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INTRODUCTION

No smart business would intentionally ignore 56 million potential customers in the United States or over 1.3 billion people worldwide.

Yet that's what's happening today with websites that are not accessible for people with disabilities ranging from visual impairments to mobility impairments.

Today the public expects brick and mortar businesses to have ramps, automatic doors, and other accommodations for people with disabilities. But websites are frequently not as accommodating.



These businesses are failing a large segment of the population at their own peril. Companies that don't make their websites more accessible also run the risk of lawsuits based on Title III of the ADA, which prohibits discrimination on the basis of disability in the activities of places of public accommodations such as business that are generally open to the public. In a judgement last year against grocer Winn Dixie, the company must set aside \$250 million to update their website in addition to paying plaintiff's legal fees

Finally, an accessible website can be good for the bottom line. The Federal Reserve Bank of Boston estimates Americans with disabilities have \$220 billion in discretionary spending power. That is double the spending of teens and 17 times the spending of tweens age 8 to 12-years-old.




**Websites are now the
new front door for
businesses. It's just
smart business to have
accessible web sites.**

01

WHAT IS WEB ACCESSIBILITY?

**An accessible
website is one
designed to
serve all users,
regardless of
technology,
education, or
ability.**

 An accessible website is one that is easily available to as many people as possible.

It means that people with disabilities can use and experience the Web equally. It levels the playing field and removes obstacles for participation.

It means navigation is clear and easy to follow with or without a mouse and video content is available through closed captions, full-text transcripts or sign language.

It means photos and graphics are described.

It means the content works with a screen reader and that type size is flexible.

It means colors and contrast of the design are not an obstacle and that content works on various devices.

It means the visually impaired, audibly impaired, neurologically impaired, physically impaired and cognitively impaired can use the web.

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**It means
everyone can
use the web
*equally.***

Important Terminology

If you're already familiar with these terms, skip ahead to the next section. If you're not, these give you a good overview of some of the key acronyms and terms in website compliance.

ADA

The Americans with Disability Act is the umbrella term for the 1990 civil rights law that prohibits discrimination against individuals with disabilities. It required most businesses and public service providers to accommodate people with disabilities, with among many other things, wheelchair accessible ramps and water fountains to raised and braille characters on signs.

Department of Justice (DOJ)

The Federal agency responsible for writing and issuing regulations for compliance with the ADA. The DOJ has not issued any regulations, leaving federal, and sometimes, state courts to sort out compliance.

W3C

The World Wide Web Consortium is an international community that develops web standards

WCAG 2.0

The Web Content Accessibility Guidelines, developed by the W3C, explain how to ensure that websites are accessible to those with disabilities through standards across devices. The WCAG is composed of four principles.

ISO/IEC 40500

The International Standards organization has accepted WCAG 2.0 as an international standard, which means more countries and organizations around the world can adopt WCAG 2.0.

Conformance Levels

Compliance with WCAG principles is measured in three levels of increasingly demanding features and functionality of a website. The three levels are designated as A, AA, AAA.

Title II

A federal regulation that protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities.

Title III

A federal regulation that prohibits discrimination on the basis of disability in the activities of places of public accommodations such as businesses that are generally open to the public. This includes private universities and vocational schools.

Section 508

It is the 1998 amendment of Section 508 of Rehabilitation Act of 1973. It applies to Federal agencies, requiring them to make their electronic and information technology (EIT) accessible to people with disabilities. It is being “refreshed” and include elements of the WCAG 2.0 compliance documentation.

