Taking care of business: Are franchise systems structured to promote conflict?

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This article outlines the research methods used and salient issues raised by a major franchise research project undertaken by a team of researchers from the Griffith University Asia-Pacific Centre for Franchising Excellence. Data were gathered through qualitative interviews with industry experts, case studies of franchise systems and a mail survey to franchisees from across Australia. In addition to providing demographic data, survey respondents provided details of a conflict situation they had experienced in relation to franchising, how it was managed or resolved and their satisfaction with the process(es) used.

INTRODUCTION

Businesses run on a franchise basis are very significant to the Australian economy. Until the global financial crisis, Australia experienced strong growth in franchise units and sector turnover, with some 69,900 units belonging to 1,025 business format systems contributing AUD$60 billion to the domestic economy and accounting for some 690,000 people in 2009. There was a 15.4% rise in the number of franchise units between 2006 and 20081 while there was a 2% decline in the number of franchise units between 2008 and 2010.2 Perhaps because of the sector’s rapid development since fast food chains were first established in the 1970s, it is not without its problems. Given the sector’s national economic significance, it is surprising that greater attention has not been paid to the management of franchising conflict.

The main franchising sector regulator, the Australian Competition and Consumer Commission (ACCC) approached the Asia-Pacific Centre for Franchising Excellence (APCFE) to work together on research to better understand what generates conflict in franchising. This article provides an account of the four-stage research project undertaken by APCFE researchers to consider the causes of conflict in franchising relationships with financial support from the ACCC, the Australian Research Council and Griffith University. In keeping with the focus of this issue of the ADRJ, the article focuses on research methods.

THE RESEARCH PROJECT

Stage one – the Franchise Australia Survey 2006

The project built on research completed in 2006 which produced the report, Franchising Australia 2006.3 Current data were required regarding franchising in Australia as there is no independent source of information available. This survey of business format franchisors provided demographic data, including statistics surrounding the incidence of franchising disputes and how they were resolved.

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3 Frazer L, Weaven S and Wright O., Franchising Australia 2006 Survey, Griffith University/Franchise Council of Australia (2008). Together with estimated motor vehicle sales of $37 billion and fuel retail of $32 billion, the total sales turnover for the entire franchising sector was estimated to be $130 billion.

Responses revealed that 35% of franchisors had been involved in a substantial dispute (a dispute with a franchisee referred to an advisor for action) within the previous 12 months. Resolution was more often initiated by franchisors than franchisees with 29% being dealt with by mediation and 14% of disputes resolved through litigation in the courts. The main causes of substantial disputes were reported as relating to lack of system compliance by the franchisee, communication problems, misrepresentation issues and lack of franchisee profitability.

**Stage Two – qualitative interviews**

The objective of this stage was to investigate *antecedent influences upon franchising conflict in Australia*. A series of interviews was conducted seeking insights on issues of power and control in franchise relationships from franchising sector experts. The 24 interviewees included experienced franchisors and franchisees, franchising consultants, lawyers, mediators, accountants and brokers regarded as key figures in the sector. Participants were asked to comment and speculate about the nature of the franchising relationship and the causes and consequences of conflict in franchising. It was found that franchisors and franchisees use a range of strategies, from problem solving and persuasion to bargaining and litigating. Choice of process depended on the characteristics and complexity of the issue in conflict, the financial “stakes” of the issue, the power and dependency relationship of the partners, and perceived levels of trust, co-operation and communication in the franchising relationship.

An exploratory semi-structured interview approach was adopted to gather in-depth information within a real-life context with the aim of building theory. Despite criticisms of qualitative research as lacking objectivity and rigor, it was considered the most productive approach for obtaining insights through identifying patterns and consistencies so as to arrive at credible and confirmable results. Sample selection was purposive and theory driven with expert interviews chosen to ensure broad coverage of a range of issues surrounding franchising conflict from multiple stakeholder perspectives. In addition, these interviewees had knowledge of franchising regulation and were able to draw upon their many years of experience and recount numerous examples to provide a comprehensive picture of franchising conflict. A snowball sampling technique was used with each respondent asked to suggest another person with similar characteristics.

