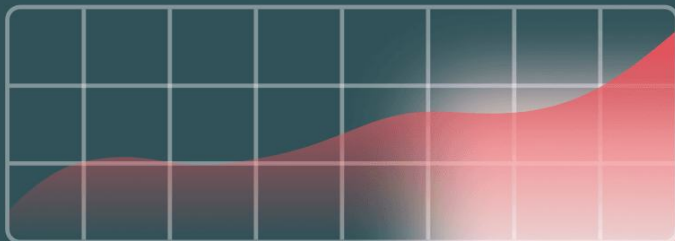




The legal risks of an inaccessible website and the benefits of inclusion

LAWSUITS



2019 2020 2021 2022 2023



New Message

Accessibility Litigation



Table of Contents

Introduction	02
Chapter 1 The ADA and Section 508	03
Chapter 2 Accessibility Legislation Around the World	05
Chapter 3 How to Comply with Accessibility Legislation: The Web Content Accessibility Guidelines	07
Chapter 4 The Cost of an Inaccessible Website	10
Chapter 5 The Benefits of an Accessible Website	11
Chapter 6 Mitigate Your Legal Risk with accessiBe	13

Introduction

Governments worldwide have recognized the importance of web accessibility, enacting laws and regulations to ensure equal access for all. It's essential to understand the various accessibility-related laws in order to make sure your website is accessible to everyone and mitigate your business's legal risk.

In this eBook, we'll delve into the relationship between your website and accessibility legislation. We'll also explore the financial benefits of compliance with inclusive laws, helping you turn web accessibility into a catalyst for your business's success.



The ADA and Section 508

In the United States, the [Americans with Disabilities Act](#) (ADA) and [Section 508 of the Rehabilitation Act](#) play a pivotal role in accessibility legislation. They're important laws to be aware of as they can have a direct impact on your websites.

The ADA

The ADA is a comprehensive law that was enacted in 1990 to uphold the rights and opportunities of people with disabilities across various aspects of life.

Title III of the ADA requires places of public accommodation to be accessible to people with disabilities. This is particularly relevant to your business website.

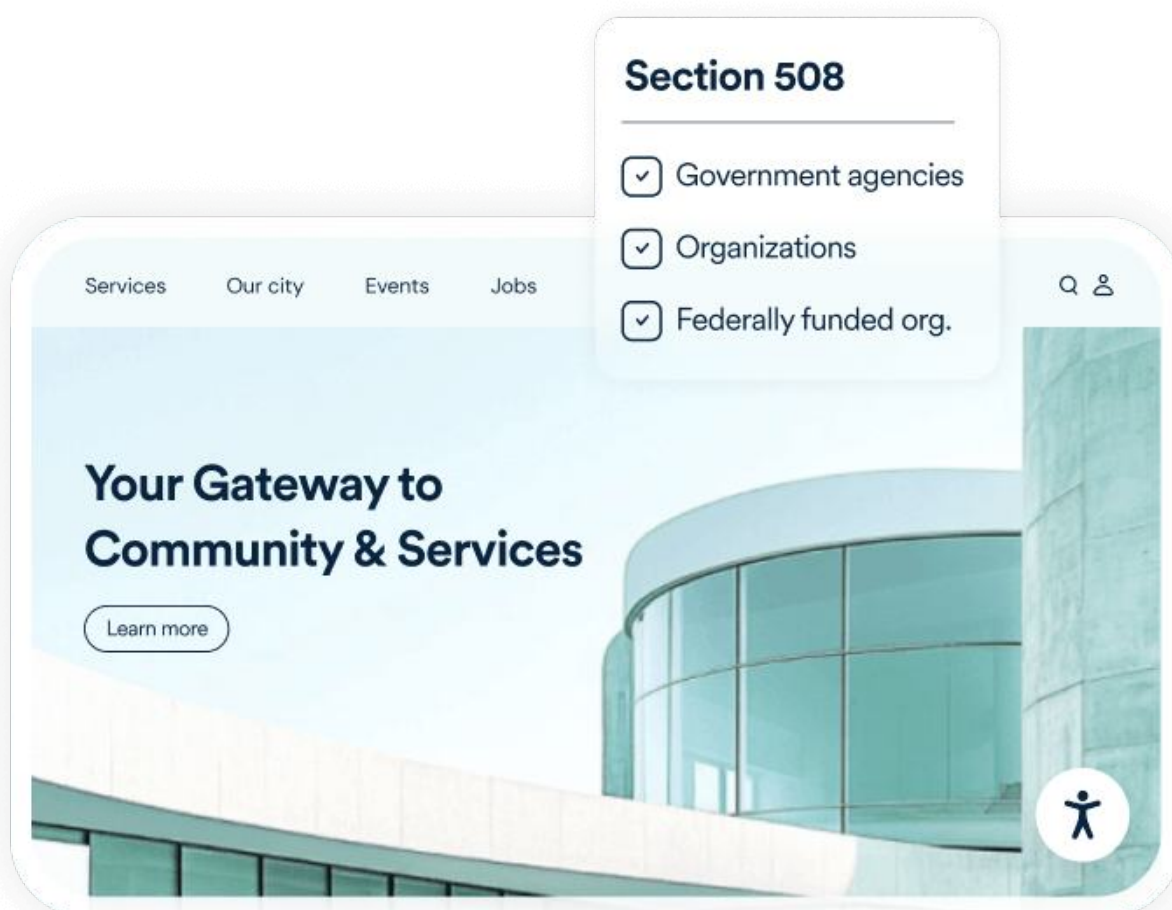
While the ADA doesn't explicitly mention websites, several web accessibility lawsuits have set precedents for compliance in the last decade. These include the landmark 2016 case in which [Guillermo Robles, who is blind, filed a lawsuit against Domino's Pizza](#) because he was unable to order pizza through their website.