Sources: ada.gov, section508.gov, w3.org

02

WHY WEB ACCESSIBILITY MATTERS

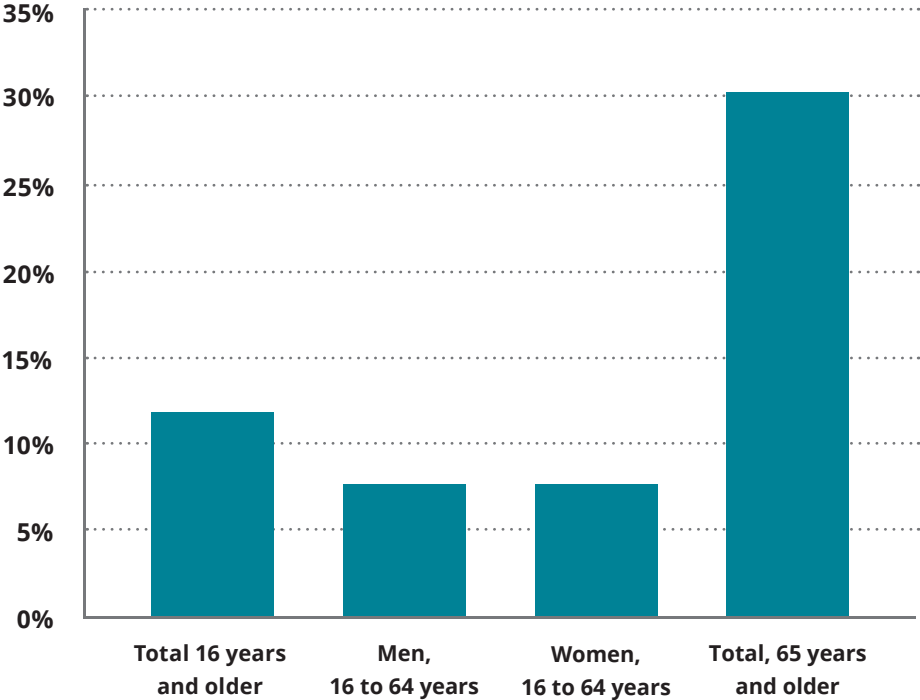
You're leaving money on the table

The Federal Reserve Bank of Boston reports that 70 percent of Americans with disabilities buy from companies that support persons with disabilities. The disabled represent 20 percent of the population, according to the U.S. Census Bureau. The aging baby boomers account for increasing numbers of people with disabilities. Additionally, customers may be visiting your site from around the world. There are 1.3 billion disabled world-wide, according to Return on Disability® Group, a New York-based economic research firm and index provider founded in 2008. Add in friends and family, and the number jumps to 3.7 billion people.

People with disabilities control about \$8 trillion in disposable income worldwide.

To put that in dollars, a British study, “the-click-away-project,” found that 70 percent of users clicked away from sites with usability barriers. While that may not be a true definition of “bounce rate,” it comes close to showing the impact of an unwelcoming website.

Disability Rates by Gender and Age in 2014



Source: U.S. Bureau of Labor Statistics


The established guidelines incorporate good design principles

The World Wide Web Consortium – W3C for short – is an international community that champions the idea that the web is “fundamentally designed to work for all people.” Accessible doesn’t mean complicated and unattractive. On the contrary, it makes your website more useful for all users, including those without a disability.


Forget the notion that accessible can’t look great. Consider for a moment how often you push a button to open a door to enter a business. That button helps make the business accessible for the disabled. Many people without disabilities push the button because it is there. Great web design is the same. Web accessibility makes “entry” easier for everyone.

The W3C’s standards comprising WCAG 2.0 have been accepted by the

International Standards Organization in ISO/IEC 40500. This means more countries and organizations around the world can accept the WCAG 2.0 compliance standards.

 The European Union parliament approved a directive in October 2016 requiring the accessibility of public sector websites and mobile applications to be phased in over several years.

While there is some vagueness in the mandate, the directive requires organizations that “Provide services that are essential to the public, or services that specifically address the needs of, or are meant for, persons with disabilities.”

 This may include financial services, transportation and the food industry.

To be clear, the EU governing body has committed to having websites that are inclusive.

Your website can cost you

It's the law. While the U.S. Department of Justice has not issued regulations or guidance of any kind, the Americans with Disabilities Act is Civil Rights law, and litigation is common.

The most notable case was grocer Winn Dixie. In a 2017 bench trial, a federal judge in Florida ruled against Winn Dixie, saying that the company's website was integrated into the physical stores. The judge ordered the company to pay the plaintiff's legal fees and set aside \$250,000 to redesign websites.

It didn't matter that the U.S. Department of Justice (DOJ) had not

issued regulations on how the law applies. In the absence of the DOJ regulations, federal and state courts will make determinations. Eventually, conflicting federal rulings may end up in front of the Supreme Court.

