

# Reach Out and Touch Your Customers

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A casual but intentional touch of a customer's shoulder by the server increased his tips and, by extension, perhaps enhanced the overall dining experience for the customer.

**N**onverbal communication is an important topic for the hospitality industry because the nonverbal messages that customers receive from service employees can have more potent effects than those workers' verbal messages. For example, one researcher reported that nonverbal actions have five times more effect than do verbal messages on judgments of a communicator's friendliness and liking for the message recipient.<sup>1</sup> To the extent that restaurant and other managers care about the messages that they send to customers, those managers need to improve their understanding

<sup>1</sup>Michael Argyle, *Bodily Communication* (London: Methuen, 1988), pp. 90-92.

and management of nonverbal communication.

One nonverbal behavior that has received little attention within the industry is touching. Managers often encourage employees to establish eye contact with customers, to smile

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at customers, to nod their heads affirmatively when selling to customers, and even to squat down next to customers' tables.<sup>2</sup> However, managers rarely (if ever) encourage employees to touch their customers. We think that this is unfortunate, because touching is a powerful way to communicate our caring and liking for one another.<sup>3</sup>

One reason touching is not encouraged within the industry is that many managers fear their customers might react negatively to being touched. However, previous research suggests that such fears are unfounded and that consumers respond positively, not negatively, when touched by employees who are serving them. In retail settings, briefly touching customers has been shown to increase customers' shopping times and purchase amounts and to improve those shoppers' store evaluations.<sup>4</sup> Similar effects have also been observed in hospitality settings. Restaurant customers who were briefly touched by a server were found to evaluate both the server and the restaurant more favorably and to leave the server larger tips than did untouched diners.<sup>5</sup>

<sup>2</sup> See, for example: Michael Lynn, "Seven Ways to Increase Servers' Tips," *Cornell Hotel and Restaurant Administration Quarterly*, Vol. 37, No. 3 (June 1996), pp. 24–29; Marriott's "New Hire Training and Certification: Every Guest Leaves Satisfied," p. 67; and Jim Sullivan and Phil Roberts, *Service that Sells!* (Denver, CO: Pencom, 1991), p. 86.

<sup>3</sup> Argyle, pp. 88–92.

<sup>4</sup> See: Jacob Hornik, "Tactile Stimulation and Consumer Response," *Journal of Consumer Research*, Vol. 19 (December 1992), pp. 449–458; and David E. Smith, Joseph A. Gier, and Frank N. Willis, "Interpersonal Touch and Compliance with a Marketing Request," *Basic and Applied Social Psychology*, Vol. 3, No. 2 (1982), pp. 35–38.

<sup>5</sup> See: Hornik, pp. 452–454; April H. Crusco and Christopher G. Wetzel, "The Midas Touch: The Effects of Interpersonal Touch on Restaurant Tipping," *Personality and Social Psychology Bulletin*, Vol. 10, No. 4 (December 1984), pp. 512–517; and Renee Stephen and Richard L. Zweigenhaft, "The Effect on Tipping of a Waitress Touching Male and Female Customers," *Journal of Social Psychology*, Vol. 126, No. 1, pp. 141–142.

The research on employee touching of customers has found that consumers' positive reactions to being touched are unaffected by the sex of the customer or of the employee, and are also unaffected by the type or geographic location of the retail setting. However, it is not clear whether a positive customer reaction can be generalized to different touch durations or to different customer age groups. Our current research begins to explore those uncertainties.

Existing research on touching in commercial settings has involved touches that were described as "brief" or as lasting only one to one-and-one-half seconds.<sup>6</sup> It is possible, therefore, that touches of longer duration would produce different results. According to Argyle, the ability of touch, gaze, proximity, and other nonverbal behavior to elicit a positive customer response occurs "...only up to a point: there is a normal and comfortable range for each of these variables, and a person who comes too close or gazes too much, produces increased, physiological arousal and is liked less."<sup>7</sup> We wondered what the normal and comfortable range of touching in commercial settings might be. Specifically, we wanted to know whether touching customers for more than a second or two might backfire and provoke negative rather than positive reactions from customers.

