The Why, What and How of ADA Digital Compliance

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Why are we here today?

We'll review:

- Background on the Americans with Disabilities Act (ADA)

- Legal Guidelines

- Best Practices Guidelines

- Benefits to Your Business

This is an information-only seminar, and is not in place of seeking legal advice.

1 in 4 people have some form of disability.

These people are customers and potential customers, who you want to accommodate when they visit your location, and when they go to your websites.

Primary Types of Disabilities

- Physical/Mobility
- Learning/Cognitive/Reading
- Hearing
- Visual

On July 26,1990, The Americans with Disabilities Act (ADA) was put in place. That was almost 32 years ago.

- The ADA was the nation's first comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and **communications**.

- Title III of the ADA states a person owning, leasing, or operating a "place of public accommodation" may not discriminate against an individual with a disability regarding the "full and equal enjoyment" of **goods and services**.

Title III of the ADA covers websites, and prohibits discrimination on the basis of disability.

This regulation is in place to protect someone who "has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment."

This means websites need to make sure they accommodate people with:

- Blindness or low vision
- Hearing impairment
- Learning disabilities
- Cognitive limitations

Web Content Accessible Guidelines (WCAG) were published 23 years ago. Today WCAG 2.1 is considered the gold standard in website accessibility.

It is not a law or regulation, but the WCAG 2.1 is the accessible web standard used by litigators, so it is important to understand it.

There are three levels of WCAG:

- A (minimal), AA (significant) & AAA (perfect)

The legal community recommends aiming to meet level AA to avoid lawsuits and be in compliance.

WCAG is broken into four guiding principles, which state that web content must be:

- Perceivable – the information on a website can be perceived by everyone regardless of their disability

- Operable – you should be able to navigate the website using the keyboard only without relying on a mouse

- Understandable – must use clear terms and simple instructions

- Robust – compatible with screen readers

Initially the wave of lawsuits were focused on physical locations that didn't accommodate people with disabilities.

About four years ago, there was a wave of new lawsuits, this time focused on websites. That is when businesses, including wineries, started to pay attention and changed their websites to be compliant.

However, many businesses, including wineries, didn't do enough, if anything, to ensure their website was accessible to all.

What does it mean to be in compliance with the ADA law, to be accessible to all?

• No legal guidelines to spell out what it means to be in compliance.

• Use the WCAG 2.1 as your best practices guideline.

• Software available to test your website.

• Software is also available to make your website more compliant.

Best practices to make a website compliant:

• Be sure your website avoids poor color contrasts and difficult to read fonts.

The quick brown fox jumps over the lazy dog.	The quick brown fox jumps over the lazy dog.
The quick brown fox jumps over the lazy dog.	The quick brown fox jumps over the lazy dog.
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Good Contrast	Good Contrast	Good Contrast
Bad Contrast	Bad Contrast	Bad Contrast

Bad Examples	Good Examples
Blue on black is bad	Yellow on black is good
Green on orange is bad	Black on orange is good
Red on green is bad	Black on green is good
Grey on purple is bad	White on purple is good

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• Never use color alone to give information. According to Prevent Blindness, 1 in 12 men (8%) and 1 in 200 women (1%) are colorblind (approximately 4.5% of the world population).

