

Fold Your Stroller

It is common for parents travelling with a child in a stroller to be asked to fold the stroller when getting on a bus. But what if the child has mobility challenges and is too heavy for the parent to hold? What should the bus driver do?

The Complaint

Mr Luk has a four-year-old daughter with physical impairment. He and his wife have to put her in a stroller whenever they go out. In the past, there was one time when they were trying to get on a bus and the driver not only asked them to fold the stroller, but also made offensive remarks about their daughter. They complained to the bus company, who said that passengers wouldn't have to fold the stroller upon presenting a "Registration Card for People with Disabilities" (RC) issued by the Government for their child who had disability. The company also undertook to provide relevant guidelines for all drivers.

On a rainy day a few months later, however, Mrs Luk ran into the same problem when taking her daughter to school. The bus driver only opened half of the door and signalled to Mrs Luk that she had to fold the stroller. Showing her daughter's RC, she told him the bus company had said that the rule could be relaxed under such circumstances. Still, the driver insisted, saying he had never been informed of the policy. Eventually he drove away, causing them to be late for school.

★ What the EOC did

Mr Luk lodged a complaint with the EOC on behalf of his daughter, alleging that the bus driver had discriminated against her on the ground of her disability. Through conciliation by the EOC, he reached a settlement with the bus company. The company agreed to:

1. Issue a staff circular stating that children with physical impairment can stay in a stroller or paediatric wheelchair when getting on the bus, and providing a sample RC as reference while adding that presentation of the RC is not a necessary condition for the rule to be relaxed;
2. Spread the above message to the public through its official website and social media platforms; and
3. Liaise with civil society groups to further communicate the policy to parents and others in need.

📌 Points to Note:

- Under the Disability Discrimination Ordinance, indirect disability discrimination may occur if a service provider imposes a requirement on all customers that is not justifiable, and disproportionately and adversely affects people with a disability because they cannot comply with it.
- Employers are vicariously liable for any unlawful act of discrimination committed by their employees, including frontline staff, in the course of employment, whether or not they knew of or approved the act. A defence may be available if the employer can prove that they have taken reasonably practicable steps to prevent the act.
- Employers are advised to issue clear guidelines and provide training for both new recruits and existing staff, in order that they understand the importance of providing reasonable accommodation for people with disabilities and their carers.