

Planning an accessible expo 2020 within Dubai's 5 star hotel industry from legal and ethical perspectives

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Abstract

Purpose – *The purpose of this paper is to provide an understanding of the accessibility laws currently in effect in the United Arab Emirates and, specifically, Dubai. Further, it recommends methods of integrating accessible hospitality and tourism in Dubai with core legal and ethical direction in preparation for EXPO 2020.*

Design/methodology/approach – *Review of current legislation and analysis of interpretation by industry providers was used to illustrate the impact on the current accessibility environment in Dubai and to recommend a revised regulatory scheme.*

Findings – *The paper explains how legal and ethical issues have influenced the planning and building of 5 star hotels in Dubai, and offers recommendations for amendments and additions to the region's current laws that address needs of people with disabilities (PwD).*

Originality/value – *Little research has been conducted in the region concerning the rights and needs of PwD. The paper significantly contributes by demonstrating how an ethical and legal framework will address the needs of PwD thereby aiding in Dubai's successful hosting of EXPO 2020. This contribution is notably opportune in view of the anticipated changes in applicable legislation.*

Keywords *Disabilities, Dubai, Expo 2020, Legislation, Special needs, Ethical issues, Expositions, Events planning*

Paper type *Viewpoint*

Introduction and background

Exceptional quality service that leads to increased occupancy rates is a fundamental goal in the hospitality industry. There is, however, a distinctly identifiable, sizable, and growing population that has consistently faced unique barriers to access and participation in their capacity as hotel guests (Darcy *et al.*, 2011). In spite of the enactment of comprehensive laws in many regions that clearly define the rights of people with disabilities (PwD) that promote social integration[1], the hospitality industry's interpretation and application of even the most rigorous regulatory schemes frequently evidence a disconnect between the needs of disabled tourists and the satisfaction of those needs by hotels. This apparent disconnection between hotels and disabled guests takes on amplified significance in regions where the regulatory mandates are uncertain due to ambiguities inherent within the legislation itself. In those instances, hotel operators have little choice but to rely on self-direction. While a mandated legal model is clearly the optimal choice when encountering a marginalized audience (Veitch and Shaw, 2011), research into current disability laws in Dubai strongly suggests that the alternative framework of a self-directed ethical model can likewise have compelling relevance.

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Tourism is an essential driver of Dubai's economy (Mansfeld and Winckler, 2007); nonetheless, despite the potential for accommodating a potentially profitable market niche, local laws affecting PwD are puzzling. The language contained in the United Arab Emirates (UAE's) current federal disability law, Federal Law No. (29) of 2006, could be classified as more of a precatory resolution, which like any elective language, falls short of strict interpretation (Glanert, 2014). The federal law adopts a comprehensive definition for people with special needs ("Every person suffering from a temporary/permanent, full/partial deficiency or infirmity in his physical, sensational [sic], mental, communicational [sic], educational or psychological faculties to an extent decreasing the possibility of satisfying his ordinary requirements in the conditions of people without special needs"). Furthermore, the federal law generally grants to PwD general rights and guarantees in the areas of health, education, employment, cultural life, and sports (Government of Dubai Legal Affairs Department, 2014). But the federal law does not go into specific instruction insofar as implementation of these rights and guarantees are concerned; nor does it specify precisely what the penalties would be for noncompliance by affected providers.

Deficiencies in the current federal law are presently being addressed. The UAE is in the process of revising its regulatory scheme in line with what will be based on an inclusion model, according to an announcement made by representatives from the public sector at the March, 2015 ABILITIESme Exhibition and Conference held in Abu Dhabi. There was no further elucidation, though, to indicate whether the planned scope of inclusion would reach beyond physical accessibility (i.e. universal design[2]), and include, for example, sensory disability. Prior to the date of the conference, the emirate of Dubai passed Law No. (2) of 2014 Concerning Protection of the Rights of Persons with Disabilities in the Emirate of Dubai (Government of Dubai Legal Affairs Department, 2014) which states its intention to complement, support, and augment Federal Law No. (29) of 2006. One of the challenges in analyzing legislation passed in the UAE is gaining access to English language versions of laws originally drafted in Arabic. The English language draft of Law No. (2) of 2014 has been informally provided to the authors and further commentary regarding the content is made with that proviso in mind.

A vital provision in Dubai's Law No. (2) of 2014 is the establishment of a governing body assigned the task of developing a comprehensive and strict regulatory scheme that stretches beyond mere resolution, and clearly defines both the infrastructure requirements imposed within the emirate and the penalties in the event of noncompliance by affected parties. The regulatory enhancements suggested by this provision have the potential of directly influencing not only Dubai's approach to successful hosting of Expo 2020, but moreover, the sustainability of improvements in accessible environments well beyond the conclusion of this mega event.

