

ETHICAL AND LEGAL DIMENSIONS OF CUSTOMER CARE IN HOSPITALITY

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Abstract- Tourism is one of the priority sectors in the development paradigm of Kerala. Tourism industry is considered as an engine of growth by addressing issues related to poverty and employment. Hospitality sector plays a vital role in the success and growth of tourism industry by providing accommodation and ancillary services to the tourists. Hospitality sector is obliged to recreate and fulfil the fair and just needs of the tourists. Recently hoteliers are provided with world class facilities and services to attract potential tourists and strive to compete with in the industry.

Customer being the king of hospitality, the success rest on the customer care services and facilities provided. Hoteliers are bound to follow certain obligations towards the guests to maintain better relationship and to preserve the rights and privileges of the customers. On certain occasion with the aim of cutting operating cost or to earn secret profit and to shorten the service process hoteliers wilfully cease those obligations towards the customers. Law impose certain obligation on hotelier to preserve the rights to be enjoyed by the customers.

This paper aims to portrait the various ethical and legal obligations of hospitality sector towards the customers. This paper also examines in detail the importance of fulfilling the ethical and legal obligation in hospitality. This exploratory study is conducted in Kerala. The basic data needed for the study includes primary and secondary data. Following and fulfilling those ethical and legal obligations towards the customers can create an everlasting association and will strengthen the industry to achieve an interesting opportunity in the near future.

Index Terms: Tourism, Hospitality, Customer Care, Customer Rights, Ethics, Legal Obligation.

1. INTRODUCTION

Tourism is a social phenomenon of the movement of people from their normal place of residence to another place for a minimum period of twenty four hours to a maximum of six month for the sole purpose of leisure and pleasure (Tewari). Tourism is a multi-segment service industry having various components such as hospitality, tour operations and travel services. Hospitality caters the need of food shelter and other travel related services to the tourist, provided he or she is in a position to pay for it. Tourists spend utmost time and avail extreme services from the place where they reside. There comes the importance of better relationship between the host and guest. For the healthier future of tourism, the industry as well as the law put forward certain obligations on the part of the hoteliers while rendering service. Adhering those obligations, the rights and privileges enjoyed by both tourists and hoteliers will be conserved and tends to better customer relationship. Though tourism is a service industry providing intangible and invisible services, better relation may aid to make the service memorable and recalls the tourist in the future. Realizing those obligations should be treated as a strategy for the progress of future tourism.

Hospitality is one of the oldest service sectors in the world and its history goes back to sixth century BC. The development of transportation by air, road, water and railways made travelling more prominent and leads the development of the business of inns. With those developments the inn keeper started providing quick, comfortable, clean and effective service.

In Kerala tourist are provided with accommodation facilities in different types of hotels, resorts, home stays, guest houses, lodges and hostels. The accommodation sectors where commonly termed as hotels and the persons who take care of the entire activity of a hotel are the hotelier. Indian hoteliers have flourished to provide international standards to attract satisfy and retain the prospective travellers. The quality and standard of Indian hotels could now compete with the Western countries.

2. CUSTOMER CARE IN HOSPITALITY

Customers are the most important stakeholder of all business and the existence of any business relay in the hand of customers. Commercial business ceases to exist if there is no customer. The late Management Guru Peter Dructor stated that the one true purpose of business is to create a customer. The success and future existence of business depends upon the customer satisfying capacity of the products or services rented. Consumer interest should be the foremost while designing, producing, delivering and serving products or services.

Indian hoteliers believe in an ancient philosophy 'adhithi devo bhava' means 'guests are god'. Hotels being a service sector offer variety of service to satisfy the guest's requirement. Hoteliers face complications in satisfying guests by offering intangible, invisible and heterogeneous services. To overcome those difficulties, hoteliers while visioning put certain strategies and guidelines to ensure efficiency and quality of services.

