

TECHNICAL ADVISORY

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SUBJECT: Your Website Should Be ADA-Compliant

By Larry Neilson and Jerry Fox

You might be thinking, "Why, as an insurance agency, is it necessary for me to consider whether my website is accessible to the visually impaired, blind, deaf, or otherwise limited? Do the brick and mortar requirements of the ADA extend to virtual properties? What are we talking about when we say website accessibility for people with disabilities?"

Since you are in insurance, you understand risk. Let's start with a look at the risk of doing nothing for your website regarding accessibility. Then, we will examine what accessibility means to you as an agent and how you can update your website.

BACKGROUND: What Is Website Accessibility?

Accessibility means considering as many people as possible when developing your online presence. It doesn't just mean that your website will load on their device. An accessible website is one that can be used by anyone, no matter the circumstances.

As a business owner, you need to protect yourself and mitigate the chance of a lawsuit. But you also have an opportunity to set an example for your clients, many of whom could potentially be sued for website accessibility and turn to you for help with the claim. It's not just about whether there is a law or not. It's about serving your community and being a good steward.

Until there was a law mandating it, most people didn't think about the disabled when designing brick and mortar locations, and unfortunately, the same is true of website design. The first time I heard about websites and ADA compliance, I was startled. To be honest, my first thought was, "What would a blind person do online?" And therein lies the crux of the problem. We are not well informed about people who have disabilities and what they need in order to navigate our websites.

As technology changes, the world everyone knows is being funneled online. At some point, and that point is very soon if not already here, everyone will need access to the internet in order to conduct everyday business from buying insurance, groceries, and

clothing to doing banking. Just think about how many things are handled over email, for example.

Don't just think about website accessibility in terms of permanent disabilities. What if a customer tries to fill out your claims form while they're in bright sunlight, or maybe they forgot their glasses? Your website needs to be accessible to anyone, at any time.

MAIN POINTS: Today's Web Accessibility Requirements

As of right now there are no formal, established guidelines for website accessibility compliance under the ADA. The Americans with Disabilities Act of 1992 (ADA), signed into law by then-president George H.W. Bush, is very clear about the requirements for brick and mortar but very vague with defined remedies when it comes to your virtual property like your website. While it has been presented to Congress and the Department of Justice, the result was a recommendation by then-attorney general Jeff Sessions that websites should follow the standards, called WCAG 2.1, set forth by W3C (The World Wide Web Consortium), but there was no law stating that anyone had to follow voluntary standards.

In addition to W3C and WCAG 2.1 standards, you can also visit The U.S. Department of Health & Human Services site for a helpful checklist to follow to meet minimum requirements.

The Risks of Not Having an Accessible Website

Unfortunately, many lawsuits have been filed over website accessibility. Certain industries have seen a higher risk level, including golf courses, marinas, and hospitality. The average insurance claim is close to \$20,000 when settled, along with a promise to bring the website up to WCAG 2.1 standards. According to Chicago based law firm Seyfarth and Shaw, there were over 2,300 non-government lawsuits in 2018 and a projection of over 6,000 for 2019.

Accessibility does not guarantee that you won't be sued, but it makes it a lot less likely and it will help defend your case in that you were trying to do something.

Why Else Should Your Website Be Accessible?

There's one more major reason to revamp your website to be more accessible. If you get it right, you have the potential to gain some extra new business. The U.S. Census Bureau reports that, based on the most recent census information, approximately 8.1 million people in this country are visually impaired, including two million who are blind.

Medical advances have reduced the percentage of people who are blind, but as our country ages, more people will become visually impaired or blind due to advanced age.

This market is growing, and these people buy insurance. Yes, auto for insurance for the blind! With autonomous (self-driving) vehicles, it will be a large and untapped market. Keeping an accessible web presence provides options and markets open to all. Why would you want to exclude a large potential customer base before they even know anything about you?

ACTION: How to Move Forward to an Accessible Website

Don't rush out and jump on an accessibility tool for purely defensive reasons. Learn more about website accessibility and how you can take this opportunity to make your website more user-friendly for potential customers.

There are also now cost-effective tools available to make your site more accessible to a variety of people who may not be able to access your site due to a permanent disability or a temporary circumstance.

The Big I Agents Council on Technology (ACT) has some [great resources](#).

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