In 2017 alone, 800 cases were filed against companies for website inaccessibility.

It boosts your brand's reputation and trust

People with disabilities are a powerful force to be reckoned with and can mobilize considerable negative publicity against a company through traditional media coverage and virally through social media. Target chose to settle a class action case in 2008 with the National Federation of the Blind, which sued the company claiming the store's website was not accessible. The company showcases their corporate

responsibility on their website saying "We're putting the needs of people, communities and the planet at the heart of how we work today, to help build a better tomorrow."

.....
Not having an accessible website negates the true commitment to diversity that many companies promote.

It's about basic fairness

It's about achieving the original vision of the web: make it easily accessible to everyone, everywhere. The public supports fairness of the web. Look no further than support of the concept of "net neutrality," which holds that Internet service providers should enable equal access to all content or applications independent of the source and not favoring, blocking or throttling certain content.

A 2017 survey of 1,077 registered voters conducted by the Program

for Public Consultation (PPC) at the University of Maryland showed that more than 80 percent of the public supported neutrality.

The internet should be a place for everyone, regardless of technology, education, or ability.

03

THE RISK OF NOT COMPLYING

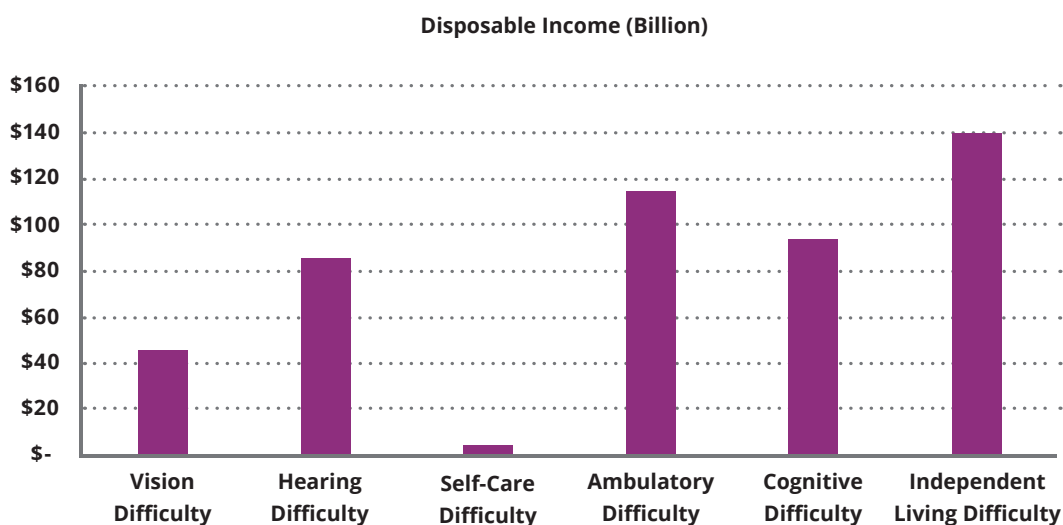
Lost business

Competitors who embrace the website principles stand to win a greater share of business. There is tremendous discretionary spending at stake. Without an accessible website, a company is ignoring 15-20 percent of the population.

People with disabilities offer two new opportunities for business, according to the American Institutes

for Research. Their research shows that hiring people with disabilities enhances the diversity of the business, improving productivity and innovation. Additionally, people with disabilities are an opportunity to fill their needs with goods and services. The report notes after-tax disposable income for working-age people with disabilities is about \$490 billion, similar to African Americans at \$501 billion and Hispanics at \$582 billion.

Aggregated Disposable Income by Disability Type



Source: American Institutes for Research



Legal Costs

Legal fees – yours and those of the plaintiff - are at stake if you lose. The National Federation of the Blind (NFB), notified Target Corporation that its website, Target.com, was not accessible

to blind and visually impaired users. The retailer filed motions to have the case dismissed. After a judge ruled the case could proceed, Target settled the class action lawsuit for \$6 million.