In this paper, the existing regulatory schemes as promulgated at both the federal and emirate levels will be interpreted. Next, the effect to date that this existing legislation has had on the 5 star hotel industry in Dubai will be appraised. Finally, recommendations will be offered for further developing the region's accessibility laws that will not only ensure the success of Expo 2020, but also establish a sustainable accessibility paradigm henceforward.

The current accessibility regulatory scheme in the UAE and Dubai

Federal law specifically applicable to PwD is currently summarized in the UAE's Federal Law No. (29) of 2006 Regarding the Rights of People with Special Needs (United Arab Emirates (UAE) Federal Government, 2006). This is a broadly worded law expressing the intention to protect the rights of PwD, generally, in the public domain. The law adopts a comprehensive definition for people with special needs ("Every person suffering from a temporary/permanent, full/partial deficiency or infirmity in his physical, sensational [sic], mental, communicational [sic], educational or psychological faculties to an extent decreasing the possibility of satisfying his ordinary requirements in the conditions of people without special needs"). This translated definition, syntax aside, demonstrates an attempt at comprehensive application, but is hindered by the lack of definition of arguably subjective terms. Furthermore, the law establishes certain rights and guarantees to PwD in the areas of health, education, employment, cultural life, and sports (Ministry of Social Affairs, 2014), but it does not describe specifically how these rights and guarantees will be effectuated; nor does it specify what the penalties might be for noncompliance by affected providers.

The federal law relegates changes to infrastructure (e.g. engineering standards and specifications) to a council of ministers entrusted with this task. Once completed, these new regulations will have the force of law. To date, these new regulations have neither been enacted nor has a draft of anticipated requirements been published. However, subsequent to the passage of Federal Law No. (29), Dubai passed Law No. (2) of 2014 Concerning Protection of the Rights of Persons with Disabilities in the Emirate of Dubai (Government of Dubai Legal Affairs Department, 2014). This law is intended to support Federal Law No. (29) of 2006. Although Dubai's law has been published in Arabic (and not yet in English), a non-certified translation has been made available to the authors for review. It bears considerable similarity to the federal law in that it is likewise a broadly worded document designed more in the form of a resolution rather than a regulation, with reference to the formation of a government committee appointed with the task of overseeing implementation. As in Federal Law No. (29) of 2006, all indications thus far suggest that Dubai Law No. (2) of 2014 does not define specific guidelines (e.g. precise and comprehensive definition of disability and/or special needs, affected environments, models of infrastructure, enforcement process; for purposes of comparing and distinguishing, refer to legislation referenced in Table I infra), but relegates this task to a regulatory agency much in the same manner as the federal law's scheme. Accordingly, to date, the disability laws at both the federal level and the emirate level have little impact beyond that of enabling legislation, i.e., a law that entrusts a named regulatory body with the task of defining and enforcing specific and detailed rules.

The current accessibility environment in Dubai

Notably, neither the federal law nor Dubai's law references hotel and/or tourist attractions in respect to any stated mandates. Furthermore, there are no peer reviewed studies concerning the accessibility environment in Dubai hotels or elsewhere in the emirate published prior to 2014, at which time the authors conducted their own investigation (Morris and Kazi, 2014). The 2014 study revealed that hotel operators, at least in the 5 star spectrum, have little, if any, acquaintance with Federal Law No. (29). Consequently, they have relied thus far on other avenues for direction in implementing their properties' accessibility schemes. Dubai Law No. (2) had not yet been enacted at the time of that study. In the absence of clear-cut instruction from regional laws, hotel operators' inspiration for guidance came from two surprising sources: dependence on international legislation, particularly the Americans with Disabilities Act, and reliance on self-direction[3] (Morris and Kazi, 2014).