Courts agree that websites are to be considered “places of public accommodation” under the ADA, and while earlier decisions supported this with regard to specific websites, [the Department of Justice \(DOJ\) clarified this connection in 2022](#). According to the DOJ, Title III of the ADA considers websites as places of public accommodation, especially when they offer products, goods, or services to the general public.

Section 508

Section 508 was added to the Rehabilitation Act of 1973 to address the growing importance of emerging technologies and ensure that individuals with disabilities can fully engage with them.

This piece of legislation applies to three key groups: government agencies, organizations that receive federal funding, and service providers to federally funded organizations. These entities are legally required to ensure that their electronic and information technology is accessible to individuals with disabilities.



Accessibility Legislation Around the World

As digital accessibility becomes increasingly important worldwide, various regions have enacted specific laws and regulations to ensure that people with disabilities have equal access to online services and information. These laws reflect a growing commitment to inclusion and set clear standards for digital accessibility.

European accessibility legislation

Starting in 2025, several accessibility laws will come into play in Europe. Among these, the [European Accessibility Act \(EAA\)](#) is designed to guarantee that digital services and products across the European Union are accessible to individuals with disabilities. In addition, the [Web Accessibility Directive](#) mandates that public sector organizations ensure their websites and mobile applications are accessible.

Accessibility legislation in the UK

[The United Kingdom has a strong framework of accessibility laws](#) designed to protect the rights of people with disabilities. The [Equality Act 2010](#) is the primary legislation in this regard, prohibiting the discrimination of individuals based on disability. This includes ensuring that digital services, such as websites and mobile apps, are accessible.

[The Public Sector Bodies \(Websites and Mobile Applications\) Accessibility Regulations 2018](#) further strengthen digital accessibility requirements for public sector organizations in the UK.

Canadian accessibility Laws

Canada has made significant strides in promoting digital accessibility through both federal and provincial legislation.

The [Accessible Canada Act \(ACA\)](#), requires federally regulated entities, including government agencies, Crown corporations, and private sector organizations under federal jurisdiction, to ensure that their services and workplaces are accessible.

In addition, the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#), sets specific accessibility standards for both public and private sector organizations in Ontario. The AODA includes requirements for accessible websites and digital content.

How to Comply with Accessibility Legislation:

The Web Content Accessibility Guidelines

The [Web Content Accessibility Guidelines](#) (WCAG) is the internationally accepted standard for web accessibility. While some laws point directly to the WCAG as a legal requirement, it is generally recognized as the definitive guideline for accessibility.

Developed by the World Wide Web Consortium, the WCAG sets international standards for web accessibility, covering hundreds of scenarios, best practices, and design rules.



According to the WCAG, your website must fulfill four main criteria to be accessible. These can be remembered with the acronym POUR: Perceivable, Operable, Understandable, and Robust.

Perceivable

Users must be able to perceive the information being presented, whether through text, images, audio, or video

Operable

All users must be able to interact with and navigate the website, regardless of how they access it

Understandable

The content and interface must be easy to understand for all users, including those with disabilities

Robust

Content must be compatible with various technologies, including assistive technology, ensuring that it remains accessible as technology evolves

There have been several iterations of the WCAG, and as technology continues to develop, so do the guidelines. The best way to ensure that your website complies with any relevant accessibility legislation is to adhere to the WCAG 2.1 at the AA level.