Bad PR

It just looks bad. A public relations debacle over website accessibility risks alienating customers and stockholders. More investors are evaluating a company's environmental, social, and governance policies when making investment decisions. Accessibility

plays a role in this investing evaluation method. Additionally, taking public backlash over accessibility can hurt employee morale and make it difficult to attract talented employees. Accessibility makes for good corporate social responsibility.

04

HOW TO ACHIEVE COMPLIANCE

It's still not clear where to turn.

One of the biggest challenges in website accessibility involves the lack of clarity around *compliance* standards.

While best practices in web accessibility are clear (if occasionally subjective), domestic and international legal standards are decidedly not.

In the U.S., strict compliance with the ADA is not clear cut because the U.S. Department of Justice has not issued any guidance or regulations for website compliance with the ADA.

The only potential guidance is found in Title III of the ADA, which prohibits discrimination on the basis of disability in the activities of “places of public accommodation.” Federal courts are ruling differently around the country. Recently, more and more rulings are suggesting that company websites are indeed “places of public accommodation.”

But guidelines within legal ruling on what defines web accessibility are minimal and scattered.

This leaves businesses in limbo.



WCAG Standards

For website accessibility guidelines, most companies turn to a set of international standards.

The Web Content Accessibility Guidelines (or WCAG for short) make the path to accessibility clearer.

And in some recent legislation,

companies have been directed to use these standards to improve the accessibility of their website.

 CAG 2.0 (the most recent version of the standards, but more on that later  states that accessible websites are built on four core pillars.

THE FOUR PILLARS OF WCAG COMPLIANCE

Perceivable:

The information on a website and user experience (UX) must be presentable to users in a visible and intuitive way.

Operable:


The website's features and navigation must work for all users and not require an interaction a specific user can't perform.

Understandable:

The content or operation can't be complicated - words and languages are defined and instructions are provided.

Robust:

Content can be interpreted reliably by a wide variety of platforms, like browsers, and assistive technologies such as screen readers.

 The W3C is expected to release an enhancement to current guidelines in late 2018 with WCAG 2.1 guidelines.

Rather than replacing or modifying WCAG 2.0, WCAG 2.1 is intended to fill in some of the gaps left by the previous guidelines.

There are three levels of compliance in WCAG 2.0 requirements. They are designated by the letters A, AA, and AAA. The AAA compliance level requires advanced accessibility and is the most stringent.

Level A

At Level A, people with disabilities will still require considerable effort to use a website. This level includes 25 requirements for such things as text alternatives to non-text items, like photographs and captions for videos with audio. Also the website must be accessible with a keyboard only.

Level AA

Moving to Level AA, all of the Level A must be completed plus an additional 13 items in this level of compliance, which can be developed without compromising the experience of mainstream users. The additional functions include such things as text resizing up to 200 percent without the loss of function; contrast between text and background at least 4.5:1.

Level AAA

At the most stringent Level AAA - It is rare for a site to comply fully with the 25 requirements at this level. Organizations often chose to implement some of the features of this level.

DBS Interactive recommends most businesses achieve or exceed Level AA compliance and incorporate as many parts of Level AAA compliance as possible.

To be clear, everyone benefits from an accessible website. But that doesn't mean making your website functional for the broadest user base possible isn't an equally important goal. Accessible websites benefit individuals with a variety of permanent and temporary disabilities, like:

- Individuals with visual impairments like blindness, partial blindness, and color blindness
- People with hearing impairments or deafness
- Individuals with physical limitations like limited manual dexterity
- People with cognitive disabilities or limited education
- Users browsing websites with unusual devices, such as small screens, smart TVs, game consoles, and smartphones
- Our growing aging population, many who have a combination of visual, hearing, and physical impairments
- People with temporary or short-term impairments like broken arms or misplaced glasses
- People on slower internet connections
- People in environmentally limiting places such as distracting noise or bright light

Website Accessibility Best Practices

There are numerous resources available that document in detail best practices for web accessibility. Rather than give an exhaustive list, we've compiled elements of accessible website into a more organized, high-level list.