Normal Color Vision

Deutan Color Blindness

Protan Color Blindness

Achromatopsia Color Blindness

Normal Color Vision — Protan Color Blindness

Normal Color Vision — Protan Color Blindness

Normal Color Vision — Protan Color Blindness

Normal Color Vision — Protan Color Blindness
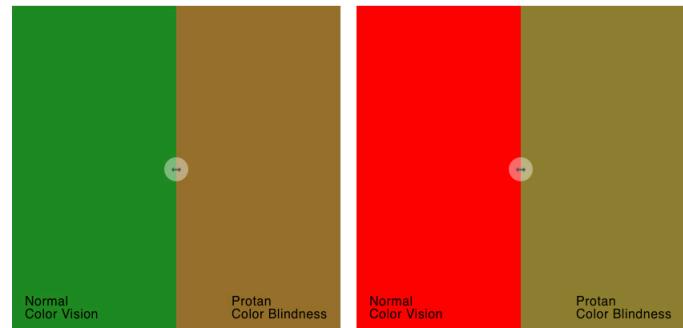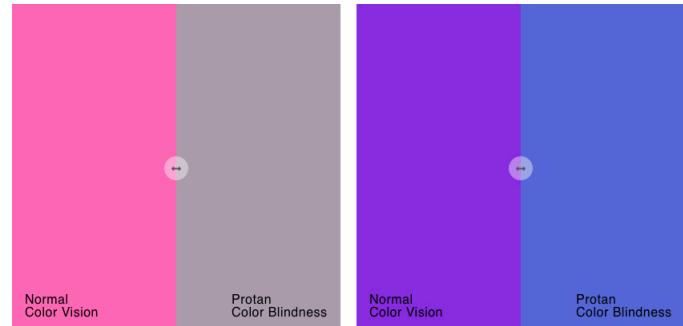
- Label your photos with words and make sure they also have "alt tags."

What does good alt text look like?

Let's take a look at a couple examples of alt text in action:

Okay alt text: <img src="bird.png" alt="Rooster">
Better alt text: <img src="bird.png" alt="Rooster crowing">
Best alt text: <img src="bird.png" alt="Red-crested rooster crowing">

Okay alt text: <img src="escalator.jpg" alt="man on escalator">
Better alt text: <img src="escalator.jpg" alt="man walking on escalator">
Best alt text: <img src="escalator.jpg" alt="man wearing backpack walking down escalator">

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- Make sure videos have captions

Announcer: She's done it! Christina has won the first race in the Summer frame.

In the winter time, these tigers will often stalk...

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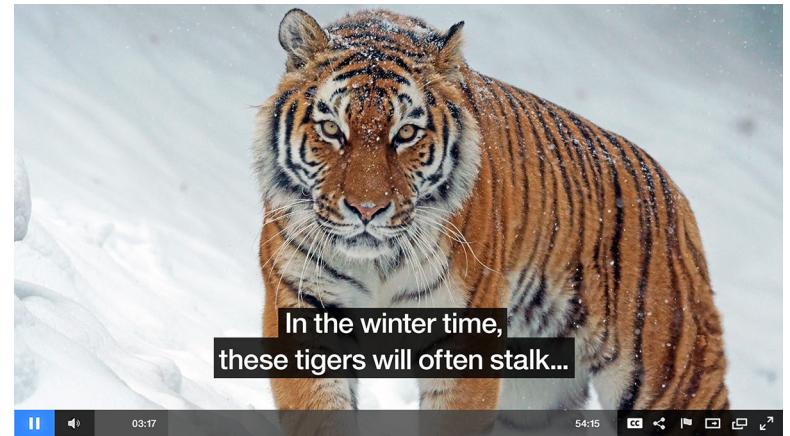
- Make sure all your online forms are accessible. This is the biggest issue for visually impaired folks. They need to know what needs to be filled in and why, especially if they can't read the form.

- Make sure your website isn't built using mouse only navigation.

- Post an accessibility statement and make sure there is an easy way for users to get in touch with you.

- Add on a widget or plugin like User Way to help enhance your website.