3. OBLIGATIONS OF HOTELS TOWARDS CUSTOMERS

The duties owned to a traveller are to provide reasonable refreshment and accommodation with or without reservation to any traveller seeking accommodation. Customers' being the key component of hospitality however faces certain problems with the hoteliers on misconduct or relinquishing various rights of the customers. To preserve the rights and privileges of customers certain obligations were levied upon hotelier. Accomplishing those obligations may leads to maintain a better relationship between the hoteliers and the guest. Law imposes certain rules and regulations on hoteliers to preserve the customers and guests from exploitation. In 1985 the United Nations Assembly adopted certain universal policies to provide a framework for strengthening national consumer protection policies around the world, which include,

- The right to safety
- The right to be informed
- The right to choose
- The right to be heard
- The right to satisfaction of basic needs
- The right to redress
- The right to consumer education
- The right to healthy environment (Sulphey)

The various obligations of hoteliers towards the customers were the provision of accommodation, food and beverages, safety of guest and to the properties and belongings of the guests

3.1 Provision of Accommodation

A hotel is obliged to respectfully invite all travellers and provide accommodation if available, at any time of the day or night. The obligation to provide accommodation is concerned with bedrooms and does not require some other room, eg: lounge or corridor or lobby to be offered if all bedrooms are occupied. The hotelier is not obliged to convert any room or public area as bedrooms to let (Negi 2001).

The hotelier is obliged not to deny accommodation to those guests who make their reservations in advance and should follow the terms and conditions. At the time of advance reservation the guests are obliged to make advance payment towards confirmation. If guests cancel or postpone the reservation, the hotelier is entitled to repay the advance amount, after deducting the cancellation charges or the loss incurred with the cancellation which should be mentioned in advance.

The hotelier shall not discriminate the guest on the basis of nationality, sex, cast, religion, creed or race. The hotelier is not bound to raise the charges or impose extra charges to the guest on such discrimination or nationality. The hoteliers are obliged to respect and serve all customers equally without any such discrimination. The hotelier is bound to fix and charge fair and equitable rent from the guests. The hotelier must make sure that the guest must receive values and recreation for the amount they remitted. The hotelier must display the current prices charged for room per night with the category of rooms meant for accommodation, and must clearly state the plan whether it is European, Continental, American or Modified American plan. The price should be displayed in an auspicious part either at the entrance or at the reception. The hotelier has right to seek advance payment to avoid further difficulties of unpaid bills and can deny accommodation to those who refuse to make advance payment.

The hotelier is obliged to make necessary arrangements to accommodate physically challenged persons by providing specially designed and equipped room fit for disabled persons. Such rooms should be equipped with low height table and chairs, adjustable bed, adjustable grab bars, wheel chair access to toilet, codeless phone, emergency bell, sliding doors etc. Special provisions for car parking adjacent to the lobby area and wheel chair access to be provided for such persons.

The hoteliers are having a legal duty to convene the registration formalities while allotting rooms. The registration of the guest can be made in the register or with the guest registration card made for this purpose. The register or the registration card must cover the name of the guests, age, gender, address, nationality, and purpose of visit, arrival date, and proposed date of check out, room tariff, advance amount and the signature of the guest. For foreign nationals the hotelier has to register online C- form with the foreign regional registration office within twenty four hours of registration. The hotelier is obliged to hand over the registration details to the competent authority on demand.

The hotelier on certain occasion, use its discretion and refuse service or accommodation. No suit can be exercised against the hotelier for refusing a guest to accommodate under the following conditions,

- If all the rooms allocated to accommodate guests are occupied.
- If the guest is drunken or under the influence of any drug.

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- If the guest is not fit to the standard and decency of the establishment and the presence of such guest or his behaviour may likely to interfere or create disturbance to other guests.
- If the prospective guest is a known criminal or his luggage contains something not permitted.
- If the prospective guest refuses to make advance payment or asks for lower rate or discounts

The hotel is having the right to evict guests using guest's room for illegal or unfair purpose. Accommodating or sharing others in a guest room without the knowledge and consent of the hotel amounts to be an unfair practice and such persons including the guest can be evicted by the hotelier. There shall be an obligation on the part of the guest to inform and get consent from the hotelier to accommodate another person in guest room.

3.2 Provision of Food and Beverages

The hoteliers are bound to provide necessary facilities to supply food and beverages at the premises of accommodation. It is sufficient to supply food and beverages not only to the guests those staying in the hotel but also to the customers who enter to avail such services. The food need not be an authentic meal. Alcoholic beverages can be served only if the hotel is licenced. The food and beverages so served must require the minimum standard. It should be prepared and served in a clean and hygienic environment; the food should be properly cooked and edible.

Hotelier must obtain licence to carry out the trade of food articles under FSSAI act. The hotelier has to ensure that the staff members are physically fit and free from communal diseases to serve food articles and possess health fitness cards from the concerned authority.

