

# The Capitol Crawl to Disability Rights



Photo Carlos Navas on Unsplash

## *Digital accessibility trends in media and entertainment*

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Imagine the scene on March 12, 1990, when 60 paraplegics got out of their wheelchairs and crawled up the steps of the Capitol Building to protest the delay in signing the Americans with Disabilities Act (ADA). The Capitol Crawl, as it's become known, ushered in the signing of the ADA by President George H.W. Bush on July 26, 1990.

The 1990s just barely predated most of the revolution caused by the internet; it came long before smartphones changed the world. Hence, the ADA did not have sufficient provisions to ensure that the law applied to web sites, mobile apps and other digital products.

However, as these battles went to court, judges have been ruling that the ADA does

**Abstract:** How can you have diversity and inclusion yet still ignore people with disabilities? This article reveals the history of digital accessibility and gives an overview of current lawsuits that plague many organizations in the M&E Industry and beyond. It also provides a snapshot of opportunities that are lost when digital accessibility is not a part of your product. Becoming accessible is not just a check mark. It has to be a cultural shift. Is your organization ready?

apply to digital products. On Oct. 8, 2010, President Obama signed the 21st Century Communications and Video Accessibility Act (CVAA) into law. Per the Act's FCC web site: "The CVAA makes sure that accessibility laws enacted in the 1980s and 1990s are brought up to date with 21st century technologies, including new digital, broadband, and mobile innovations." Broadcast and media companies that stream video must abide by the CVAA.

But making digital accessible isn't just about doing the right thing. There's a business case to be made as well.

### **Accessibility lawsuits are way up**

The last two years have seen a 177 percent increase in lawsuits filed by people with disabilities against companies for inaccessible web sites, mobile apps and digital products.

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Media companies are not exempt from being sued. Companies such as Netflix, Hulu, NBC and Fox News have been hit with lawsuits, and even Beyoncé was sued by a fan of hers over an inaccessible web site.

The morality of some of these lawsuits is being questioned, and for good reason. Many of them are done not by caring disability advocates, but by lawyers who engage in what's known as "drive-by lawsuits." Some states have civil rights statutes that automatically require defendants to pay plaintiffs' attorneys fees when they lose. The unintended consequences are that some attorneys seek a quick payday by paying a modest fee to someone with a disability to be the claimant. Then they use online tools to scan web sites for flaws in their ADA compliance.

Unfortunately, their goal isn't to require the businesses to improve the quality of their products to better service people with disabilities. They just negotiate a settlement price lower than the cost of fighting the suit so that business will just pay up and move on. They usually pick one industry at a time to go after.

### **The ADA as a civil right**

As a business, it's hard to understand why this is so important until you live a mile in someone else's shoes. Imagine someone has a disability, as 61 million Americans and 1 billion people worldwide do. Let's say they are a programmer in a wheelchair making \$100,000 a year. Should they be subject to being taxed by the IRS like the rest of us?

Of course, they should! But if they go to the IRS building to pay their taxes and there are only stairs and no ramp, they can't pay their taxes. By the same token, if you are blind and the IRS web site is not accessible to screen readers, which blind people use to surf the web, then how can they be expected to pay their taxes? Most recently a blind person sued the IRS because she received a written letter that informed her that she owed taxes, but she couldn't read the letter.

### **The business of digital accessibility**

Making things accessible, besides being good for search engine optimization, is really just about usability for a larger population. The

demographics of Baby Boomers reaching old age is going to change the game imminently. Providing affordances, better contrast, ability to enlarge a font, all helps more users than you realize.

Additionally, if you help someone with a disability, you are helping their family, friends and caretakers too. Apple has a history of caring about usability for all. Part of the secret sauce of their usable products is that they test with users who have disabilities. The #MeToo movement means that diversity and inclusion are vital for company branding. How can you have diversity and inclusion if you ignore people with disabilities?

We have found that as we started an accessibility practice, many of our employees felt happier, because they went from doing work to make money, to doing work to make the world a better place. Satisfied employees mean lower turnover and make for happier customers and more sales.

And remember this: People with disabilities have a spending power of \$1 trillion. By focusing on accessibility, you're also focusing on your bottom line. ■