperative for businesses and organizations to remain unaffected by discrimination claims. Managers use their strategies that prevent discrimination complaints and lawsuits when recruiting for employees. Their recruiting strategy includes providing those who are seeking employment with a thorough job description that (a) has detailed job responsibilities and description, (b) identifies the skills and expertise needed, and (c) specifies the necessary education and experience. When interviewing candidates, managers ask the same interview questions to each applicant and record the interview session. After the interview, managers verify the applicant's references, employment history, and criminal background.

After hiring employees, managers train them on the company's strategies that prevent discrimination. During the new employees' induction, managers provide them with a written summary of the company's discrimination prevention strategies, including

the policies and procedures. Thereafter, the new employees undergo regular preventing discrimination training sessions. The managers' training strategies include (a) ongoing training, (b) having employees sign a document that states they understand and will adhere to the discrimination laws, (c) implementing the changes in the discrimination laws, and (d) continuous supervision of all employees.

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Appendix: Interview Protocol

Date_____

Location_____

Interviewer_____

Interviewee_____

Orientation

Opening introduction and exchange of pleasantries

General Reminders to Participants

Purpose of the study

Reaffirm information shared will be confidential and used solely for the study's purpose.

Conversations will be recorded and handwritten notes taken during the interactions.

On completion of the transcription and analyses, process participants will complete a member checking exercise

Participants

The targeted population will consist of 10 restaurant managers, who have proven successful strategies that reduce discrimination complaints and have at least five years of recent management experience. I will choose one manager from 10 restaurants.

Length of Interviews

Each interview will last approximately one hour. I will reserve the right to request follow-up interviews for further clarification of participants' responses, if necessary to achieve complete data saturation.

Research Question

What prevention strategies do restaurant managers use to deter plaintiffs' discrimination lawsuits?

Interview Questions

1. What prevention strategies do you use to deter plaintiffs' discrimination lawsuits?
2. How do you revise prevention strategies for deterring plaintiffs' discrimination lawsuits when there are revisions in discrimination laws?
3. What training do you provide for deterring plaintiffs' discrimination lawsuits?
4. What responsibilities do your managers have to practice the company's discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits effectively?
5. What discrimination prevention strategies for deterring plaintiffs' discrimination lawsuits do you have in your hiring procedures?
6. What additional information do you have related to this topic?

Closing

Interviewer reviews manuscripts with interviewee and allows time for reflection, feedback and confirmation of accuracy of interpretation of key terms.

Thanks the interviewee for their time and request permission to ask for a follow up visit if necessary.