



White Paper

Global Perspectives on Website Accessibility — Laws, Challenges and Opportunities

Executive Summary

The World Health Organization estimates there are more than 1 billion people living with disabilities globally—15 percent of the world's population. And yet, when the nonprofit organization WebAIM analyzed the one million most popular webpages on the World Wide Web in February 2020, it found that 98.1% of the sites had basic accessibility failures.

The United States has seen an exponential rise in lawsuits relating to website accessibility—but what is the situation in other parts of the world? Most major economies are signatories to the United Nations Convention on the Rights of Disabled Persons (UNCPRD), committing them to ensure people with disabilities enjoy equal access to digital information.

However, individual countries and political unions have their own enforcement strategies and penalties for non-compliance. In this paper, we look at the legal position in some of the major world economies, the standards that must be reached, and the incentives for companies to take a proactive approach to website accessibility.

Australia

Number of people with disabilities



4.4M

Several high-profile legal cases have made digital accessibility a hot topic in Australia. In all, 4.4 million people live with a disability—around one fifth of the population, according to the Australian Network on Disability. This includes 357,000 blind or partially sighted persons, which is set to rise to 564,000 by 2030.

The Disability Discrimination Act 1992 (DDA) forbids any service provider to discriminate against citizens on the grounds of disability. **In 2002, the Australian Human Rights and Equal Opportunity Commission (HREOC) published World Wide Web Access: Disability Discrimination Act Advisory Notes**, clarifying the law and explicitly stating that companies must ensure people with disabilities can enjoy access to their websites.

The most notable test case for these laws came in 1999, when the Sydney Organizing Committee for the Olympic Games (SOCOG) was fined for failing to provide a website that could be used by partially-sighted visitors.

More recently, supermarket giant Coles and Commonwealth Bank—the largest bank in the country—have faced legal challenges out of court for failing to offer accessible websites and payment terminals respectively. Both cases were settled out of court—but not before considerable negative press attention.

Companies wondering what would represent an adequate response to the legislation should look to the government's own guidelines. **The Web Accessibility National Transition Strategy launched in 2010 requires all federal, state, and territorial government websites to achieve Web Content Accessibility Guidelines (WCAG) 2.0 AA standards**, as published by the World Wide Web Consortium (W3C).



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United Kingdom

Number of people with disabilities



11M

Official statistics reveal that 11 million people live with a disability in the United Kingdom (UK), including two million blind or partially sighted citizens. Of this total, specialist disability consultants Freeney Williams calculate that 7.15 million regularly used the internet in 2018, and had a total annual online spending power of GBP 24.8 billion (USD 31 billion).

Legally, the issue of digital accessibility is covered by the Equality Act 2010, which updated the Disability Discrimination Act 1995 (DDA). The legislation and accompanying Code of Practice states that website owners must make ‘reasonable adjustments’ to enable people with disabilities to access their services.

Precise numbers of digital accessibility lawsuits in the UK are difficult to determine, as companies prefer to settle out of court. However, well-known brands such as Proctor & Gamble and airline BMIbaby have been challenged over failure to meet their legal obligations.

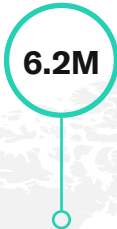
As in Australia, companies should consult the government's own accessibility strategy for guidance on what constitutes 'reasonable adjustments'. **The 2018 Public Sector Bodies Accessibility Regulations require public sector websites to achieve WCAG 2.1 AA standards within two years.** Companies can also consult BS8878:2010 Web Accessibility. Code of Practice issued by the British Standards Institute for guidance.