- Use an auditing tool like User Way or WAVE to test your website for ADA compliance violations.
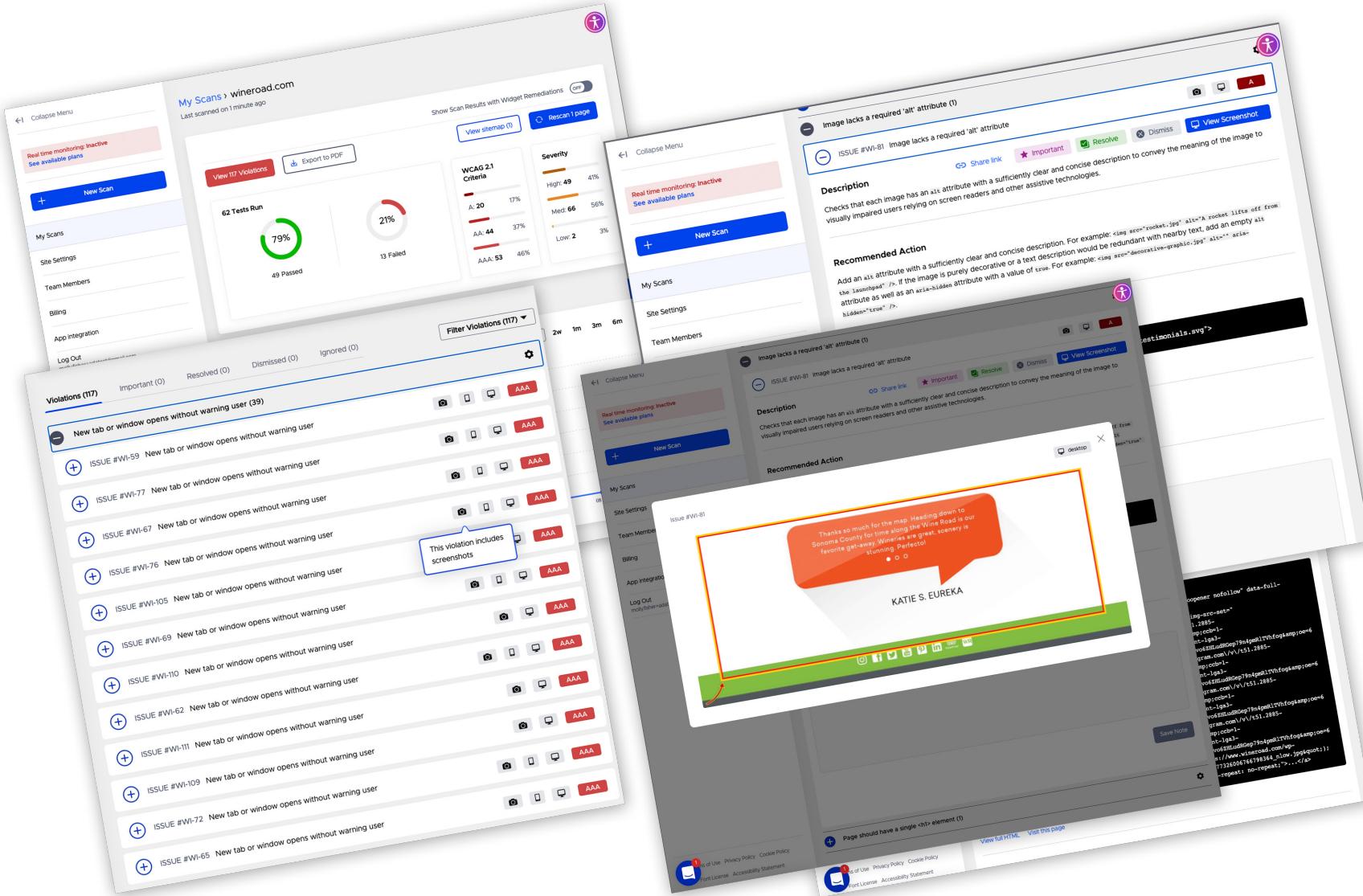
• Try doing a manual audit using a screen reader, or having someone with a disability try using your site, especially the shopping cart.

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What should you do next?

The goal is "reasonable accessibility."

That means work toward removing access barriers, enhancing accessibility and optimizing features.

• Run one or more audits on your website using one of the free or subscription tools. These are the same tools used by plaintiffs who sue businesses for not having a compliant website.