Furthermore, we recognized that no existing study of touching in commercial settings examined age differences in consumers' reactions to being touched. We speculated that, because consumer attitudes are often formed early in life and because hospitality service has become more casual over time, older con-

sumers may prefer more-formal server–customer interactions than do younger consumers. If so, then older consumers may react less positively to being touched by servers than do younger consumers.

Our study examined the two issues discussed above. We sought to determine whether the age of the customer influenced the customer's reaction to being touched and whether a long versus a short touch created some difference in the customer's reaction to being touched. Knowledge about such effects would help servers decide whom to touch and for how long. It would also help managers develop appropriate policies and training programs concerning employee touching of customers.

### Testing the Touch

We tested the effects of touching customers for more than a second or two and the effects of touching both younger and older customers. An Asian-American waiter at a Bannigan's restaurant in Houston randomly assigned his customers to receive a brief touch, a prolonged touch, or no touch at all. Our goal was to examine the effects of touches that were longer than those touches previously tested, but that were still within the range of realistic server behaviors. Thus, the brief touch lasted approximately two seconds (silently counted as *one-Mississippi, two-Mississippi*) while the prolonged touch lasted approximately four seconds (silently counted as *one-Mississippi, two-Mississippi, three-Mississippi, four-Mississippi*). The waiter touched his customers on the shoulder while delivering the check at the end of the meal. He also recorded each subject's bill size, tip amount, and touch condition (i.e., brief, long, none), as well as his or her sex, race (white or nonwhite), and age category (young to middle age or

<sup>6</sup> See: Crusco and Wetzel, p. 514; Hornik, p. 453; and Stephen and Zweigenhaft, p. 142.

<sup>7</sup> Argyle, p. 90.

## Exhibit 1

### Study methodology

#### Source of Data

An Asian-American waiter at a Bennigan's restaurant in Houston, Texas, collected data about every third dining party assigned to his section (a smoking section) over a period of several weeks. The waiter worked both afternoon and evening shifts. Parties of eight or more were excluded from the study because gratuities were automatically added to their bills. In addition, data from 14 patrons receiving discounts or complementary food items were excluded from analysis because their check sizes were not comparable to those of other patrons. A total of 105 observations were obtained and analyzed.

#### Touch Manipulation

Every third dining party seated in the waiter's section was included in this study. The waiter served those dining parties using his normal routine until it was time to take the bill to the table. Before delivering the bill, he waited for a verbal or nonverbal signal that the party wanted its check. The person signaling for the check became the subject. If more than one person received a check at the table, they were treated as separate subjects. Once a subject was identified, the waiter randomly assigned him or her to either a "control" or "touch" condition by tossing a coin. If a touch condition was indicated, a second coin toss was used to randomly assign the subject to either a brief or prolonged touch. In the control condition, the waiter delivered the check to the table without touching the subject in any way. In the brief-touch condition, the waiter touched the subject's shoulder for approximately two seconds (silently counted as *one-Mississippi, two-Mississippi*) when placing the check on the table. In the prolonged-touch condition, the waiter touched the subject for approximately four seconds (silently counted as *one-Mississippi, two-Mississippi, three-Mississippi, four-Mississippi*) when delivering the check.

#### Variables Recorded

The following information was recorded and analyzed.

- (1) *Touch*: Whether the subject was assigned to the control condition ( $n = 58$ ), the brief-touch condition ( $n = 27$ ), or the prolonged-touch condition ( $n = 20$ ).
- (2) *Sex*: Whether the subject was male ( $n = 47$ ) or female ( $n = 58$ ).
- (3) *Age*: Whether the subject appeared to be young to middle-aged ( $n = 36$ ) or middle- to old-aged ( $n = 69$ ).
- (4) *Ethnicity*: Whether the subject was white ( $n = 89$ ) or nonwhite ( $n = 16$ ).
- (5) *Separate checks*: Whether the dining party received one check ( $n = 85$ ) or more than one check ( $n = 20$ ).
- (6) *Payment method*: Whether the subject paid with cash ( $n = 89$ ) or credit ( $n = 16$ ).
- (7) *Tip size*: The size of the tip left by the subject ( $\bar{X} = 2.66$ ,  $sd = 1.62$ ).
- (8) *Bill size*: The size of the subject's bill ( $\bar{X} = 21.28$ ,  $sd = 12.36$ ).