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Canada

Number of people with disabilities



6.2M

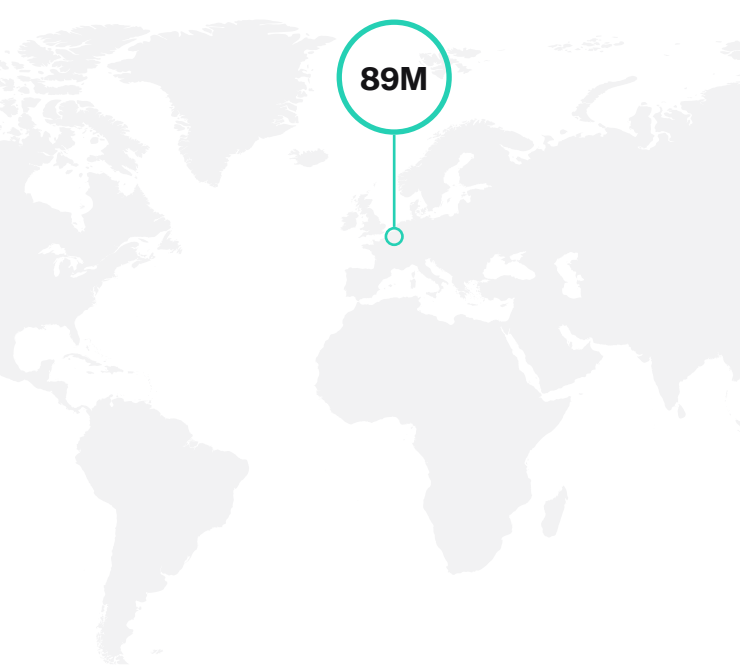
The Canadian Survey on Disability records that 22 percent of the population—6.2 million citizens—live with a disability. In financial terms, one 2013 study found that Canadians living with disabilities have a total annual income of US\$95.6 billion, giving companies a huge commercial incentive to ensure equal access to their websites.

At the same time, Canada has some of the most stringent digital accessibility laws anywhere on the globe. Among the requirements of the 2019 Accessible Canada Act is the removal of all access barriers on the websites of government bodies and banking, telecoms and transportation companies. Penalties for non-compliance extend to CAN\$ 250,000 (USD 180,000).

Individual provinces have similarly strong digital accessibility requirements. The 2005 Accessibility for Ontarians with Disabilities Act requires all public and private sector organizations in Ontario to achieve WCAG 2.0 AA standards by January 2021 or risk penalties up to CAN\$ 100,000 (USD 70,000). Similar laws in Manitoba and Nova Scotia stretch potential fines up to CAN\$ 250,000 (USD 180,000), while British Columbia is currently planning a similar law.

European Union

Number of people with disabilities



89M

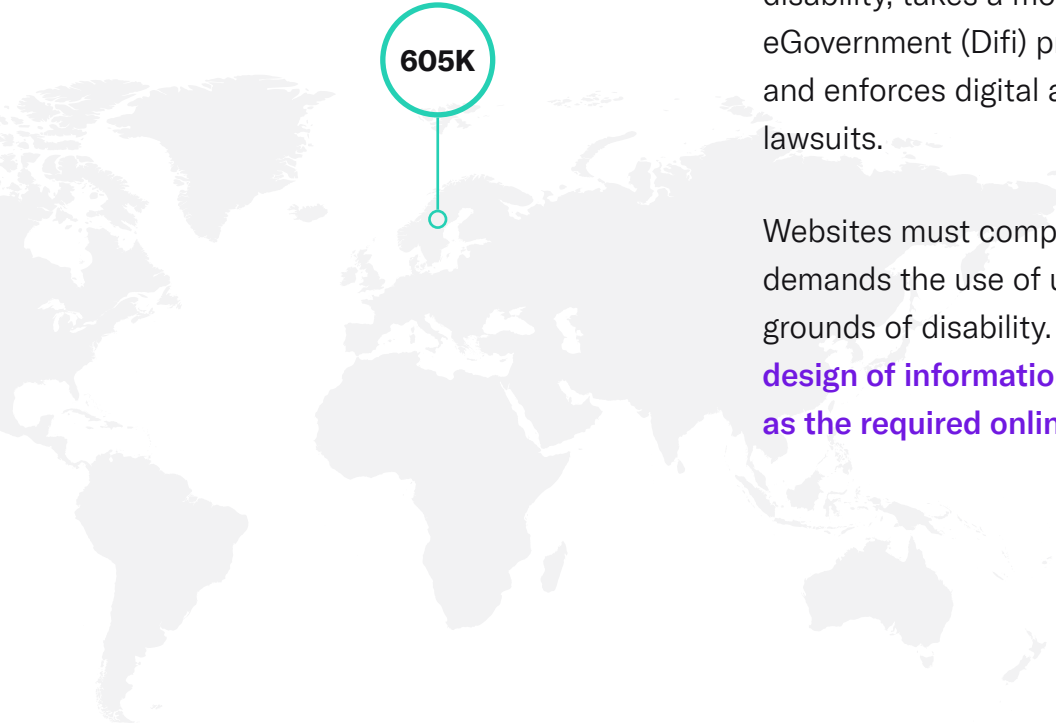
The situation is more complex in the European Union (EU), where member states are often individual signatories to the UNCRDP and enforce their own mandatory digital access policies—as well as being subject to EU rules. For example, Germany issued the Federal Ordinance on Barrier-Free Information Technology in 2011, requiring central and state government websites to achieve WCAG 2.0 standards.

