

DIGITAL ACCESSIBILITY

The Growing Risks of Non-Compliance



An overview of web accessibility regulations in the United States and around the globe.

THE GLOBAL STANDARD: WCAG

In the U.S., as elsewhere, most laws follow the de facto global standard, **the Web Content Accessibility Guidelines (WCAG)** developed by the World Wide Web Consortium (W3C), the main standards organization for the internet.

WCAG 2.1 is the most recent (2018) version, covering technology changes that have occurred since WCAG 2.0 and underrepresented areas of disability.

A maze of United States Statutes

While there's no single, central regulation in place guiding U.S. web accessibility, it's addressed by a maze of federal statutes, and many states have adopted their own accessibility laws. The U.S. Department of Justice (DOJ) has taken action against websites and mobile applications they believe aren't in compliance with WCAG. The number of accessibility-related lawsuits filed against websites has skyrocketed in recent years.

- **The Americans with Disabilities Act** is enforced by the DOJ and particularly relevant to commercial websites. While it doesn't specifically reference website compliance, numerous court cases show how, in the opinion of most courts, the ADA applies to the websites of almost any business that's open to the public.
- **The Rehabilitation Act of 1973, Section 508** bars the federal government from procuring electronic and information technology (E&IT) goods and services that aren't fully accessible to those with disabilities. Several states have written Section 508 into state law, since it applies if they accept federal funding.
- **The Individuals with Disabilities Education Act (IDEA)** provides for a "free appropriate public education" for all children with disabilities from preschool through high school. IDEA provides regulations, funding, and assistance to state and local education agencies and a failure to allow web accessibility for disabled students may have consequences for those organizations.
- **The Telecommunications Act of 1996, Section 255**, enforced by the Federal Communications Commission (FCC), directs makers of "telecommunications equipment and customer premises equipment" to ensure the equipment is designed, developed, and fabricated to be accessible for and usable by people with disabilities. As a regulation that specifies product design standards, it could be interpreted to extend to websites.
- **The 21st Century Communications and Video Accessibility Act (CVAA)** affects telecommunications and video providers; **The Air Carrier Access Act (ACAA)**: requires airlines to consider website accessibility.

U.S. web accessibility litigation is skyrocketing



- In 2018, **2,258 web accessibility lawsuits were filed in U.S. federal courts**, nearly triple the number filed the year before.
- In late 2019, **the U.S. Supreme Court let stand a lower court decision against Domino's** in favor of a blind consumer who claimed to be unable to order food on Domino's website and mobile app despite using screen-reading software.
- In 2019, California's Second District Court of Appeals ruled that **websites for companies that have physical locations are still subject to the Americans with Disabilities Act (ADA)**, and alternative means of communication, such as having a phone number and email address on the site, don't equal WCAG compliance. So businesses with a brick-and-mortar presence can still be subject to the same web accessibility lawsuits as pure e-tailers.

GLOBAL REGULATIONS

- **The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)** mandates that signatories take measures to make virtual environments accessible and emphasizes access to information and communication technology (ICT). It currently has 163 signatories and 181 ratifications/accessions.

EUROPEAN UNION

- In 2019, the E.U. introduced the **European Accessibility Act**, intended to streamline the functioning of the European market for accessible products and services by removing barriers created by divergent rules in E.U. member states. It covers products and services that have been identified as being the most important for persons with disabilities, while being most likely to have diverging accessibility requirements across member countries.
- Previously, directive **(EU) 2016/2102** required public bodies to ensure their websites and apps are accessible to persons with disabilities. All websites created after September 23, 2018 needed to be accessible by September 23, 2019. Existing websites will have to comply by September 23, 2020. All mobile applications will have to be accessible by June 23, 2021.

UNITED KINGDOM

- **The Equality Act 2010** consolidated other laws such as the Special Educational Needs and Disability Act (SENDA) of 2005 and the Disability Discrimination Act (DDA) of 1995. SENDA, for example, aims for "comprehensive enforceable civil rights" for people with disabilities in pre- and post-16 education in England, Scotland, and Wales, by enforcing web accessibility for students.

CANADA

- **The Accessible Canada Act** is a national law affecting banks, cross-border transportation, federal departments, and Crown corporations. Organizations under federal jurisdiction are required to comply or face a fine of up to \$250,000.
- There are provincial laws like the **Accessibility for Ontarians with Disabilities Act**, where all web content of large organizations (50 employees or more) must meet WCAG 2.0 Level AA by January 1, 2021. It could fine a corporation or organization up to \$100,000 per day, with directors and officers additionally being fined up to \$50,000 per day.

CHILE

- Government sites are covered by the standards in "**Decree 100: Chile Government Rules for Development of Government Web Sites.**"

ARGENTINA

- **Law No. 26,653** requires accessibility on public sector sites or those of organizations receiving state funding or contracts.

BRAZIL

- The guidelines in **e-MAG (Electronic Government Accessibility Model)** are compulsory for federal government websites.

ISRAEL

- The Israeli Ministry of Justice published regulations in 2013 requiring websites to comply with **Israeli Standard 5568**, which is based on WCAG 2.0.

AUSTRALIA

- **The Disability Discrimination Act of 1992** was amended in 2016, and applies both to public and private sector enterprises. Also, government agencies are now required by its procurement standards to only purchase services and products that comply with the accessibility standards in effect in the EU.

SOUTH KOREA

- **The Disability Discrimination Act** prescribes compliance to **Korean Web Content Accessibility Guidelines 2.0**. This was extended in April 2013 to cover the financial sector, airline companies, and all corporate entities whose websites provide web services to users.

PHILIPPINES

- **Federal law section RA 7277** specifically prohibits discrimination against disabled persons and can be interpreted to include technologies such as the web.

JAPAN

- Japan has no binding government legislation for web accessibility, but **an industry standard, X 8413-3**, is widely observed by private companies, while national and local government agencies are mandated to follow it for their websites.
- Interestingly, it was developed largely because WCAG 2.0 wasn't suited to work with the ideographic Japanese language. It does though, contain the same four principles, 12 guidelines, and 61 success criteria as WCAG.

Is your website compliant? Contact Crownpeak for a free scan today.

- Web Content Accessibility Guidelines 2.1 covers a wide range of recommendations for making web content more accessible. The guidelines were developed by the W3C (World Wide Web Consortium) with the goal of providing a single shared standard for web content accessibility.
- This infographic shows a sample of laws and regulations relating to digital accessibility around the world and is not intended to be comprehensive.
- While the information is considered to be correct at the date of publication, changes in circumstances after this time may impact the accuracy of the information. It is the responsibility of organizations

- operating globally to keep up to date with legal changes around the world. Private sector companies should be vigilant, as it is likely that in the future a growing number of countries will adopt accessibility laws that affect the private sector.
- Crownpeak is not a registered law firm and does not provide, nor does it hold itself out as providing, legal advice in any jurisdiction.