



Evaluating & Managing Accessibility in 3rd Party Web Content

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 2. Call 877-232-1990 (V/TTY)

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About Us

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About Accessible360



Mission

Create and maintain digital environments
that offer equal access to ALL.



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Agenda

1. Legality and liability
2. What is considered 3rd party?
3. Remediation & vendor relations
4. Finding 3rd party tools
5. When you run out of ideas

The legality and liability of using inaccessible 3rd party tools in your website

Digital Accessibility

- 1 in 5 Americans ~ 56.7 million people¹
- Aging population
- Four categories:



Carlos Gil v. Winn-Dixie Stores

“Winn-Dixie has violated the ADA because the inaccessibility of its website has denied Gil the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations that Winn-Dixie offers to its sighted customers.”

- Judge Robert Scola, of the Southern District of Florida

Winn Dixie - Ruling Summary

1. Winn-Dixie’s website was a place of public accommodation under the ADA
2. The website was deemed inaccessible based on testimony
3. Winn-Dixie was required to remediate and conform to WCAG 2.0 standards
 - a. This applies to 3rd party vendors that interact with the site as well

Winn-Dixie Aftermath

- Plaintiff attorneys now have precedent
- ADA cases are brought to court in states like NY, FL, PA, MA, CA, TX
- Number of cases nearly tripled from 2017 to 2018
- In CA plaintiffs can seek up to \$4,000 per instance via Unruh Civil Rights Act

Guidelines - WCAG

Developed through the W3C with goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally

What Is 3rd Party?

What is 3rd Party

- No clear guidance from courts on what is and isn't third party
- Broadly defines code that is not developed or maintained by your organization

What is 3rd Party - Examples

- Google Maps
- Product Review Services
- eCommerce Platform (sometimes)
- Instagram feed

What may or may not be 3rd party

- Open source libraries
- Packages like carousels, dropdown menus
- Frameworks like Bootstrap, Foundation, jQueryUI
- A Wordpress theme

Summary

- You control the code
- If it is on your site, you own it
- Licensing plays a role

Selecting Vendors

- Learn about their roadmap
- User forums and other reviews
- Evaluate! Don't just take their word for it
- Accessibility can change as product evolves

Selecting Vendors

Voluntary Product Accessibility Template (VPAT)

- A report of known defects
- Usually self-generated
- Trust but verify!

Existing Vendor Relationships

Existing Vendors - Overview

- Aim to minimize risk
- Sometimes the best course of action is to remove or replace
- Check your contract
- Reach out - many vendors are unaware and need educating

Existing Vendors - Overview

- Work through account rep if possible. Product/Sales often gets better results than support.
- Often support is only option
- Write it out as descriptively as possible

Existing Vendors - Messaging

- Use a “praise sandwich”
- Explain the need thoroughly
- Explain risk for you (and them)
- Clearly define who is affected
- Reiterate these are defects. You are not requesting features.

Existing Vendors - Messaging

- Communicate that accessibility is critical for selection and renewals
- Describe business opportunity vs. competitors
 - See [BentoBox](#)
- Be persistent

Existing Vendors - Avoid

- Social media can be toxic and backfire
- Threatening will not move your issue up the list

Existing Vendors - Contracts

- Understand what you signed and/or are signing
- These are bugs that you should not have to pay to fix
- Understand your liability vs. vendor in legal action

Existing Vendors - Contracts

Q: Are accessibility issues a deal breaker?

A: They don't need to be. Be aware of your risk and include remediation plan in your contracts.

Third-party open source libraries

- Depends on size of maintainer team
- File a bug report
- Reach out to maintainer(s) directly and offer to help
- Remember the maintainers are generally unpaid volunteers!

Our Vendor Isn't Responsive

Other Options

- Fix the issue yourself
 - If you have access to the code
 - Understand upgrade issues
 - Writing post-render fixes (risky)



Other Options

- Sometimes you have no choice but to use inaccessible third-party content
 - “Reasonable efforts”
 - “Undue burden”
- Do what you can to mitigate effects
 - Provide alternative user flows



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Questions & Archive