Across all member states, the EU estimates there are around 80 million people with disabilities, which will soon rise to 120 million as demographics change. Fifth Quadrant Analytics estimated in 2013 that the total annual income of EU citizens with disabilities is USD 828.7 billion, although Brexit may have dented this slightly.

As a union-wide standard, the EU issued the Web and Mobile Accessibility Directive in 2016, requiring member states to reach WCAG 2.0 standards on all public-sector organization websites. The European Accessibility Act 2019 forms the equivalent legislation for the private sector: member states have until June 2022 to enact the accessibility guidelines. Specifically, the Act requires equal access for people of all abilities to commercial services including corporate websites, broadcast media content, ATMs and eCommerce platforms.

Norway

Number of people with disabilities

A light gray world map is shown in the background. A teal-colored circle with the text '605K' inside is positioned over Norway. A thin teal line connects the circle to a small teal dot on the Norwegian coast.

605K

Norway, where official statistics show that 17 percent of the population lives with a disability, takes a more radical approach. The Agency for Public Management and eGovernment (Difi) proactively audits the websites of public and private enterprises and enforces digital accessibility laws, rather than requiring individuals to pursue lawsuits.

Websites must comply with the Anti-Discrimination and Accessibility Act 2008, which demands the use of universal ICT design principles to prevent discrimination on the grounds of disability. **In 2013, the government issued Regulations for universal design of information and communication technology, establishing WCAG 2.0 AA as the required online standard.**

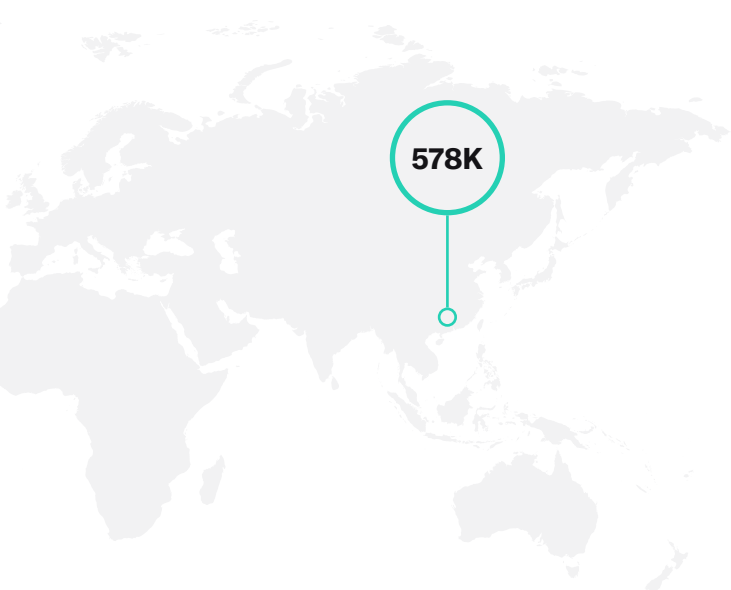
Non-compliance can lead to large financial penalties. For example, Difi audited the website of Scandinavian Airlines System (SAS) in 2017 and discovered a huge number of accessibility errors. **When SAS was found not to have removed the access barriers by August 2018, Difi ordered it to comply in the next 10 days or pay EUR 15,000 (USD 16,000) for every day of non-compliance.**

How effective is this strategy? Difi's research suggests levels of compliance in Norway are far superior to the global results of the WebAIM Million study cited above. In Digital Barriers on Norwegian Websites, published in 2018, Difi recorded overall website conformance of 60 percent—up from 51 percent in 2015.



