

Disability Discrimination

Discriminatory Seating Arrangement

Complaints involving the provision of goods, facilities and services under the Disability Discrimination Ordinance (DDO) remain commonplace. They may stem from stereotypical thinking about people with disabilities combined with the service providers' lack of understanding of their liability.

The Complaint

Mr Lee was visually blind. He was travelling on a flight with his friends, some of whom were also visually impaired. When they checked in, they requested the ground staff to arrange for them to sit together so that the ones without visual impairment could offer help to those with visual impairment. However, once they were on the plane, the flight attendants 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 thus separated during the flight and the visually impaired passengers were left on their own.

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 case officer contacted both Mr Lee and the airline. Under the DDO, it is unlawful to discriminate against a person with a disability in the terms or conditions on which to use 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 members made the changes because they thought it was the requirement under the Civil Aviation Department'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:

- Many people still assume that people with disabilities cannot lead fulfilling, independent lives, and discriminatory attitudes and acts remain common. In an EOC survey in 2010, 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 disabilities to participate in daily activities, as well as created a market of consumers with disabilities. Businesses should not ignore people with disabilities as both potential talents and customers.
- It would be advisable for service providers to provide sensitivity training to staff who have to interact or serve people with different needs. This could help open up more business opportunities and prevent potential legal problems in the long run.