Consistent with expert recommendation, interviews were conducted until data reached a point of saturation and no new themes emerged. As a result, a total of 24 semi-structured, in-depth interviews were conducted. The sample size was adequate in that it captured variability within the respondent groups and the dimensions in which the researchers were interested (individual, situational and structural) from both franchisor and franchisee perspectives. Both reflexivity and negative scenario sampling were used as strategies to address concerns regarding possible researcher bias. A research protocol was used to enhance validity through ensuring broad consistency across cases. Initial questions covered background and demographic facts. The second section of the interview protocol focused on respondent perceptions of the sources of conflict in franchise systems. Respondents were

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6 Yin RK, *Case Study Research: Design and Methods* (Sage, 2003).


9 Patton MQ, *Qualitative Research and Evaluation Methods* (Sage, 2002).


11 Patton, n 9.
initially asked to detail their current understanding of influences upon franchising conflict and then further probing questions were used to elicit greater meaning and detail. Questions were deliberately broad in scope:

- In your experience, what expectations do franchisees have when they first join a franchise system?
- What is the role of third parties in the dispute resolution process?
- How effective has compulsory mediation been in averting further litigation?

Each broad question was followed by probing questions to elaborate on key issues presented in the answer and to ascertain examples of purported behaviour. Consistent with expert recommendation, the research team reviewed several of the (initial) interviews to evaluate the need for any additional probing questions and highlight issues relevant for the remaining interviews.12

The data-mining tool Leximancer was used to analyse the interviews and develop a conceptual map for each category of analysis. Leximancer undertakes a form of automatic content analysis thus reducing potential researcher bias.13 Thematic analysis consisted of two phases including conceptual seeding and relational (semantic) analysis. First, frequently used concepts such as “conflict” and “expectations” (around which other terms cluster) were identified. Secondly, the co-occurrence of concepts within the text was assessed and two concept maps were generated depicting franchisee and franchisor influences upon franchisee conflict. The concept map depicting franchisee influences upon relational conflict included the three main focal points of interest including “due diligence”, “expectations” and “conflict”; and to a lesser extent “third party”, “experience”, “education”, “management”, “opportunism”, “group”, “market” and “autonomy”.

In particular, this stage of the research revealed that prospective franchisees that were less educated, possessed less business experience, and had difficulty in attaining finance, were less likely to seek professional business advice (from lawyers, accountants and external business advisors) prior to entering franchising agreements. These franchisees tended to have unrealistic expectations regarding the future performance of their outlet which ultimately impacted on relational exchanges and their commitment to the franchise concept. In addition, inadequate due diligence by the franchisors was revealed in the interviews. Often franchisees would not fully investigate the suitability of the business to franchising, for reasons which included not knowing what questions to ask, who to ask, and reluctance to pay professionals for this advice. On the other hand, franchisees have a responsibility to do their own due diligence by carefully screening to select suitable franchisees and ensure that prospective franchisees are provided sufficient information about the franchise in order to make an informed decision.

Another important issue related to franchisor opportunism14 in which under-resourced franchisors would often adopt ad-hoc approaches to franchisee recruitment to maintain cash-flow, rather than following set criteria-based approaches to franchisee selection. Importantly, many franchisors were also viewed as possessing unrealistic expectations regarding the suitability of their business concept to franchising and often underestimated the financial investment required to provide adequate support systems (such as initial and ongoing training, and site selection). Moreover, conflict was promulgated in many systems on account of franchisors continuing to emphasise lifestyle benefits to prospective franchisees, which contrasted with the realities of franchise operation, fostering incentives misalignment (and ultimately conflict) between principal and agents.

13 Based on the notion that words tend to correlate with other words over a certain range within the text stream, Leximancer examines the text data to develop a ranked list of lexical terms based around frequency and co-occurrence usage. By means of a process including seeding a bootstrapping thesaurus builder, these terms are then used to develop both a text concept index and concept co-occurrence matrix which are subsequently used to produce a two dimensional concept map via a clustering algorithm. See Smith A and Humphreys M, “Evaluation of Unsupervised Semantic Mapping of Natural Language with Leximancer Concept Mapping” (2006) 38(2) Behavior Research Methods 262. Additionally, Leximancer has been shown to address issues of reliability – see Alexa M and Zuell C, “Text Analysis Software: Commonalities, Differences and Limitations: The Results of a Review” (2000) 34(3) Quality and Quantity 299 – and to improve validity in qualitative research (Smith and Humphreys).
Misrepresentation by third-party agencies was nominated as a major source of franchising conflict. Of greatest concern was that these agencies were frequently viewed as unqualified, often providing inaccurate advice to prospective franchisees. Third-parties were viewed as pursuing “churning strategies” since their remuneration did not extend beyond the initial franchise sale. However, there was additional evidence that franchisor inexperience, non-participatory communication practices and levels of intra-system transparency (for example, providing information about changes in local market conditions) all contributed to relational conflict in franchise systems. A preliminary conceptual model of franchisee and franchisor influence on franchising conflict is presented in Figure 1.\textsuperscript{15}