Hong Kong

Number of people with disabilities



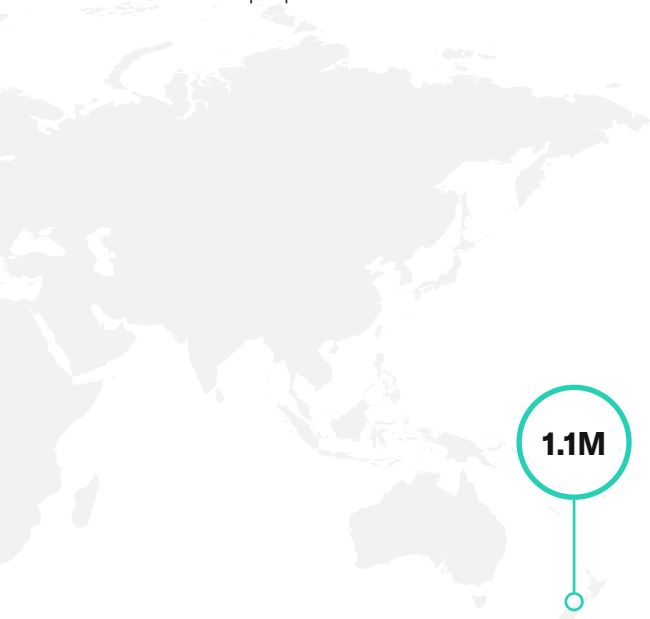
At the other end of the spectrum, Hong Kong takes a different approach: rather than penalizing non-compliance, the Office of the Government Chief Information Officer (OGCIO) encourages private enterprises to take the necessary steps to improve their own brand image and competitive advantage.

Census figures from 2013 show 578,600 people with disabilities in Hong Kong, making up 8.1 percent of the population. The Disability Discrimination Ordinance 1996 makes it unlawful for enterprises to withhold services on grounds of disability. Meanwhile, Guidelines on Dissemination of Information through Government Websites, in force from 1 January 2013, specify that public sector sites must conform to WCAG 2.0 AA standards.

To promote the accessibility guidelines among private companies, OGCIO offers advisory and auditing services, and runs the Web Accessibility Recognition Scheme alongside the Hong Kong Internet Registration Corporation Limited. The scheme gives awards to companies that take proactive steps to improve web access, allowing them to advertise their commitment to an inclusive society.

New Zealand

Number of people with disabilities



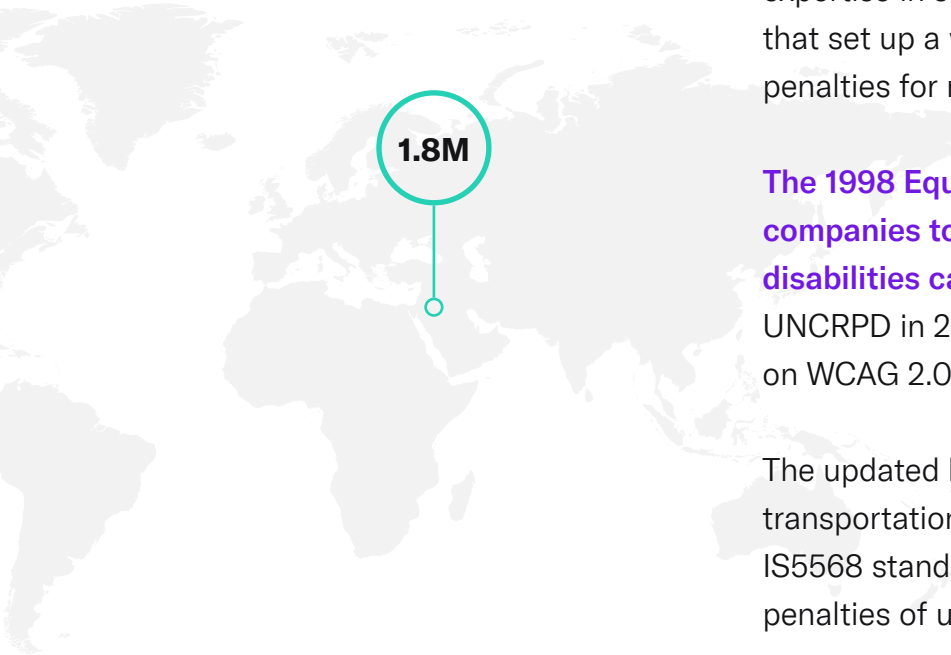
Research from the Office for Disability Issues in New Zealand states that 24 percent of the country lives with some form of disability—1.1 million people. On the legal front, the Human Rights Act 1993 requires service providers to accommodate the needs of people with disabilities, although it makes no explicit reference to the web.