#### Identification and Treatment of Outliers

The dependent measure used in our analysis was tip amount as a percentage of the bill—in the accompanying article called "tip percentage" or "percent tip." A frequency distribution of this variable showed a large discontinuity after values of 26 percent—there were four extreme values ranging from 38 to 61 percent. Those four extreme values were over 2.5 standard deviations from the mean, so they were statistically significant outliers. To prevent those outliers from having a disproportionate effect on our analyses, we reassigned them a value of 26 percent. This procedure also reduced problems with unequal variances in the experimental conditions. All of the analyses reported in Exhibit 2 were performed on the modified data. Three of the four modified observations came from touch conditions—one from the brief-touch condition and two from the prolonged-touch condition—so our treatment of those outliers did not positively bias our tests of the touch effects. Furthermore, robust regression analysis performed on the original data produced essentially the same results.—M.L. and J-M.L.

middle to old age). More details about the study and its methodology are presented in Exhibit 1.

### Findings and Implications

We found that customers tipped significantly more when touched than when not touched, and that the duration of the touch had no effect on tipping. Percentage tips increased from an average of 11.5 percent in the no-touch condition to an average of 14.9 percent in the brief touch and 14.7 percent in the prolonged-touch conditions (see Exhibit 2). This study's findings about the effects of employees' touching customers replicates findings from at least three previous studies.<sup>8</sup> Together, these studies suggest that hospitality managers should encourage their employees to physically touch customers—doing so will increase customer satisfaction and employee tips.

Our finding that even four-second touches increase tips suggests that hospitality managers and employees need not fear that they might accidentally touch customers for too long. Obviously, excessively prolonged touches could evoke negative reactions. However, it is extremely unlikely that a server would accidentally touch a customer for more than four seconds. Indeed, four seconds is a long time when touching a stranger. To get a sense of just how long four seconds is in this context, we encourage readers to try touching a casual acquaintance while silently counting *one-Mississippi, two-Mississippi, three-Mississippi, four-Mississippi*.

**Sex effect? No.** Since the duration of the touch had no effect on tipping, we collapsed the two touch conditions when assessing the

<sup>8</sup> See: Crusco and Wetzel, pp. 512–517; Hornik, pp. 449–458; and Stephen and Zweigenhaft, pp. 141–42.

generalizability of touch effects across the sex and age of the customer (see Exhibit 2). Our analysis indicates that touching increased the tips of men and women equally. That is, touching increased men's average tips from 10 percent to 14 percent and increased women's average tips from 12.6 percent to 15.5 percent. This finding replicates the results of another study that also found no sex difference in the effects of touch on tipping.<sup>9</sup> However, both of these studies involved touching the person paying the bill. When other members of the dining party are considered, research suggests that touching the female companions of male customers enhances tips more than does touching the male customers themselves.<sup>10</sup>

**Age effect? Yes.** Though tipping was not influenced by the touched customers' sex, the customers' age did have an effect. Young customers responded more positively to being touched than did older customers. Touching increased the average tips left by young customers from 10.9 to 17.7 percent, but only increased the older customers' tips from 11.9 to 13.7 percent. This finding suggests that hospitality workers should be particularly inclined or encouraged to touch young customers. However, it does not mean that hospitality workers should take a hands-off approach to older customers, because touching the older customers did increase their tips too.<sup>11</sup>

<sup>9</sup> Crusco and Wetzel, pp. 512-517.

<sup>10</sup> See: Hornik, pp. 449-458; and Stephen and Zweigenhaft, pp. 141-142.

<sup>11</sup> For older customers, the mean difference in percentage tips between the touch and no-touch conditions was only marginally significant ( $F [1, 67] = 2.15$ , one-tailed  $p < .08$ ). The proportion of older consumers who left tips above the median, however, was significantly larger in the touch condition than in the no-touch condition (proportion = 20/34 versus 12/35;  $X^2 [1] = 4.18$ ,  $p < .05$ ).