The prices for the food and beverages must be predetermined and displayed in an auspicious part in clear and legible manner. The prices can be displayed by way of notice board or posters or keeping menu cards. While displaying the prices, the taxes and service charges should be mentioned as an amount of percentage.

The customers or the guest on certain occasion can refuse to make payment or can demand for replacement, if the food and beverages so served is not edible, or if the food and beverages served is not demanded or if the food and beverages supplied does not correspond with the description.

Hotelier can refuse to provide food and beverages to certain persons if he is under the influence of alcohol or drugs, does not comply the dress requirement or suffering from any communal disease, which may likely to spread infection to other customers and guests.

3.3 Provisions for the Safety of Guests

The hoteliers are having an absolute duty to take care of those who are entering the premises for availing services. Hence an absolute liability lies with the hoteliers to provide compensatory measure to the guests. The hotels have to take necessary steps for the safety and security of the guests as well as customers. The hotels have to make sure that establishment is free from defects and the attitude of the employees towards the guests might not create any problem with the guest's safety. The hotelier is also liable for physical harm of guests caused by other guests.

The hoteliers' liability for guest's safety applies to those parts of the premises to which the guests are entitled to go. Thus those guests violate the sign boards or precautions taken by the hotelier for the protection and safety of the guests is not entitled to receive compensation. The hotelier is bound to create a safe and healthy environment for the well-being of the guests by providing, healthy atmosphere free from dusts, fumes and pests. The corridors, passages, stairs etc. must be free from obstacles and the floors must be properly maintained without pits and holes. The hoteliers are bound to take precautionary steps to protect the guest from fire by installing fire alarms, fire extinguisher, sprinkler, smoke detector, fire exit stairs with fire exit directions etc.

The hoteliers has to take necessary arrangements for the safety and security of the guests by deploying security personals, and the premises of the hotel establishment should be under the coverage of closed circuit television system. While appointing a staff, hoteliers have to collect the police clearance certificate of the staff members including trainees and part time staffs to ensure they are free from criminal background.

3.4 Provisions of Guest's Property

The hotelier is having an obligation to take care of the guest's property. The hoteliers are liable for the loss or damage to the property of a guest who has taken a room at the hotel for accommodation. The hotelier's liability is not depended upon how the property is lost or damaged. If the loss or damage was happen due to the negligent or fault of the guest then hotelier's liability is limited. The hotelier is obliged to take necessary steps for the safety and security of the guest's belongings. If the loss or damage was caused due to the negligence of the staffs, then liability rest up with the hotelier.

The hotelier has to provide reasonable time to their guests for the removal of the belongings even if he or she checks out the room. Thus relationship never terminate even if the guest left the room, he must be provided grace time to shift the luggage that belongs to him.

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The hotel is obliged to accept any property or valuable that belongs to the guest other than a car or a live animal for safe custody. The hotelier must accept those properties and place it in a container and sealed them in the presence of the guest and issue a receipt. Hotels can also charge reasonable storage fees for the property kept in safe custody. On the request of the guest the hotelier is obliged to hand over the property to the guest. Upon the authorisation of the guest such property can be handed over to authorised person also.

The hotelier has a right to hold such belongings of the guest if the guest failed or refuse to make the payment. In the event of unpaid bill, hotelier may detain any property belongs to the guest until the guest make payment over the bill by exercising right to lien. The hotelier is not obliged to detain the guest, or his clothes he may wear, if the bill be unpaid. The hoteliers while exercising such lien must provide reasonable care to such property and shall be liable if any loss or damage happens. On the payment of the bill or the settlement of account the hotelier is liable to hand over the property belongs to the guest kept under lien.

CONCLUSION

The increase in tourist's traffic demanded a need for shelter and other basic travel needs to a large extent. Hospitality sector caters those needs by providing accommodation and ancillary services to the tourist. With the aim of cutting costs, to earn secret profit and to shorten service procedure the hotelier tends to exploit their guest by relinquishing the rights and privileges of travellers. To protect the rights and privileges of guest from exploitation certain obligations have been implanted on hoteliers. Those obligations might be legal or moral and following those obligations will lead to better customer relationship. This may help hoteliers to retain the existing customers and to attract prospective customers. Along with those obligations hoteliers are having certain rights over their guest to preserve their rights and privileges. Fulfilling those obligations may strengthen tourism industry to a better sustainable future.

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