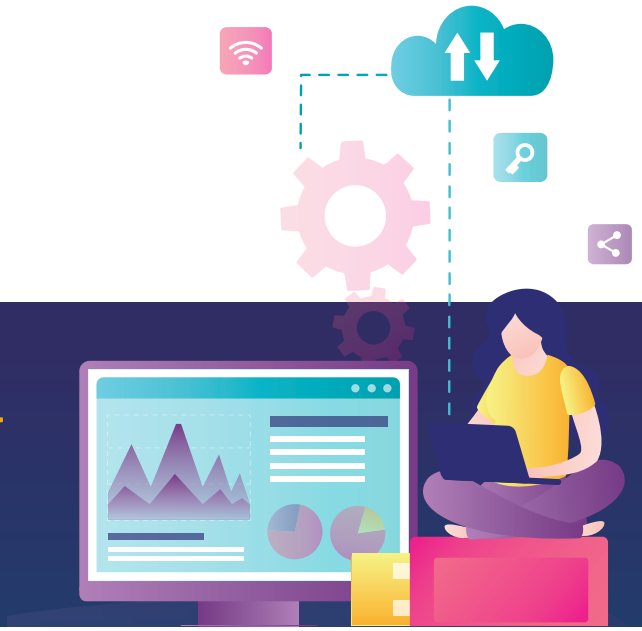
EARN ADVANCING WORKFORCE DIVERSITY
Employer Assistance and Resource Network on Disability Inclusion AskEARN.org



Supporting Digital Accessibility in the Public and Private Sectors

The Importance of Digital Accessibility

Interaction with the digital world is constantly evolving. The way people access and use information has changed dramatically in recent years and continues to do so. New technologies allow users to reach almost anyone, anywhere, with an internet connection. How we work has also changed. For example, library research and records retrieval have moved from card catalogs to online research platforms.

Today, people use information and communication technology (ICT) to work, communicate with friends and family, form social connections, pay bills, conduct business, and interact with government services. According to the U.S. Access Board, ICT includes digital devices, digital documents, websites, software (e.g., virtual meeting platforms), hardware, and other tools. It can be much more difficult and time-consuming to complete these tasks if you cannot do so with ICT. Digital accessibility for ICT helps ensure that all people, including disabled people, have access to the same information and services. Accessible online job portals and ICT in the world of work are key aspects of supporting workers with disabilities in finding and staying in their jobs.

This research-to-practice brief summarizes key current issues and describes suggested strategies for employers seeking to implement digital accessibility policies and practices in their organizations. Accessible ICT not only helps employers recruit, retain, and support workers with disabilities, but can improve work processes and satisfaction for all staff.

The Scope of the Issue

The Centers for Disease Control and Prevention (CDC) state that one in four people in the United States has some kind of disability and may rely on digital accessibility to participate in virtual spaces or engage in everyday tasks.[1]

Disabled people, including those who are multiply marginalized, are often restricted from participation in the digital environment. Studies indicate that, for people from underserved communities, there are digital inequality challenges (PDF) that limit adequate access to health care, education, and government websites. The Section 508 Report to Congress and the President: Accessibility of Federal Electronic and Information Technology (PDF) from the Department of Justice (DOJ) and General Services Administration (GSA) found that federal agency websites vary in their compliance with Section 508 standards and that agency 508 programs vary in maturity.

1 Centers for Disease Control and Prevention. 2022. *Disability impacts all of us. Disability and Health Data System (DHDS).* https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html

Standards for Digital Accessibility

Several regulations and standards define the components of digital accessibility.

Web Content Accessibility Guidelines

The World Wide Web Consortium (W3C) develops standards and guidelines that steer the development of web content. The standards, technical specifications, and guidelines they develop are implemented in web browsers, online content, search engines, and software.

According to the W3C, the Web Content Accessibility Guidelines (WCAG) have evolved, starting with WCAG 1.0 (adopted in 1999), then WCAG 2.0 (adopted in 2008), WCAG 2.1 (adopted in 2018), and WCAG 2.2 (adopted in October 2023). Each new version of WCAG includes additional criteria to ensure accessibility. For example, WCAG 2.1 added new criteria to better accommodate accessibility for mobile device users. Newer versions of WCAG are also designed to be "backward compatible" with earlier versions. This means a product that meets WCAG 2.1 standards also meets WCAG 2.0. As a result, organizations can often transition to the new version without the need for substantial changes to existing content and procedures.