When pressed for an explanation into their motivation behind self-direction, one participant responded that "At the end of the day, it all comes down to human touch. We are, after all, in the hospitality industry and it is our job to make all of our guests comfortable, including the disabled ones" (as cited in Morris and Kazi, 2014). Despite the lack of direction and an unsurprising

Table I Sample legislation containing comprehensive definitive requirements

Country	Legislation	Date	Relevant websites
USA	Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2010) (hereinafter ADA); ADA Amendments Act of 2008	1990 amendments up to 2014	ADA Amendments Act of 2008: www.eeoc.gov/laws/statutes/adaaa.cfm
Australia	Disability Services Act 1986; Disability Discrimination Act (DDA)	1992; amendments up to 2013	Disability Services Act 1986 with amendments up to Act No. 5 of 2011: www.comlaw.gov.au/Details/C2011C00331/Html/Text#_Toc290293187
UK	Disability Discrimination Act (DDA)	1995; amendments up to 2005	Disability Discrimination Act 1995: www.legislation.gov.uk/ukpga/1995/50/pdfs/ukpga_19950050_en.pdf Disability Discrimination Act 2005: www.legislation.gov.uk/ukpga/2005/13/pdfs/ukpga_20050013_en.pdf

resultant lack of consistency, the interest and enthusiasm on the part of the industry clearly exists. While this finding is noble in intention, the result is a mélange of inconsistency in the levels and standards of accessible accommodations which presents an environment of unpredictability and uncertainty to disabled travelers (Rivano-Fischer, 2004).

This element of inconsistency is apparent throughout Dubai's 5 star industry. It also bears mentioning that the overwhelming concern of the industry is on physical disabilities, particularly wheelchair users, with substantive implementation of accessible features most commonly seen in the areas of ramps, public lavatories, in-room showers, door widths, transfer space within a guest room, and heights of beds, light switches, and mirrors (Al-Mansour, 2010; Morris and Kazi, 2014). However, even the accessibility provisions that have actually been implemented indicate mixed signals. For example, there are instances of ramps leading to doors that are not wide enough for wheelchairs to fit through. There are lavatories where the doors are wide enough for wheelchair access, but the transfer space inside is limited, subsequently leading to awkwardness. One hotel placed their gym up some steps absent a ramp or lift that would allow wheelchair access. When questioned, the participant said they did not expect that a disabled guest would wish to use the gym (as cited in Morris and Kazi, 2014). When questioned about the lack of attention to non-physical disabilities, not one respondent could produce an example of the need arising within their experience. That lack of personal experience could explain the limited evidence, even in regional luxury hotels, of the usage of Braille or raised signage, for example.

There were, nonetheless, glimpses into unique solutions to occasional unanticipated challenges (wheelchair bound guests being physically picked up and carried by hotel staff in order to visit areas otherwise barred due to lack of access; hotel buggies entering the lobby from the outside and driving up to the elevator in order to accommodate disabled guests when needed). These examples speak volumes in terms of ingenuity in the face of adversity (Poria *et al.*, 2011), but they also open the door to ethical objections, emotional reactions, affronts to dignity, and potential legal liability for negligence (Morris and Berber, 2011; Hobbling Businesses, 2015).

In spite of the hospitality industry's good intentions, self-direction has pronounced limits and disadvantages. For example, there can be a tendency toward passivity and a reluctance for hotels to zealously accommodate their disabled guests beyond what is absolutely legally required at the moment (i.e. an unwillingness to fulfill obligations beyond regulation), because, as another participant stated, "Dubai thinks of everything, and when the time is right, lawmakers will issue comprehensive requirements [...] under the general customs of Asian hospitality, if a disabled traveler needed help, someone would automatically come to his or her aid" (as cited in Morris and Kazi, 2014).

Summarily, the current strategy, by most accounts, leans toward reaction as opposed to pro-action and the end result is the management of unique accessibility challenges on a case-by-case basis. These ad hoc approaches, while commendable in their ethical aspirations, can be perilous and insensitive. In spite of what appear to be the best of intentions on the part of the hospitality industry, any inadvertent lack of foresight and planning appears to be primarily due to insufficient regulatory direction.

The future of accessible hotel environments in Dubai

There has been increased emphasis in local media about additional upcoming legislation intended to enhance the rights of PwD in this region. News articles have referred to anticipated changes in both the federal law and the Dubai law (Government of Dubai Legal Affairs Department, 2014). Much attention was recently given to likely amendments at the recent ABILITIESme Conference that took place in Abu Dhabi where stakeholders from the public sector announced that reforms to existing law were in process. From a public relations standpoint, all of the signals for change are being manifested. This evolutionary legislative environment presents a unique opportunity for lawmakers to provide an accessibility scheme promoting awareness, compliance, and consistency in an industry that is currently functioning without clear direction.

An anticipated hurdle at the federal level that could evoke elements of disparity in purpose among the seven emirates of the UAE is the fact that there are, indeed, seven emirates. Dubai's goals, image, and economic framework are unique unto itself. It relies substantially on tourism for its

success (Gulf News, 2014), which is not necessarily the case for the other six emirates (Mansfeld and Winckler, 2007). A central consideration is how this disparity in purpose and subsistence among seven separate and exclusive areas of jurisdictional authority can possibly be regulated under one all-encompassing federal law. This observation is not intended to rate the values of the various emirates in a competitive sense, but more to initiate a discussion concerning a viable and comprehensive regulatory scheme that meets everyone's needs and expectations – from the perspective of both the governors and the governed. This is a daunting task, given the singularity of each of these political territories.