\textbf{FIGURE 1 Franchisee and franchisor influences upon franchising conflict}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure1.png}
\end{figure}

\textbf{Stage Three – case studies}

The third stage of the research involved drilling down further into the causes and consequences of conflict in franchise systems. To supplement the understandings developed in Stage Two, 11 case studies were conducted, involving the franchisor and (in most cases) two franchisees in each case study. Within-case and cross-case analysis was utilised in this stage of the research. Single case analysis was initially conducted in order to provide data for cross-case analysis.\textsuperscript{16} The data was analysed through qualitative data analysis software (NVivo) and a “constant comparative method” was adopted to progressively test the identified themes and resultant series of propositions. These propositions were developed for further testing with a large sample of franchisors and franchisees.

In this stage of the research it was revealed that major antecedent influences on a franchisee’s “expectations gap” were the quality of information provided by franchisors and a prospective franchisee’s search for information prior to purchase. A lack of relevant, timely and meaningful information provided by franchisors (for example, future site growth, use of advertising levy) was viewed as diminishing relational trust in the system. However, many franchisees continued to rely on their “gut feel” in making the decision to enter franchising, further highlighting a need for the


\textsuperscript{16} Patton, n 9.
provision of assistance to franchisees in relation to the conduct of adequate due diligence prior to purchase. Overall, the results suggest that franchisees with more education and business experience and who actively sought information from a variety of sources (such as external advisors) and were provided adequate information from their franchisors were more likely to confirm their initial expectations and possess greater trust in the system.

Moreover, franchisee trust was further enhanced by franchisor openness (that is, transparency in operations and open communication) and perceived support (such as assistance with new territory selection). Both factors were found to generate franchisee trust in the system. Consistent with previous research, franchisees who possessed high levels of trust were generally more satisfied with the relationship and displayed greater levels of co-operative intention with their franchisors, thus avoiding relational conflict. However, the interviews revealed that franchisees with greater tenure (that is, more years) in the system were more likely to discount the value of the “bundle” of franchisor-provided services and were therefore more susceptible to experiencing conflict with their franchisors.

A recurrent issue that became clear during this stage of the research was that there are very high expectations placed on the ACCC (see, for example, the reports of the Western Australian and South Australian parliamentary inquiries in relation to franchising) in terms of its public education role as a key element of its regulatory responsibilities in the franchising sector. In 2007, the federal government’s Response to the Recommendations of the Review of the Disclosure Provisions of the Franchising Code of Conduct emphasised the ACCC’s role in educating potential franchisees regarding the importance of risk analysis and the significance of clauses giving a franchisor rights to unilaterally alter or terminate a franchise agreement.

Stage Four – mail-based survey of franchisees

Data for this part of the project were collected from Australian franchisees via a mail survey. The sampling frame consisted of 560 franchise systems randomly selected from the population of 1,100 business format franchisors in Australia. From these systems, 3,000 franchisees were randomly selected from Australia’s online telephone directory and mailed the survey. As an incentive, participating respondents were entered into a prize draw for a laptop computer. This resulted in 350 surveys being returned, although there were five surveys that were not usable due to missing data. Hence, the final sample comprised 345 responses, representing a 11.5% response rate. The questionnaire was also pre-tested with a separate sample of 50 franchisees. A comparison of mean scores between the original sample, over the eight key constructs of the study, revealed no significant differences between samples.