The WCAG 2 standards have 13 guidelines. The guidelines are organized under four principles:

1. Perceivable
2. Operable
3. Understandable
4. Robust

For each guideline, there are testable success criteria. There are three levels of success criteria:

A **AA** **AAA** which indicate the level of accessibility that is ensured and the priority of the criterion.

Levels A and AA provide the most basic level of access, and Level AAA provides a higher level of access. Most organizations and professionals adhere to Level AA. Section 508 of the Rehabilitation Act, highlighted below, requires adherence to WCAG 2.0, Level AA, which is also commonly used as a standard in the private sector.

Sections 501, 504, and 508 of the Rehabilitation Act

Federal legislation helps to define access to ICT in public and private entities. These laws, highlighted below, require that people with disabilities have access to information and technology.

- **Section 501**: Requires affirmative action and nondiscrimination in employment by federal agencies of the executive branch. Section 501 requires each federal agency to adopt the goal of having certain percentages of its workforce be composed of people with disabilities. Agencies' Affirmative Action Plans must ensure that all job applicants and employees are provided with easy-to-understand reasonable accommodation procedures in written and accessible formats. These procedures must adhere to certain specific requirements, outlined in 29 CFR 1614.203(d)(3).

- **Section 504**: Requires federal agencies and organizations receiving federal funding to provide equal opportunity for people with disabilities to access information, participate in services and programs, and apply for employment opportunities. This opportunity can be provided through "auxiliary aids," which may include video captioning, screen readers, interpreters, telecommunication devices, or other assistive technology.[2]
- **Section 508**: Under Section 508, federal agencies must ensure access to ICT they develop, procure, maintain, or use. According to the U.S. Access Board, which creates the standards that accompany Section 508, these regulations apply to computers, electronic documents, telecommunications equipment, and multifunction office machines such as copiers that also operate as printers, software, websites, information kiosks, and transaction machines. Contractors that provide ICT to federal agencies must ensure that products meet these standards.[3]

The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) aims to ensure equal access and opportunities for people with disabilities to services and participation in community life and employment. Although not mentioned explicitly in the original law, equal access and participation include access to digital spaces.

- **Title I of the ADA** prevents discrimination based on disability for private, state government, and local government employers with 15 or more employees. The law also applies to employment agencies, labor unions, and joint labor-management committees, regardless of the number of employees. Title I requires the consideration of accommodations related to digital access for employees with disabilities on a case-by-case basis and ensures that all employees can access the technology they need to perform their jobs.
- **Title II of the ADA** requires state and local governments to provide people with disabilities equal access to their programs, services, or activities, which can include government websites and other forms of electronic information. In April 2024, DOJ released a Final Rule on the Accessibility of Web Information and Services of State and Local Government Entities to update public sector responsibilities under Title II of the ADA concerning digital accessibility regulations.
- **Title III of the ADA** prohibits discrimination based on disability in programs and activities in places that provide public accommodations. Title III applies to businesses and organizations open to the public.

Other Relevant Federal Legislation

- **21st Century Integrated Digital Experience Act (21st Century IDEA):** Enacted in 2018, the 21st Century IDEA is a law that focuses on making Federal Government websites and digital services more accessible to all members of the public, including disabled people.
- **21st Century Communications and Video Accessibility Act (21st Century CVAA):** Enacted in 2010, CVAA is a law that mandates both federal and private sectors to provide accessible video programming and telecommunication services.

2 U.S. Department of Health and Human Services. What is Section 504 and How Does it Relate to Section 508? https://www.hhs.gov/web/section-508/what-is-section-504/index.html

3 General Services Administration. *Section 508.gov: IT Accessibility Laws and Policies.* https://www.section508.gov/manage/laws-and-policies/

Digital Accessibility: Identifying Issues and Approaches

For many people, the accessibility of ICT determines whether they can fully contribute their skills and talents in the workplace. To identify promising practices in accessible ICT, the Employer Assistance and Resource Network on Disability Inclusion (EARN) reviewed recent literature on digital accessibility.

Three major issues with current digital accessibility practices were identified:

1. Digital infrastructure is often not designed to prioritize inclusion,
2. ICT professionals lack training in digital accessibility, and
3. There is a lack of systemized processes to implement and evaluate digital accessibility.

As private organizations and federal, state, and local government agencies seek to improve digital accessibility, they should actively plan to overcome these barriers to success. The strategies listed below have been identified as promising practices to help ensure digital accessibility in organizations.[4]

Strategies for Addressing Digital Accessibility in Organizations

Prioritize Accessibility and Digital Inclusion

The research indicates that digital infrastructure is not always designed to prioritize accessibility and digital inclusion. As a result, several improvements can be made to increase access to ICT.