**Exhibit 2**  
**Determinants and predictors of tip size**

Effect	Mean (percentage)	Standard deviation	Sample size	Statistical test	Probability
<b>Touch</b>				$F(2,102) = 4.82$	$p < .01$
No touch	11.5%	.05	58		
Brief touch	14.9%	.05	27		
Prolonged touch	14.7%	.07	20		
<b>Sex</b>				$t(103) = 1.77$	$p < .08$
Male	11.9%	.06	47		
Female	13.9%	.05	58		
<b>Age</b>				$t(103) = 0.50$	$p > .61$
Younger	13.4%	.06	36		
Older	12.8%	.05	69		
<b>Race</b>				$t(103) = 4.61$	$p < .0001$
White	14.0%	.05	89		
Nonwhite	7.5%	.05	16		
<b>Separate checks at table</b>				$t(103) = 0.38$	$p > .70$
Yes	13.4%	.06	20		
No	12.9%	.06	85		
<b>Payment method</b>				$t(103) = 0.06$	$p < .95$
Cash	13.0%	.06	89		
Credit	12.9%	.04	16		
<b>Sex × touch interaction</b>				$F(1,101) = 0.28$	$p > .60$
Male, no touch	10.0%	.05	25		
Male, touch	14.0%	.07	22		
Female, no touch	12.6%	.05	33		
Female, touch	15.5%	.05	25		
<b>Age × touch interaction</b>				$F(1,101) = 4.87$	$p < .03$
Younger, no touch	10.9%	.06	23		
Younger, touch	17.7%	.05	13		
Older, no touch	11.9%	.05	35		
Older, touch	13.7%	.06	34		

## Exhibit 3

### *The legal repercussions of touching customers*

A common reaction by managers to the suggestion that servers touch customers is, "We can't ask them to do that; it's illegal and we'll get sued." When asked to elaborate, managers usually cite sexual harassment and battery as the legal issues that worry them. While in today's litigious society it makes sense to be wary of creating causes of action for potential plaintiffs, we are confident that from a legal and practical standpoint employers can take advantage of the findings of our research without exposing themselves to liability. Here's why employers should not fear lawsuits based on either sexual-harassment or battery charges.

In recent years, lawsuits alleging sexual harassment have become so commonplace that people often forget that cause-of-action arises out of a statute, the Civil Rights Act of 1964. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination because of sex, race, color, religion, and national origin. As explained more fully below, the prohibition against sexual harassment arises out of Title VII's prohibition of discrimination based on sex. Title II of the Civil Rights Act of 1964 prohibits discrimination in public accommodations, including hotels and restaurants based on race, color, religion, and national origin. Discrimination based on sex is not mentioned. Accordingly, in *Seidenberg v. McSorley's Old Ale House, Inc.*, the Southern District Court of New York held that Title II did make it unlawful for a bar to refuse to serve woman.<sup>1</sup> If there is no cause of action for sexual discrimination under Title II, then there can be no cause of action for sexual harassment under this section. Indeed, we have found no case where a customer has successfully brought a sexual-harassment claim against a restaurant under Title II. However, this does not mean that there is no possibility of such a lawsuit. There may be a state or local law that prohibits sexual harassment in public accommodations. Even if there is no such law, there still is a possibility of a sexual-harassment lawsuit.

The *McSorley's* court held that because the bar derived an economic benefit from the state's granting of a liquor license, the bar was bound by the laws that apply to government entities. Specifically, *McSorley's* held that the bar had to comply with the Equal Protection Clause of the United States Constitution, and with Section 1983 of the Civil Rights Act of 1964. Courts have held that both the Equal Protection Clause and Section 1983 prohibit sexual discrimination and sexual harassment. In defining what constitutes sexual harassment, the courts look to the precedents established in Title VII cases. Thus, it is possible that restaurants serving liquor or those in jurisdictions with certain local laws could be sued by customers for sexual harassment. However, such a case would not be successful because the conduct is not severe enough to violate the law.