Audit results from the scanning tool WAVE.
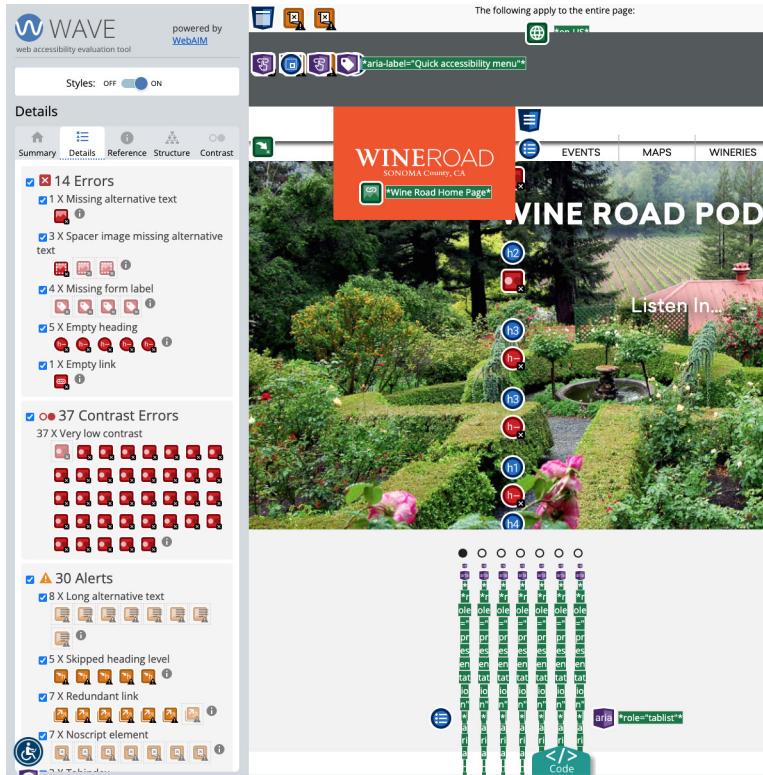
Audit results from the scanning tool PowerMapper.

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- Inventory your website to make sure all of the best practices listed above are in place.

- After you get your website to a point of reasonable compliance, continue to maintain all the best practices.

- Reach out for assistance if you don't know what to do. Be careful and make sure whoever you hire knows all the necessary changes needed for your site to be in compliance with WCAG 2.1 level AA.

"There is no clear-cut way to measure accessibility; incorporating of all these measures is the best way to deter lawsuits."

Benefits of making your website more accessible:

- Higher ranking in a Google search

- Improves your SEO by adding descriptive words to all your images through filenames, alt tags and captions

- Increase your potential client base, and sales.

Plugins and Widgets to Assist with Accessibility and Perform ADA Website Audits

WAVE (web accessibility evaluation tool) – free tool; https://wave.webaim.org/

Power Mapper
https://www.powermapper.com/products/sortsite/checks/accessibility-checks/

Google Lighthouse - https://developers.google.com/web/tools/lighthouse/

User Way - https://userway.org/

Audioeye - https://www.audioeye.com/

EqualWeb - https://www.equalweb.com/

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Additional Resources

Web Accessibility Standards/Guideline
https://www.w3.org/WAI/standards-guidelines/wcag/

WCAG 2.1 at a Glance
https://www.w3.org/WAI/standards-guidelines/wcag/glance/

WCAG 2.1 A/AA Principles and Checkpoints
 – lists the 50 checkpoints, categorized by 4 principles
https://www.boia.org/wcag-2.1-a/aa-principles-and-checkpoints

Free WCAG 2.1 AA Compliance Summary of Your Website
https://www.boia.org/products/free-wcag-2-0-aa-report/

Bureau of Internet Accessibility – multiple resources available at this site
https://www.boia.org/

Is Your Website ADA Compliant? – video from 4-22-22
https://www.youtube.com/watch?v=VgsDaj_o3nY

How to make PDFs WCAG compliant
https://langsolinc.com/how-to-make-pdfs-wcag-compliant/

Additional Resources (cont.)

Web Accessibility Criteria – Color Contrast
https://www.csun.edu/universal-design-center/web-accessibility-criteria-color-contrast

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