Survey measurement

A review of previous studies in relation to the focal constructs of this study identified a number of pre-existing scales that had been well validated in the literature. While the scales identified were appropriate for the measurement of some of the constructs of this study, other scales were adapted in the context of franchising and some items were developed specifically for this study. For example, trust was adapted from Crosby et al, Jap, and Larzelere and Huston; franchisor openness (communication and conflict openness) was adapted from Greenbaum et al, Mohr and Speckman, Kaufmann and Dant, and Smith and Barclay; and relationship satisfaction was measured using

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19 Frazer et al, n 1.
scales adapted from Anderson and Narus, Gaski and Nevin, and Scheer and Stern. The \textit{perceived conflict} items were adapted from Brown et al\textsuperscript{23} and the \textit{perceived support} measure was adapted from King and Grace (forthcoming).\textsuperscript{24} Items developed specifically for this study were those measuring \textit{information dissemination}, \textit{information search} and \textit{expectations confirmation} (total of 21 items).\textsuperscript{25}

\section*{Analysis}

In order to determine mean differences between high and low conflict groups, the data were first subject to preliminary analysis which included factor analysis, reliability analysis and computation of composite variables. All factors were uni-dimensional and exhibited factor loadings greater than the recommended level of 0.50\textsuperscript{26} and reliabilities ranged from 0.71 to 0.96 (all greater than 0.70\textsuperscript{27}) as shown in Table 1. On this basis, all items were considered to be appropriate for the computation of composite variables and means and standard deviations of these are also presented in Table 1.

\begin{table}[h]
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\begin{tabular}{lcccccc}
\hline
\textbf{Construct} & \textbf{Factor Loadings} & \textbf{Variance Explained} & \textbf{Cronbach's Alpha} & \textbf{Composite Mean} & \textbf{Composite Stand. Dev.} \\
\hline
Information search & .62 -.87 & 54.27 & .71 & 3.20 & 0.91 \\
Information dissemination & .80 -.87 & 70.17 & .86 & 3.42 & 1.06 \\
Expectations confirmation & .79 -.86 & 70.52 & .86 & 3.24 & 1.03 \\
Trust & .92 -.95 & 88.27 & .95 & 3.28 & 1.26 \\
Communication openness & .82 -.94 & 82.28 & .94 & 3.20 & 1.14 \\
Conflict openness & .75 -.91 & 70.04 & .89 & 3.22 & 0.91 \\
Franchise agreement & .87 -.93 & 82.70 & .89 & 3.46 & 1.11 \\
Perceived support & .86 -.94 & 82.17 & .96 & 3.22 & 1.13 \\
Relationship satisfaction & .89 -.96 & 88.79 & .95 & 3.43 & 1.18 \\
Perceived conflict & .72 -.90 & 66.63 & .81 & 2.02 & 1.03 \\
Dispute handling & .81 -.95 & 81.06 & .86 & 2.96 & 1.14 \\
\hline
\end{tabular}
\caption{Preliminary statistics – factor structures and composite means}
\end{table}
Further analysis was done in relation to the impact of conflict on other dimensions of the franchisee-franchisor relationship. To establish high and low groupings based on the variable “perceived conflict”, a median split was performed which produced the low-conflict group (n=212) and the high conflict group (n=133). T-tests were then performed which exhibited significant differences on all variables (except “information search”), with the low-conflict means being significant higher in all cases (see Table 2 for results).

<table>
<thead>
<tr>
<th>Construct</th>
<th>Low conflict mean</th>
<th>Low conflict mean</th>
<th>t-value</th>
<th>p-value</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information search</td>
<td>3.51</td>
<td>3.23</td>
<td>1.50</td>
<td>.136</td>
<td>No significant differences between means</td>
</tr>
<tr>
<td>Information dissemination</td>
<td>4.11</td>
<td>3.30</td>
<td>4.38</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Expectations confirmation</td>
<td>3.84</td>
<td>3.32</td>
<td>2.95</td>
<td>.004</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Trust</td>
<td>4.27</td>
<td>3.36</td>
<td>5.19</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Communication openness</td>
<td>4.10</td>
<td>3.37</td>
<td>4.17</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Conflict openness</td>
<td>3.91</td>
<td>3.33</td>
<td>3.61</td>
<td>.01</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Franchise agreement</td>
<td>4.23</td>
<td>3.58</td>
<td>3.75</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Perceived support</td>
<td>4.13</td>
<td>3.28</td>
<td>4.80</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Relationship satisfaction</td>
<td>4.30</td>
<td>3.59</td>
<td>4.06</td>
<td>.001</td>
<td>Mean sig higher for low conflict group</td>
</tr>
<tr>
<td>Dispute handling</td>
<td>3.76</td>
<td>3.18</td>
<td>2.93</td>
<td>.004</td>
<td>Mean sig higher for low conflict group</td>
</tr>
</tbody>
</table>