**Sexual harassment?** In *Meritor Savings Bank v. Vinson* and *Harris v. Forklift Systems, Inc.*,<sup>2</sup> the Supreme Court held that there are two forms of sexual harassment: (1) *quid pro quo* (e.g., sleep with me or you're fired); and (2) hostile environment. The court defined a "hostile environment" as conduct that is (a) sexual in nature and (b) so severe or pervasive that a reasonable person would find that it unreasonably interfered with the individual's work performance or created an intimidating, hostile, or offensive working environment.<sup>3</sup> The *Harris* court explained that: "Conduct that is not severe or pervasive enough to create an objectively hostile or abusive environment—an environment that a reasonable person would find not hostile or abusive—is beyond Title VII's purview."<sup>4</sup>

In analyzing unwanted touching, courts have held that conduct significantly more severe than that which we propose would not constitute sexual harassment even when accompanied with other unwanted actions. For example, in *Scott v. Sears, Roebuck & Co.*, the plaintiff alleged that a co-worker slapped her on the buttock.<sup>5</sup>

She also alleged that when she asked for advice or assistance, the reply would often be, "What will I get for it?" Finally, a co-worker told the plaintiff that she must moan and groan while having sex. The *Scott* court found that those charges were not sufficient to make out a claim for sexual harassment. Similarly, in *Ebert v. Lamar Truck Plaza* the court held that unwelcome touching was not actionable when it was sparse and not pervasive.<sup>6</sup> Based on those cases, it is clear that a four- or five-second touch on the arm would not create a cause of action for sexual harassment.

It is possible, however, that an employee could allege that a company policy to touch customers would create a hostile environment. Again, there are no such cases and the cause of action is a reach because the conduct is benign, it is not sexual, and it is not based on sex. However, employers could easily avoid any problems by explaining that the touching policy is optional, that employees are under no obligation to touch customers, and that there will no reprisals for those who do not touch customers.

**Battery?** As with sexual harassment, there is no reason to fear a lawsuit for battery. Under the restatement of torts, an actor can be liable for battery if the contact is either harmful or offensive. To be harmful or offensive, (1) the actor must intend to do harm or offend, or (2) there must be actual harm or offensive conduct.<sup>7</sup> A touch on the shoulder or arm cannot cause such harm. In a paraphrase, offensive conduct can be defined as "that which would offend an ordinary person who is not unduly sensitive as to personal dignity; it must be a contact that is unwarranted by the social standards prevalent at the time and place at which it is inflicted."<sup>8</sup> Clearly, a touch from a server does not satisfy this definition of battery. Accordingly, there are no cases where a customer has sued a server or the employer for a touch. However, if there were such a case, a restaurant owner should still not be concerned because the damages would be based on the person's injury. The touch we suggest would not result in a damage award of any consequence.—D.S.S.

<sup>1</sup> *Seidenberg v. McSorley's Old Ale House, Inc.*, 317 F.Supp. 593 (S.D. N.Y. 1970).

<sup>2</sup> *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 64-65 (1986), and *Harris v. Forklift Systems, Inc.*, 114 S.Ct 367 (1993).

<sup>3</sup> *Ibid.*

<sup>4</sup> See *Harris* at 370.

<sup>5</sup> *Scott v. Sears, Roebuck & Co.*, 798 F.2d 210 (7th Cir. 1986).

<sup>6</sup> *Ebert v. Lamar Truck Plaza*, 878 F.2d 338 (10th Cir. 1989).

<sup>7</sup> The Restatement (2d) of Torts states as follows:

**§13 Battery: Harmful Contact**

An actor is subject to liability to another for battery if

- (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an immediate apprehension of such a contact, and
- (b) a harmful contact with the person of the other directly or indirectly results.

**§18 Battery: Offensive Contact**

An actor is subject to liability to another for battery if

- (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and
- (b) an offensive contact with the person of the other directly or indirectly results...

**§19 What Constitutes Offensive Contact**

A bodily contact is offensive if it offends a reasonable sense of personal dignity.

**Comment:**

In order that a contact be offensive to a reasonable sense of personal dignity, it must be one which would offend the ordinary person and as such one not unduly sensitive as to his personal dignity. It must, therefore, be a contact which is unwarranted by the social usages prevalent at the time and place at which it is inflicted.

<sup>8</sup> *Ibid.*