As in the cases of Australia and the UK, companies looking to act on website accessibility should look to the government's own digital policy. **The most recent New Zealand Government Web Accessibility Standard 1.1 was issued in 2019, and requires all public sector organization websites to achieve WCAG 2.1 AA standards.**

Recently, there have been calls for stronger accessibility rules for the private sector, not only online but across all media content. For example, the 2017 #CaptionItNZ campaign pushed for mandatory television captioning, as only 25 percent of programming in New Zealand currently offers subtitles for citizens with hearing loss.

Israel

Number of people with disabilities



1.8M

Israel is among the most digitally-savvy nations on earth, where many global companies have established operations to take advantage of exceptional levels of expertise in software development and innovation. But international businesses that set up a web presence in Israel must be mindful of two key guidelines and the penalties for non-compliance.

The 1998 Equal Rights of Persons with Disabilities Act (ERPDP) requires all companies to implement measures to ensure the 1.6 million Israeli citizens with disabilities can play an active role in society. Following Israel's adoption of the UNCRPD in 2012, the government implemented Israeli Standard 5568 (IS5568), based on WCAG 2.0 guidelines, and amended the terms of the ERPDP accordingly.

The updated legislation specifies that all retail, telecoms banking, cultural, education, transportation, and religious websites must adjust their websites to conform to IS5568 standards. Failure to do so leaves companies open to a civil lawsuit, with penalties of up to NIS 50,000 (\$14,000).

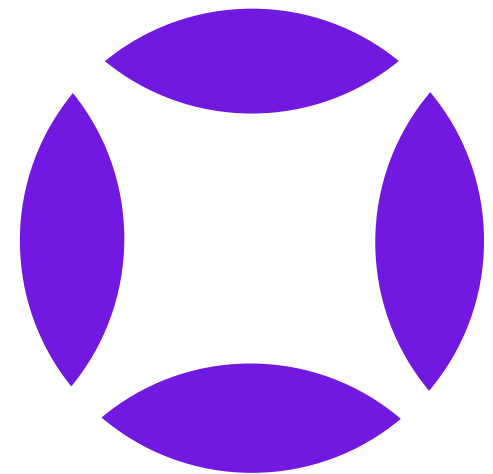
Conclusion

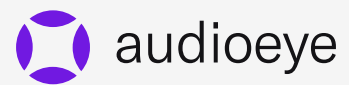
What lessons can we draw from these global developments? Although the penalties and methods of enforcement may vary, countries worldwide are increasingly emphasizing the need for equal access for people of all abilities—placing the onus on companies to do the right thing or risk financial and reputational damage.

As the Canadian, British, and European figures on the spending power of people with disabilities show, the commercial imperative to act is also huge. **In the UK in 2018, the missed revenue opportunities due to online access errors amounted to GBP 17 billion (USD 21 billion)**, while 86 percent of people with disabilities said they would spend more on sites if there were fewer access barriers.

Fortunately for businesses, there is a clear way forward, as governments worldwide view the WCAG guidelines as a gold standard. Therefore, **the first step in your global web accessibility strategy should be to consult the requirements, before starting to plan how to make the necessary changes to ensure all visitors can access your online content.** As the WCAG guidelines and national regulations are in constant evolution, you should also consider how you will maintain accessibility for existing and new content on your website.

Contact AudioEye today to find out how we help companies accelerate WCAG conformance, reduce risk, enhance their corporate reputation, and achieve lasting compliance with digital accessibility standards.





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