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Week 3 Discussion: Accessibility and Litigation Concerns

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Accessibility is of great concern for those people who have an impairment which does not allow them to access content available to unimpaired individuals. As such, countries are beginning to enforce the Web Content Accessibility Guidelines (WCAG) 2.0 (for instance the UK or Australia), while the United States already enforces Section 508 of the disabilities act. The best outcome of these accessibility concerns is that the digital divide should be removed for those impaired individuals who live in countries where internet access is available (W3C, 2008) (United States Government, 2010).

WCAG and Section 508 ensure that website developers develop their sites for impaired users, as well as, unimpaired. This means, regardless of one’s physical condition, they should have access to digital content via any number of means. For instance, a vision or hearing impaired individual should have no trouble browsing a site that observes the WCAG or Section 508 using an assistive browser such as WebbIE. (WebbIE, NA).

Those developers that do not make their site accessible for vision or hearing impaired may find litigious actions taking against them. For instance, Amazon.com was taken to court by the National Federation of the Blind and eventually settled to amend their site for use by impaired users in March of 2007 (The National Federation of the Blind, inc; Amazon.com, inc, 2007). Due to this, if a user now goes to [www.amazon.com/access](http://www.amazon.com/access) using a screen reader application (such as WebbIE) they are presented with an entirely accessibility friendly website.

However, litigious abuse is a possibility for those sites that are unable to adhere to accessibility standards, or do not adhere as highly as another entity thinks they should. For instance, the WCAG describes three levels of accessibility ratings: A, AA, and AAA. The WCAG informs that while AAA rating is the goal of any site, “It is not recommended that level AAA conformance be required as a general policy for entire sites because it is not possible to satisfy all Level AAA Success criteria for some content” (W3C, 2008, p. Conformance). What this means is, an entity that wished to bring litigation against a site due to its non-conformance of accessibility could, quite possibly, be reaching beyond the bounds of technical capabilities for accessibility. In other words, the level at which one party believes a site is accessible and another believes it is not, is a gray area.

How an organization can protect itself against such abuse, is by ensuring that they have done all they are able to make their site accessible. This means, organizations should have an accessibility expert on hand who can judge how best their site conforms to standards. Also, continuous improvement (when possible) should be maintained, along with, documentation about how the site conforms to standards and where it is lacking should be kept on record.

Since equal access is a requirement by law in some countries, individual developers are upheld to the same level of liability as organizations in this regard. However, since individual sites tend to be of humbler design, or are part of an already existing system (such as blogging site or forum), accessibility is usually built-in. Nevertheless, developers should still test their sites using an assistive browser to ensure that its design does not interfere with readability. After all, the next time they use the site, it may be them who needs assistance.

References

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