Website ADA Compliance Bulletin
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Please contact govaffairs@vtchamber.com or call Kendal Smith at 802-262-2130 with questions.

Background

Across the country many businesses have been served with lawsuits driven by the National Federation of the Blind that their websites are not accessible or user-friendly for blind and visually-impaired users. Although when the Americans with Disabilities Act (ADA) was initially passed it did not explicitly include websites, the U.S. Department of Justice (DOJ), and case law resulting from these suits are trending towards determining that websites are places of public accommodation. This includes a recent ruling by the Federal District Court of Vermont in 2015. In the past month a small retailer in Southern Vermont was served with a request for a settlement from an out-of-state law firm based on their website's ADA compliance.

We encourage all members to take steps now to review their website/s for errors and level of accessibility. Taking action now to ensure compliance with the existing accessibility standards will reduce your company's risk for these disability discrimination claims. It is also prudent to create an accessibility policy if your business does not already have one in place, as well as keep a record of all work done towards website accessibility.

While the current precedent from case law and the DOJ interpretation is that websites must be accessible to all, the DOJ will make formal rules and regulations on this matter in 2018. Until then the lack of clarity is paving the way for these lawsuits and it is possible we will see more Vermont businesses impacted.

Industry Standard

People with disabilities that may hinder their use of internet use special software and adaptive technologies, like screen readers, to navigate websites. A business' website should be compatible for navigation by this software. The Web Content Accessibility Guidelines from the World Wide Web Consortium (W3C) are currently the most widely accepted standards: https://www.w3.org/WAI/intro/wcag. If needed, the cost of updating your website varies depending on the size, layout and intricacy.

More Resources and Information
Please note that this is a starting point to learn more and not an all-inclusive list.

1. Web Accessibility Evaluation Tools List from the W3C as a starting point to test your website for errors and accessibility: https://www.w3.org/WAI/ER/tools/.

2. WebAIM: http://webaim.org/resources/.
   Note the WAVE Chrome extension specifically.

3. The National Federation of the Blind, nfb.org.
   - FAQs: https://nfb.org/creating-nonvisually-accessible-documents.
   - Text descriptions of non-text items on the screen: https://nfb.org/blog/atblog/global-accessibility-awareness-day-post-three-describe-it-well-help-your-users-get.

4. A popular website builder is WordPress. How to make WordPress Accessible: https://make.wordpress.org/accessibility/handbook/quick-start-guide/.

5. *Getting Digitally ADA Compliant* by Vermont Public Radio, August 2016: http://digital.vpr.net/post/getting-digitally-ada-compliant#stream/0.

6. The Vermont Human Rights Commission: www.hrc.vermont.gov is the authority in Vermont that oversees ADA compliance and enforcement.

7. Vermont-based company, Accessible Web, provides free consultations: https://accessibleweb.com/.