Discussion of results

Intuitively, the results are not surprising, with franchisees who have experienced little conflict exhibiting higher levels of trust and relationship satisfaction. Furthermore, these “contented franchisees” perceived the franchisor to have provided them, initially, with an appropriate level of information, thus assisting them to have realistic expectations that were confirmed by their actual franchising experiences. In addition, they perceived their franchisors to be open with their communication and conflict-handling and providing appropriate support in the relationship. Interestingly, both groups did not differ in relation to the perceived amount of information gathered prior to entering the agreement. Thus, those franchisees who have experienced high conflict in the franchising relationship did not concede that they did less searching for information themselves; rather, they felt that the franchisor did not provide the appropriate level of information for them. This clearly shows that the “conflicted franchisees” do attribute blame to the franchisor in the early stages, rather than any lack of effort on their part.

The results indicate that when conflict arises in a business franchise, it is likely to permeate all aspects of the relationship, from the pre-entry information provided by the franchisor, to the openness of communication to levels of perceived support, and through to the manner in which disputes are addressed. Once trust breaks down, this will tend to significantly influence the way in which franchisees perceive the actions of their franchisor. Significant work may well be required if there is to
be any prospect of re-building the relationship. The interviews conducted during Stages Two and Three of this project indicated that there is capacity for franchisees to engage in “kamikaze conflict”, that is, acting in ways that appear to be contrary to their own best interests.

Such actions may be focused on meeting more urgent needs or inflicting pain or inconvenience on the franchisor or others. If communication channels are strained or non-existent, destructive actions may be based on limited or poor information. The unpredictability of conflict can see issues escalate unexpectedly and the prospects for effectively managing such conflict will depend on timely responses, before the parties become too entrenched in positions which they have disclosed in public and from which it would be difficult to move away.28

**BUILT FOR CONFLICT?**

The authors’ research supports observations made regarding the capacity of the franchising relationship to generate considerable conflict between the parties. The Explanatory Statement of the *Franchising Code of Conduct* notes that the fundamental nature of the franchising relationship contributes to higher levels of conflict than for other business ventures because ownership of the business is separated from control of its capital assets: “A franchisee invests in the business and bears the majority of the risk associated with the operation of a particular outlet while the franchisor maintains control over the design of the overall system and the quality of the output.”29 While franchising is promoted on the basis of limiting the risks involved in setting up a small business, there are major concerns about particular risks inherent in the nature of the relationship. Franchises are promoted on the basis that franchisees will be working collaboratively with the franchisor when in fact there is a range of aspects where the parties potentially have directly competing interests. The South Australian inquiry into franchising similarly noted the “atypical nature of the franchise contract – two business entities bound together in a contract seeking mutual and separate profitability”30 made for susceptibility to disputation. Spencer has observed that as a regulatory tool, the franchising agreement “serves the interests of the franchisor, which are often not aligned with the interests of franchisees (or those of other stakeholders)”.31

Pre-entry franchise education appears likely to reduce conflict in the franchise sector. “Wannabe” franchisees need to look carefully at the risks as well as the potential returns they can expect from their involvement. The ACCC has recognised the importance of fostering pre-entry franchise education by funding an online program that is delivered through the APCFE and which addresses franchise disclosure, franchise agreements, franchise royalties and finance, support services, site and territory selection, dispute resolution and due diligence.

**CONCLUSION**

With recent changes to the *Franchising Code of Conduct*, there is a real need for further research regarding ways to productively address franchise conflict. This research project has highlighted the value of involving a multi-disciplinary research team. The researchers with expertise in franchising needed to work with colleagues experienced in designing and undertaking both qualitative and quantitative research. Further, including a conflict and dispute resolution researcher was important to ensure the data could be productively analysed.

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