

ADA and Online Accessibility: Understanding Compliance for Websites

Legal Alert
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The Americans with Disabilities Act (ADA) of 1990 safeguards the rights of individuals with disabilities, ensuring they are not discriminated against in daily life. This includes prohibiting state and local governments, as well as private businesses, from discriminating against people based on disability. Violating the ADA can lead to significant consequences, such as costly and time-consuming lawsuits.

ADA's Website Accessibility Standards: Web Content Accessibility Guidelines (WCAG)

Although there is no singular way to achieve website accessibility compliance, the U.S. Department of Justice seems to have recognized the [Web Content Accessibility Guidelines \(WCAG\)](#) as a primary technical standard under the ADA. The WCAG, developed by the World Wide Web Consortium (W3C), provides criteria to help website owners make their content accessible to people with disabilities.

While the latest version of WCAG (2.2) was released on October 5, 2023, entities can follow the previous version (2.1) issued on June 5, 2018. However, complying with the latest version can benefit a broader range of visitors and the website owner.

Some examples of ADA Website Accessibility Guidelines are:

- Text alternatives for images and illustrations
- Captions for videos
- Adequate color contrast between text and backgrounds
- Ability for users to magnify or zoom into text

Contact

Claire F. Hawkins
Maurice W. Heller
Hillary H. Hughes
Erin Snodgrass
Yeli Zhou

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Consequences of Non-Compliance

Despite varying court rulings on whether private websites must comply with ADA standards, it's wise to ensure compliance. In 2023, about 4,600 ADA-related website compliance lawsuits were filed, with 82% targeting e-commerce businesses.

ADA lawsuits filed against Target, Netflix, Winn-Dixie and Parkwood Entertainment serve as prime examples of how costly the consequences of non-compliance can be:

Target: In 2006, The National Federation of the Blind filed a class action lawsuit against Target, alleging that the company's website was not properly accessible to the blind. As a result, Target agreed to a settlement fund of \$6 million.

Netflix: In 2012, The National Association of the Deaf filed a lawsuit against Netflix, alleging that the streaming service was inaccessible to deaf or hearing-impaired patrons. Ultimately, as part of the settlement, Netflix agreed to provide \$755,000 in attorney fees to the plaintiffs.

Winn-Dixie: In 2017, a blind patron sued Winn-Dixie, a grocery store chain, alleging that the store's website was incompatible with his screen reader. Although the court held that Winn-Dixie's website is not required to follow ADA accessibility standards, Winn-Dixie spent up to \$7 million revamping their website throughout the litigation process. If Winn-Dixie had ensured that their website was ADA-compliant since the beginning, such website modifications would have cost only a fraction of that amount.

Parkwood Entertainment: In 2019, a blind woman filed a class action lawsuit against Parkwood Entertainment, an entertainment company owned by the singer Beyoncé. The plaintiffs alleged that the company's website was inaccessible to users who are visually impaired. While the final settlement amount has not been disclosed, it is speculated that Parkwood Entertainment lost millions of dollars in settling the lawsuit.

While many ADA lawsuits are still being filed against businesses' websites today, approximately 95% of those businesses choose to settle due to even higher costs associated with litigation.

Tips for Avoiding ADA Website Compliance Lawsuits

- Regularly review websites, especially after updates.
- Seek certification from WCAG auditors or agencies. The W3C [offers a list of auditors and agencies](#).
- Maintain all audit reports and documentation of compliance efforts.
- Consult legal counsel if faced with an ADA claim.

International Implications

Entities outside the U.S. must also follow accessibility guidelines. Starting in 2025, the European Accessibility Act (EAA) requires websites in the EU to adhere to accessibility standards. Similarly, Canada's Accessible Canada Act (ACA) applies to government-regulated sectors. Both the EAA and ACA incorporate WCAG 2.1. It's important to consult legal advice to determine whether your website must comply with international website accessibility guidelines.

Please reach out to us if you have any questions or concerns relating to ADA website compliance.