Graphics and Design

- Every visual asset has alternative text that accurately describes the image.
- Complex graphics are accompanied by detailed text descriptions.
- When images are also links, the alternative text should also describe the link destination.
- All website text is in high contrast with the background behind it.
- Text size and color contrast can be adjusted to meet the specific needs of your users

Multimedia

- Videos need closed captioning as well as opportunity to view a text transcript.
- Audio files need a description as well as an opportunity to view a text transcript.
- Animated elements on a website (such as image carousels) can be paused and controlled by the user.
- Web pages cannot contain rapid flashing images.
- All downloads are available in accessible formats. Many PDFs are not considered accessible documents.

Content

- Website content is clear and understandable.
- Abbreviations are defined after their first use on a page.
- Page titles and headers accurately describe the paragraph content below.
- A website glossary is available, if the website has a large amount of technical information.

Forms

- Form fields are in a logical order.
- Form fields have useful placeholder text.
- Error messages during form input are clearly defined (red boxes alone are not enough).

Navigation

- All items on the website can be accessed via keyboard controls alone (including links, buttons, and forms).
- When an element is selected via a keyboard control, there is a visual indication of selection (e.g. a glow around the selected area).
- A 'Skip Navigation' link (often invisible to sighted users) allows individuals using screen readers to skip the top navigation entirely.
- Website uses logical order of h1s, h2s, and h3s.
- Buttons and tap targets are large enough to accommodate users with low dexterity.

05

GETTING STARTED

*Ready to dive in and check if your website is compliant?
There's three types of audits to consider.*

1. The qualitative audit

Take a step back and do a subjective, qualitative review of your site. Put yourself in the shoes of someone with one of the previously mentioned disabilities - visual, audible, physical, neurological, cognitive or speech.

Are there captions for photos, and text versions of videos? Is navigation clearly worded? Is there

sufficient contrast between text and background colors? Do you use color alone to convey information, which is unhelpful for the colorblind?

Could you enjoy and engage with the content on your website? You're beginning to see the scope of the work ahead.

2. The quantitative audit

There are many tools available to run an in-depth audit of your website to determine if basic features are being used, such as image tags and labels.

You'll quickly see if the existing tools and functions already available in HTML and CSS coding are being

used to make the site accessible. While most people can launch and run the tools, it's best to have a web development team analyze the results and guide the steps to fix shortcomings. These tools can identify missing tags, labels, broken links and more.

3. The external audit

A web design and development agency with experience producing ADA or, especially W3C compliant sites is best suited to produce a full

audit with recommendations. Some sites may be adapted to achieve compliance, older sites may need to be developed new.


CONCLUSION

Starting down the path of website accessibility can be daunting, but it's overwhelmingly worth it. Web accessibility isn't just about complying with strict laws, but about expanding your customer base and helping make the world a fairer place.

With a committed internal team or a trusted external partner, you can quickly get on the right track.

It is better to take some first steps towards compliance rather than be faced with a costly lawsuit or negative press.

FACTS

- Based on U.S. Census data, nearly 20 percent of the population has a disability protected by the Americans with Disabilities Act.
- People with disabilities control about \$8 trillion in disposable income worldwide.
- nservatively, there were over 800 federal accessibility lawsuits in 2017. That's more than three times the total number filed between January 2015 and October 2016.
- A British study, "the-click-away-project," found that 70 percent of users clicked away from sites with usability barriers.
- The first case to go to trial was in Florida. The plaintiff with blindness sued the Winn Dixie grocery company because the site was not accessible. In the bench trial, the judge ruled that the company's website was inextricably tied to the company's physical stores, which are required to be ADA compliant. The company had to pay the plaintiff's legal fees and set aside \$250,000 to bring its website into compliance.
- About 8.1 million people have a vision disability, including 2 million who are blind or unable to see.
- About 7.6 million people experience difficulty hearing, including 1.1 million whose difficulty was severe. About 5.6 million people use a hearing aid.
- National Captioning Institute research found that 66 percent of viewers of captioned TV are more likely to buy a product that has a captioned commercial; 53 percent will actively seek out products advertised with captions; and, 35 percent will switch to brands that use captioned ads.
- Open Doors Organization estimate that 75 percent of people with disabilities dined at restaurants at least once a week and spent about \$35 billion.
- Federal Reserve Bank of Boston estimates Americans with disabilities have \$220 billion in discretionary spending power. That is double the spending of teens and 17 times the spending of tweens ages 8-12.

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