

Discriminatory Seating Arrangement (Disability Discrimination)

Complaints involving the provision of goods, facilities and services under the Disability Discrimination Ordinance (DDO) remain common and may stem from stereotypical thinking about people with disability combined with service providers' liability concerns.

◆ **The Complaint**

Mr Lee is blind. He was travelling with his friends, some of whom also have visual impairment. They took a flight to and from Hong Kong and requested the check-in staff to give them seats together so that the ones without



visual impairment could offer help to those with visual impairment. However, after they boarded the plane, the cabin crew requested all those with visual impairment to change their seats and sit next to the windows without giving any reasons. Mr Lee and his friends were then scattered during the flight and the visually impaired passengers were left alone.

Mr Lee was upset and frustrated. He felt that he and his friends were treated unfairly because they were deprived of their right to sit together due to their visual impairment, leaving some of them unaccompanied. Later, Mr Lee lodged a complaint of disability

discrimination against the airline with the EOC.

✓ **What the EOC did**

Upon receiving the complaint, the EOC's case officer contacted both Mr Lee and the airline. Under the Disability Discrimination Ordinance, it is unlawful to discriminate against a person with disability in the terms or conditions on which to use the services and facilities. People with visual impairment have the same rights as those without impairment to choose their companions and seats during flights, subject to the availability of seats. In this case, the airline, being the service provider, should have ensured that the policies they implemented would not result in less favourable treatment for customers with disabilities.

During the conciliation meeting, the airline representative said that the concerned staff made the changes because he thought it was the requirement under the Civil Aviation Department (CAD)'s guideline on passenger safety, but the representative admitted that such "window seat arrangement" for persons with visual impairment was not specified in the guideline and it was the company's own interpretation.

Both parties opted for early conciliation and the airline agreed to offer a few short trip air tickets for free to the affected passengers. The case was settled amicably.

Points to Note:

- Stereotypical assumptions about the ability of people with disability to lead fulfilling, independent lives remain common, leading to discriminatory attitudes and acts. In the EOC's 2010 survey, almost one in three respondents perceived that people with visceral disability would not be able to lead a happy and fulfilling life even if treatment was received.
- Advancement in assistive technology has provided a higher level of independence for people with disability to participate in daily activities as well as created a market of consumers with disability. Businesses should not ignore people with disability as both potential talents and customers.
- It would be advisable for service providers to provide sensitivity training to staff who deal with people with different needs. This could also help to open up more business opportunities and avoid potential legal problems in the long run.