



Equal Access to Websites: Balancing Aesthetics and Accessibility

This webinar is presented for illustrative purposes and does not constitute legal advice.

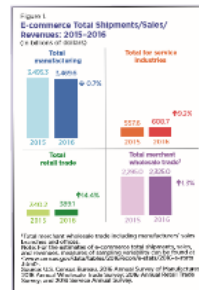
You should consult an attorney when drafting and revising your employee handbook and policies.



Why is this issue
important to my
business?

According to the U.S. Census:

- As of June 2017, the census reported 56.7 million (19%) Americans suffer from some form of disability*
- The most recent census reports show that e-commerce sales in the service industry for 2016 were up 9.2% to \$608.7 billion; and for retail sales, up 14.4% to \$389.1 billion*

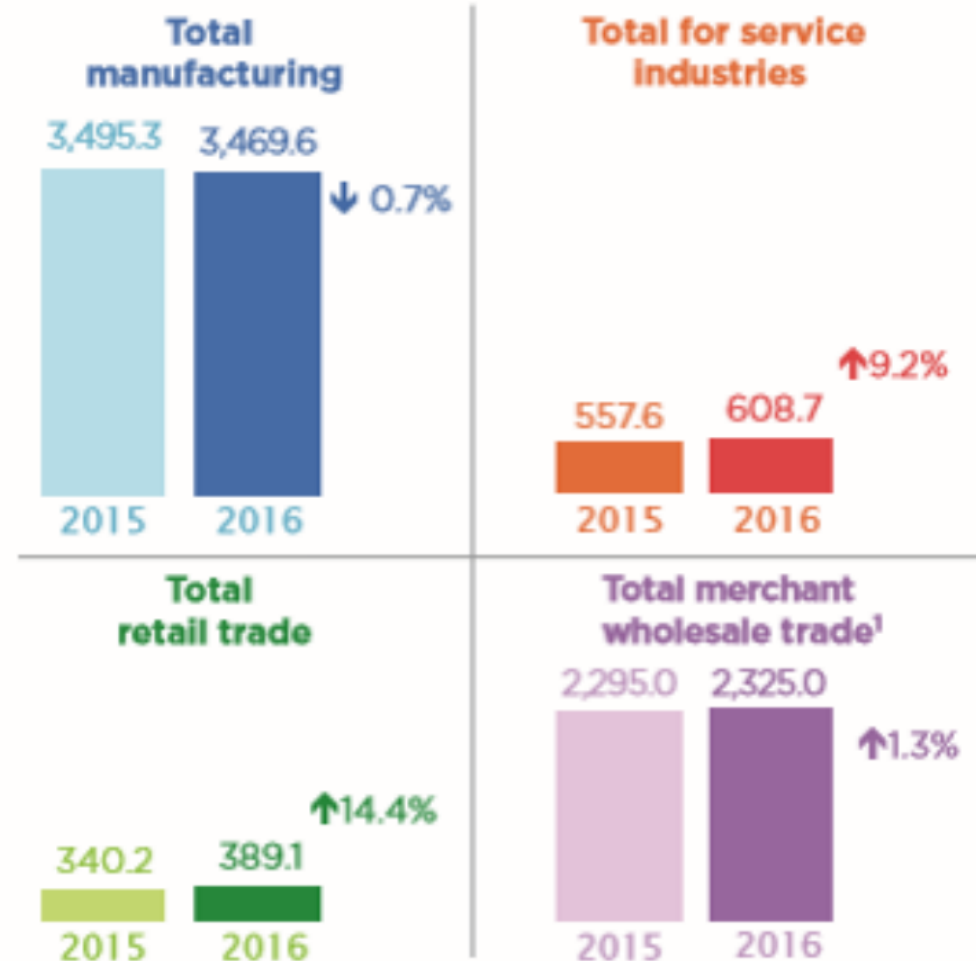


1 See 2017 U.S. Census Bureau Disability Statistics Facts for Features, available at <https://www.census.gov/data/tables/2017/c2kbr/disability.html>
2 See U.S. Census Bureau, U.S. Dept. of Commerce - Economics and Statistics Administration, E-Stats 2016: Measuring the Electronic Economy, available at <https://www.census.gov/economy/commerce/e-commerce/e-commerce-total-shipments-sales-revenues-2015-2016.html>

Figure 1.

E-commerce Total Shipments/Sales/ Revenues: 2015-2016

(In billions of dollars)



¹Total merchant wholesale trade including manufacturers' sales branches and offices.

Note: For the estimates of e-commerce total shipments, sales, and revenues, measures of sampling variability can be found at www.census.gov/data/tables/2016/econ/e-stats/2016-e-stats.html.

Source: U.S. Census Bureau, 2016 Annual Survey of Manufacturers; 2016 Annual Wholesale Trade Survey; 2016 Annual Retail Trade Survey; and 2016 Service Annual Survey.



Technology and Hotel Booking Trends

- Websites allow consumers to “shop around” for the best deals
 - 84% of travelers reported having purchased travel/accommodations online
 - 72% of travelers reported conducting online research before committing to an accommodation
- Websites allow consumers to make purchases from the convenience of their home or office
- Websites allow consumers to view accommodations, graphics/images, and take virtual tours

The ADA states that:

No individual shall be discriminated against on the basis of disability in the **full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation** by any person who owns, leases (or leases to), or operates a place of public accommodation.”