One option would be modeling the federal law on the Americans with Disabilities Act which contains a mechanism that significantly mitigates the attendant strain of a federal body attempting to predict and satisfy the demands of 50 states that are most decidedly not in sync regarding their objectives and needs (US Department of Justice Civil Rights Division, Disability Rights Section, 2009). Under the ADA, the federal law sets the minimum standards by which all states must comply. Each state, however, has the option of passing its own disability laws which can exceed the demands set by the federal standard. Once the state has enacted legislation that meets or exceeds the federal requirements, only then can that state apply for certification of its law from the Department of Justice. Once certification is granted, stakeholders within that state need not look any further than its local law for direction; that is, there is no need to research and construe the federal law as well (US Department of Justice Civil Rights Division, Disability Rights Section, 2010). This certification process addresses several different concerns that would have direct applicability here in the UAE: first, it would set up a minimum regulatory standard that all emirates would be required to follow, thereby establishing consistency and predictability throughout the country as a whole; second, it would allow each emirate the option of designing laws that surpass the minimum federal standards, thereby allowing room for creativity and singularity; third, it would give architects and contractors of new structures strict guidance of what may and may not be constructed within the relevant emirate, thereby eliminating confusion; fourth, it could be designed in such a way that the federal seat maintains the responsibility for overseeing lawsuits brought for violation, and for the enforcement of penalties in the event of noncompliance; and finally, particularly significant for Dubai's hospitality sector, it would allow the Department of Tourism and Commerce Marketing (DTCM) to set up a strategy for increasingly enhanced inclusion models that must be met in order to meet the various criteria under the hotel star rating system (Department of Tourism and Commerce Marketing (DTCM), 2014).

Presently, the industry has no means of determining whether or not it is in legal compliance and, therefore, must rely heavily on self-direction. Lawmakers currently have an exceptional opportunity to create new legislation that defines a comprehensive, precise, and specific model of inclusion that promises awareness, compliance, and consistency for all stakeholders.

Conclusion

According to the Expo 2020 Master Plan (2014), "the Dubai Expo 2020 is designed to be easily accessible, from transport to and from the site as well as whilst at the venue, for all people, regardless of age or physical ability." The paramount obligation of Dubai lawmakers is to enact a revised regulatory scheme that ensures equitable provision of the diverse accessibility needs of all PwD (not limited to physical disabilities), defines precisely how the local infrastructure must accordingly be upgraded, and then sets out the penalties in the event of noncompliance. Most industry professionals and policy makers allude to the ADA when referencing the paradigm of disability legislation. In order for Dubai lawmakers to meet the needs of PwD in an expanding tourism environment, an effective and positive starting point would include a policy decision to model Dubai's new and broadened legislation on the ADA.

The needs and benefits of reviewing and enforcing accessibility laws are clear. Inadequately built current environments reflect basic philosophical challenges that in turn have posed and will continue to pose legal and socio-economic problems for tourists and residents with disabilities. A more detailed legal framework will translate into positive tourist experiences and satisfaction with Dubai in preparation for Expo 2020 and beyond. Building and planning legislation in the area of accessibility will ease a marginalized population's interaction and participation in social

activities and will bring Dubai in line with universally accepted notions of ethics. The sustainable promotion of Dubai as a tourist destination will be the natural outcome, which in turn will set an example for raising the accessibility standards of other nations in the MENA region to emulate. Building accessible environments that have their foundations on strong legal and ethical frameworks will have positive long-term consequences.

Notes

1. The United Nations defines social integration as a “dynamic and principled process of promoting the values, relations and institutions that enable all people to participate in social, economic, cultural and political life on the basis of equality of rights, equity and dignity.”
2. Global widespread implementation of universal design and diversity principles will ensure that “environments, programs, and resources are accessible to cater to people with a broad range of abilities, disabilities, and other characteristics, minimizing the need for special accommodations” (University of Washington, 2015).
3. There is also a moderate amount of reference by hotel operators to the Hotel Classification Guide published by the Department of Tourism and Commerce Marketing (DTCM) in Dubai; however, enactment of this document into law cannot be confirmed at this time, and greater emphasis was placed on the ADA and self-direction at the time earlier research was conducted.

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