

# ADA LAWSUITS CONTINUE TO HIT BIG BUSINESS

Some of the nation's biggest brand names are being sued for failure to bring their website up to WCAG compliance guidelines. You're probably wondering if it can happen to them, can it happen to you? The answer is YES. Here are some of the biggest compliance lawsuits making news, and how WCASG can help you avoid being one of them.

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The Americans with Disabilities Act (ADA) of 1990 indicated that businesses and anything deemed a "public space" was required to make appropriate accommodations for disabled individuals so that they were able to use those public spaces. Since the advent of the internet in the late 1990's, it's been debated in many different venues as to whether or not the internet should be deemed a public space as well. For the past few years, the main place it's been debated is in a court room, and consistently, the court has ruled in favor of Plaintiffs, costing businesses a substantial amount of funds in legal fees and bad publicity.

The guidelines set forth in WCAG 2.0 provided a system of guidelines to assist businesses and website developers build sites with these compliance regulations in mind, offering a three-level standard of grading:

- A = Below Acceptable
- AA= Acceptable (And the minimum of where businesses should be)
- AAA= Exceptional

Any website falling in the "A" range is at risk of exposing itself to the same type of costly lawsuit that these organizations have experienced. The requirement levels are very technical in scope, and therefore, it's best to work with a company like [WCASG](#) that specifically understands these complex requirements and can help you upgrade to avoid finding yourself in one of these recent high-profile cases, as well as serve the 1 in 5 American individuals currently dealing with disability.

## Winn-Dixie

### Industry: Retail

The case brought against Winn-Dixie was one of the first of its kind and set the tone for many of the ADA compliance cases that followed. It was a precedent setting case in that the attorneys for the Plaintiff had to prove that Winn-Dixie's website was basically an extension of the "bricks and mortar"

physical public space of their stores. They did so successfully, and this resulted in virtually all websites being considered a “public space” and therefore subject to ADA regulations.

The lawsuit was brought against Winn-Dixie by a visually impaired individual whose suit claimed that they could not access the Winn-Dixie site using screen-reading software and therefore did not meet WCAG 2.0 standards. The case resulted in Winn-Dixie having to set aside \$250,000 to upgrade their site and pay for the Plaintiff's legal fees. You can read more about this first of its kind lawsuit in this [Forbes article](#).

## Nike

### Industry: Retail/Fashion

Even a brand with the international presence and commitment to social issues as Nike failed to ensure their website was up to ADA code in 2018. The company was sued by a visually impaired individual who claimed that their site also failed to work with screen reading software and contained images that were missing alt tags and empty links without text. The [case](#) reached an out of court settlement that cost the Nike brand significant fees and the need to do some significant PR to maintain brand integrity.

## CVS Pharmacy

### Industry: Retail/Pharmacy

Being one of the largest chain of pharmacies in the nation, it can be argued that CVS should be held to an even higher set of accessibility standards, and recently, the Federal court agreed with this argument. In 2018, a visually impaired customer filed suit against CVS claiming that key features of the website were not accessible to those with compromised vision, and that individuals with these types of disabilities were unable to use the order prescriptions online feature, a direct violation of ADA. The Plaintiff was again the winner in this matter, and CVS was required to pay both their own legal fees and the Plaintiff's, as well as upgrade their site immediately.

## Harvard

### Industry: Education

The National Association of the Deaf (NAD) brought suite against both Harvard and the Massachusetts Institute of Technology (MIT) for failing to make their online courses, lectures and video tutorial content accessible to deaf students using specific technology to aid them in accessing online content. In addition to suing both prestigious educational institutions for not being ADA compliant, the suit brought by NAD also alleged that the schools were in fact discriminating against Deaf/Hoh students by failing to accommodate their special online curriculum needs. A federal court judge outright dismissed the two schools request for a dismissal of the case, and it is currently ongoing.

## Beyoncé

### Industry: Entertainment

Even entertainment icons like the Queen B herself are subject to the need to have their online presence be accessible to the disabled. In 2019 a visually impaired fan sued Beyoncé claiming that there were key aspects of her website that she was unable to access due to it not being built or maintained to reflect WCAG 2.0 regulations. Elements of the lawsuit included:

- **Failure to use alt-tags on images:** Images on websites must now include descriptive words called alt-tags, which provide screen readers with an idea of what the image represents.
- **Lack of accessible drop-down menus:** Accessible drop-down menus must now be included on a website to allow visually impaired people the ability to click through all pages contained on a website.
- **No keyboard access:** Online content must now include the necessary keyboard tabbing abilities and other components needed to be compatible with the screen readers used by visually impaired individuals.

Websites like Beyoncé's that include lots of functionality and flash can often make it that much harder to meet ADA compliance, but it can be done with a highly specialized web team like [WCASG](#) in place.

### Moving Forward with Accessibility

While many of these initial ADA compliance suits have involved visually or hearing impaired individuals, it's important to note that the disabilities included in the WCAG 2.0 guidelines extend beyond the requirements for these two groups, and that organizations are best served when they commit to a complete "best practices" policy as it relates to making their website ADA compliant.

With the amount of website/ADA lawsuits growing exponentially in 2019, we strongly recommend acting NOW, and upgrading your website to full WCAG 2.0 guidelines requires a team dedicated to making the transition as effortless and affordable as possible for you and your company. At [WCASG](#), our team of expert developers know the intricate ins and outs of ADA compliance.

Contact us today to learn more about our ADA compliance services.

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IN THE NEWS: <https://www.impactbnd.com/blog/is-your-website-ada-compliant-what-beyonces-website-accessibility-lawsuit-taught-us>