Public accommodations include:

hotels, restaurants, bars, movie theaters, concert halls, grocery stores, clothing stores, hardware store, shopping centers, and other sales or rental establishments, the offices of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, as well as amusement parks or other places of exercise or recreation.

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Discrimination prohibited by the ADA includes, among other things:

“a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;”

and

“a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the **absence of auxiliary aids and services,** unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden...”

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Impacted Website Consumers

Blind Consumers

Key Website Accessibility Issues:

- Voice Control
- Screen Reader Capability

Color Blind Consumers

Key Website Accessibility Issues:

- Color contrast
- Distinguishing between certain colors (e.g., red versus green)

Deaf Consumers

Key Website Accessibility Issues:

- Audio/media content

Physically Handicapped Consumers

Key Website Accessibility Issues:

- Ability to use a mouse or keyboard for extended periods of time
- Navigation of content for extended periods

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Assistive Technology Devices

Screen Readers

- Primarily used for visually impaired persons
- Identifies and interprets the material from the website and conveys it to the user by text to speech, sound icons, or braille output tools

Voice Controls

- Used by visually and physically impaired persons

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Common Pitfalls of Creative Website Design

WCAG 2.0 – Accessibility Regulations

- <http://www.w3.org/WAI/WCAG20/quickref/>
- <https://www.w3.org/blog/2018/06/wcag21-rec/> (now includes content recommendations for mobile devices)
- Accessible websites are perceivable, operable, understandable, and robust

Graphics

- Require text alternative coding
- Must sufficiently describe the non-text material
- Examples:
 - Images of goods/product with adequate descriptions;
 - Superimposed text (e.g., contact information, product descriptions); or
 - Prices printed on/in an image



Text

- Color contrast
- Text size
- Special rule: Logos



Fillable Forms

- Key examples on your website: reservations, purchase order forms, rewards programs registration
- Must identify and encode text alternatives for each field
- Reservations widgets/third party content
 - Work with your third party vendors to ensure their widgets comply with accessibility requirements, or consider removing third party content you cannot control

Documents

- E.g., privacy policies, terms & conditions
- Must be in a text-based format (e.g., .docx, HTML, and PDF documents are problematic if not tagged with OCR formatting allowing text to be read out loud)

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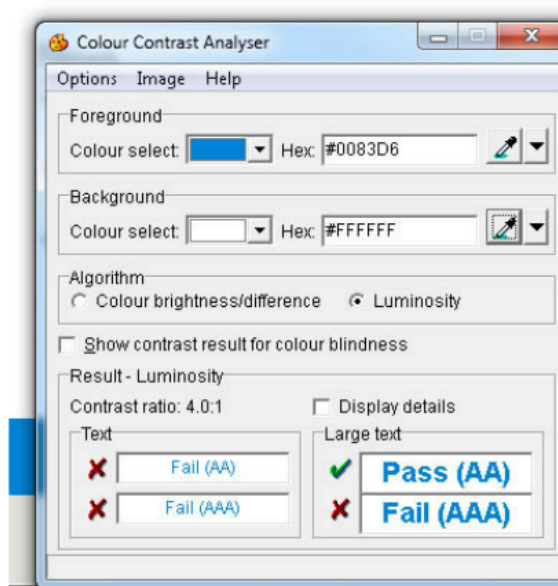
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Events

'Terra Nova': Nov. 9 to 13

REEL Rock Film Tour: 7 p.m. Nov. 15

Financial illiteracy: 5:15 p.m. Nov. 16

Take Back the Night: 7 p.m. Nov. 17

Harry Potter Trivia Night: 6:30 p.m. Nov. 21

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The Prevalence of Website Inaccessibility

Internet Webpage Development Sites

- “Create Your Own” websites can be problematic
- Check for indemnification provisions with website developers/designers

Professional Website Development Agencies

- May or may not be current on these regulations
 - WCAG 2.1 has now been introduced (June 2018), which includes recommendations pertaining to mobile devices
- May be focused on a visually appealing product to attract and retain consumers' attention
- Insist on WCAG 2.0 AA recommendations, and develop a website accessibility policy to use in-house for reviewing website content

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Prevention

Personally Review Your Website

- When?
- How?
 - Right-click on portions of the website and select "Inspect Element"

```
<img style="width: 667px; height: 448px; display: block;" alt=""  
src="http://static.wixstatic.com/media/9c608a_bb550825c6b54adeaaa  
9b3723cc8c679.jpg/v1/fill/w_634,h_426,a1_c,q_80,use_0.66_1.00_0.0  
1/9c608a_bb550825c6b54adeaaa9b3723cc8c679.jpg"
```

E.g., here, a visually impaired person may have no ability to access or understand what image is portrayed on the website based on the coding.

Personally Review Your Website (Con't)

- Review the commands with the key areas we have discussed in mind
- Is the color contrast appropriate?
- Check the size of text
- Can you navigate your website from the keyboard?
 - *E.g., tabbing through sections/skipping from heading to heading in navigation toolbars*

Talk to Your Website Designers

- Bring up the regulations
- Before you select a designer, review other websites they have designed
- Review the prototypes of websites keeping what we have discussed in mind and, if you see an issue, ask questions!

Consult an Attorney or Website Accessibility Specialist

- If you still harbor concerns, be proactive. Consult with a specialist *before* the website goes live!
- GRSM works with experts in this field to provide you with competent advice.

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Takeaways

- Focus on the importance of paying attention to the issue
- Focus on customer-service; your ability to effectively communicate with people with disabilities via your website could ultimately affect your bottom line