The complete list of guidelines is quite long, but here are a few pointers to keep in mind:



Make sure your website is compatible with screen readers, [keyboard navigation](#), and other assistive technologies



Use clear headings and labels



Ensure that users can adjust text size and spacing without loss in functionality



Ensure that your website is responsive



Add [alt text](#) to all meaningful images



Provide [captions](#) for videos and transcriptions for audio



Use colors with a high contrast ratio for text sections and their backgrounds



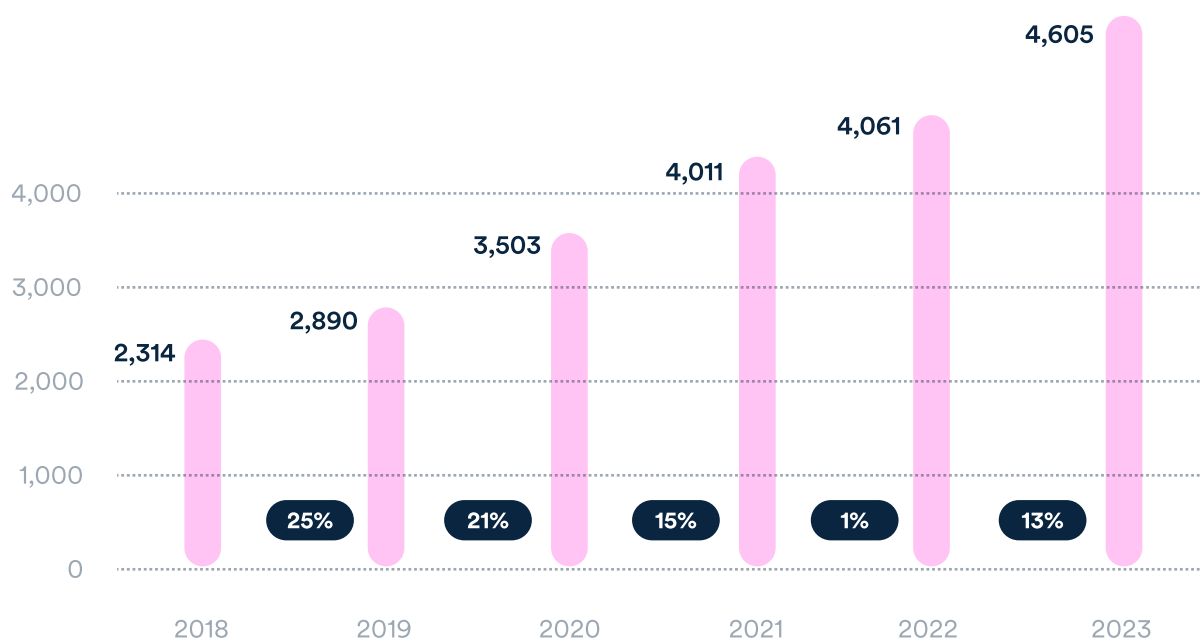
Make sure all [online documents](#) are fully accessible

The Cost of an Inaccessible Website

If your business's website is not accessible, you may receive a demand letter, which can escalate into a lawsuit, leading to significant time, energy, and capital spent on legal disputes.

In the United States, web accessibility-related lawsuits are currently on the rise, with a [13% increase in 2023](#). This is only the tip of the iceberg, since [around 97% of cases are settled before going to trial](#).

ADA Web Accessibility-Related Lawsuits Filed in the United States



● Lawsuits ● Growth * Based on [Usablenet.com](#)

[The costs associated with these lawsuits are substantial, ranging from \\$5,000 to \\$25,000 per case.](#)

By ensuring your website is accessible, you redirect these valuable resources towards building an inclusive culture, attracting new customers, and generating revenue.

The Benefits of an Accessible Website

It's important to make sure your website is accessible in order to mitigate your legal risk and foster inclusion, but it can also bring your business a number of valuable benefits.

Reach a wider audience

[Over 28% of adults in the United States live with a disability.](#) This means that if your website isn't accessible, you may be missing out on millions of potential customers. Making your website accessible opens your business to this large community, as well as their friends and family members.

Optimize SEO & increase traffic

It has now been proven that accessibility can help improve SEO and increase organic traffic to your website. A [recent study](#) found that implementing accessibility remediation solutions increased organic traffic for over 73% of participating websites, with an average increase of 12%.

Improve UX and usability

Many of the features that make websites accessible, such as easy-to-use navigation, properly labeled site hierarchies, and well-designed forms, also improve the user experience for everyone. This benefits all users, regardless of ability.

Enhance your brand reputation

A growing sector of consumers prioritize social values. Studies show that [82% of shoppers prefer businesses that embrace DEI values](#), with over 50% of U.S. respondents highlighting the increasing importance of DEI. This data underscores the growing significance of inclusion in effective business marketing and strategies.

Increase customer loyalty

A recent study conducted by accessiBe in collaboration with [Open Inclusion](#) found that consumers with disabilities are more likely to return to a website or app after a positive shopping experience. 40% of these shoppers say that they have become loyal customers of brands that provide good online experiences, and 35% have recommended these brands to people they know.

Mitigate Your Legal Risk with accessiBe

Making your website accessible is both the right thing to do and a legal requirement. Staying ahead of legislation doesn't have to be intimidating, though.

accessiBe has developed an ecosystem of accessibility solutions, from integrated to native accessibility, to meet every business where they are on their accessibility journey. We have the right solution for your business, no matter its budget or size.

**Is your website accessible
and compliant? Find out
now with a free audit.**

[SCAN YOUR WEBSITE >](#)