Organizations can prioritize digital inclusion by:

- ✓ **Developing** policies that govern accessibility and align with existing standards of accessibility for new and existing ICT.
- ✓ **Allocating** funding for digital accessibility initiatives.
- ✓ **Conducting** regular accessibility testing of existing ICT.
- ✓ **Building** accessibility requirements into procurement policies to ensure new ICT is accessible.
- ✓ **Providing** training on the implementation of digital accessibility policies for all staff to ensure and promote accessibility in day-to-day activities.
- ✓ **Establishing** a digital accessibility team to ensure the accessibility of ICT and address any accessibility issues within the organization.
- ✓ **Asking** for and acting on input from employees who experience accessibility challenges within the organization.

Provide Digital Accessibility Training

ICT professionals who design and implement ICT systems often lack training in how to ensure accessibility. This issue can be addressed by:

- ✓ **Investing** in workforce development, including professional development programs or certificate programs similar to those offered by the U.S. Chief Information Officers Council (CIOC) Accessibility Community

4 Depending on the circumstances and the nature of the organization, some of the practices listed below may be legal requirements.

of Practice (ACOP) in the Federal Government, or through programs such as the Certified Professional in Accessibility Core Competencies (CPACC) offered by the International Association of Accessibility Professionals (IAAP).

- ✓ **Including** qualification standards in ICT position descriptions that prioritize job candidates who are familiar with the development and use of accessible ICT.
- ✓ **Recruiting** ICT professionals with disabilities who understand the complexity and importance of organizational ICT accessibility.
- ✓ **Hiring or contracting** with accessibility experts to support ICT accessibility if the organization lacks sufficient internal expertise in this area.
- ✓ **Support** ICT professionals new to applying accessibility principles by providing validated and approved automated accessibility testing tools to assist with monitoring and maintaining digital accessibility of organizational assets. Remember that no tool can detect all potential issues, and some issues must be checked manually.

Develop Processes to Implement and Evaluate Digital Accessibility

Regardless of the type of organization, compliance with digital accessibility is often done ad hoc.[5,6] To promote accountability and ensure digital accessibility, organizations should adopt clear technical standards and establish procedures to evaluate commitment to accessibility in terms of time, budget, and staffing.[7] The Section 508 Report to Congress and the President: Accessibility of Federal Electronic and Information Technology (PDF) from the DOJ and GSA includes several steps to maintain digital accessibility. These can be used in many organizations, not just the Federal Government. These recommendations include:

- ✓ **Requiring** ICT accessibility training for employees and contractors during the onboarding process and on an annual basis.
- ✓ **Identifying** and training all employees responsible for ensuring the accessibility of applications in the technology portfolio and the publication of electronic content.
- ✓ **Increasing** the number of certified accessibility professionals and subject matter experts within product teams.
- ✓ **Establishing** procedures for filing and processing accessibility complaints and communicating those procedures internally and externally.

While these recommendations focus on the work of ICT professionals, they can also apply to any worker that creates digital content.

5 Lazar, J., Goldstein, D., & Taylor, A. (2015). Ensuring digital accessibility through process and policy. Waltham, MA.

6 Level Access. (2022). The state of digital accessibility: 2022 survey report. https://www.levelaccess.com/earesources/state-of-digital-accessibility-report-2022/

7 Bi, T., Xia, X., Lo, D., Grundy, J., Zimmermann, T., & Ford, D. (2022). Accessibility in software practice: a practitioner's perspective. ACM Transactions on Software Engineering and Methodology (TOSEM), 31(4), 1-26. https://dl.acm.org/doi/10.1145/3503508

Conclusion

As digital accessibility standards and technologies evolve, employers should stay informed about the latest developments. This will help them create a more accessible digital environment that supports the needs of all users. Organizations should prioritize digital accessibility and inclusion, train ICT professionals, align policies, and adopt standards to achieve this goal.

Resources to Address Digital Accessibility

DHS Trusted Tester Conformance Test Process and Certification Program

The International Association of Accessibility Professionals (IAAP)

IAAP Certification Options

Partnership on Employment and Accessible Technology (PEAT)

PEAT Digital Accessibility Toolkits

PEAT Policy Matters: ICT Laws and Regulations

Section508.gov

US Access Board Section 508 Standards

W3C Web Accessibility Initiative

This publication is fully funded by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) under cooperative agreement No. 23475OD000002-01-00 with Cornell University. The total five-year cost of this agreement amounts to $10,000,000. This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.