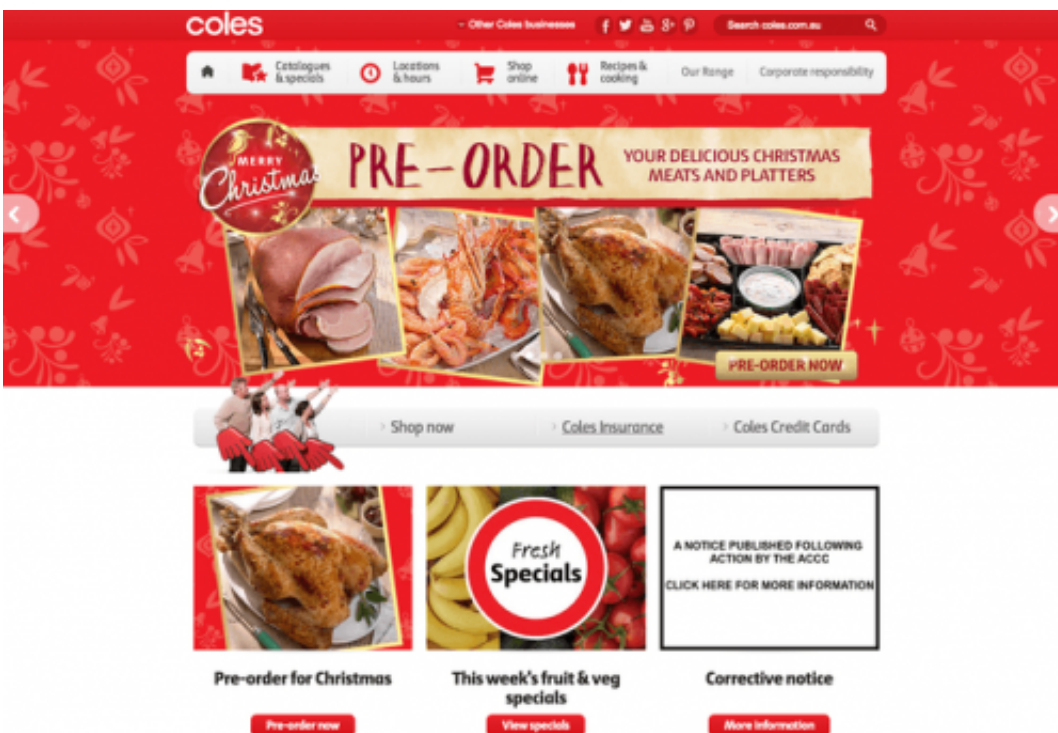


Retailers often blind to discrimination and lost business

November 7 2014, by Paul Harpur



For sighted users, a website looks no different whether it is accessible or not, but users with visual disabilities know all too soon when they are unable to use it. Credit: Coles home page screenshot

A blind woman has [launched a claim](#) of unlawful discrimination against Coles and its online website. For those of us who are totally blind and working in the disability law space this lawsuit is no surprise. Both the problem and the response are unfortunately common.

So what is the problem in the Coles case? According to an ABC news report, the website is written in a way that stops [people with disabilities](#) using it.

What is the real problem though? The IT people at Coles did not take steps to check their service was accessible before they launched it. It is extremely cheap and easy for most websites and software packages to be designed in a way that enables everyone in the community to have full access.

How would a sighted person know if a site was accessible or not? In most cases they would not have any idea. For them the site would look exactly the same.

How are websites made accessible?

People with low vision or blindness often use screen readers, such as the Brisbane-based free [Non-Visual Desktop Access](#). Screen readers provide an audio description of the content of computer screens. A person using a screen reader does not "see" the computer screen; instead they listen to their adaptive technology reading the content of the screen.

While screen readers are fantastic, they have limitations. One limitation is that they only read text; they cannot explain graphics or photos. Screen readers largely ignore images and photographs.

To be accessible, websites should provide a text description of the image or photo. The text can be invisible to sighted users – for instance, by putting white text on a white screen – but the adaptive technology will have no problems reading the text.

What does the law say?

The law on web accessibility has been settled in Australia since the [Maguire v SOCOG](#) case in 2000. In this case, a blind user successfully sued the Sydney Organising Committee for the Olympic Games to make their website accessible. Essentially, SOCOG was required to follow the web accessibility guidelines.



TED is another website facing legal action for failing to make its videos accessible to all. Credit: TED home page screenshot

Since the Maguire case there has not been a judicial determination on [web accessibility](#) in Australia. In Canada and the US, there have been some significant wins in court. In the [UK Equality Act 2010](#), web access is specifically included in the statute.

The [Disability Discrimination Act](#) prohibits businesses from providing goods or services in a way that directly or indirectly discriminates against people because of their disability. Creating a website that is not accessible treats people with disabilities less favourably, which means the business needs to establish that this discrimination is reasonable.

The most common argument for reasonableness focuses on cost. Some websites would be very difficult to render accessible. YouTube, for example, has 100 hours of new videos uploaded every minute. It would be extremely expensive to provide text to describe the audio in every video.

At the other end of the expense spectrum are retail websites, such as Coles, which are criticised for not being accessible for people using screen readers. Online retail stores already provide details of products and simply need to change a few scripts on their pages to enable people with vision impairments to access the site. After perhaps a day of work by an IT person the site would be accessible with no ongoing expenses.

Discrimination is still a problem

While the law is generally settled, practice is far from it. Only this Thursday morning, I received an email with the ABC article on Coles, read another article about [legal action against TED](#) to have their videos subtitled and had a discussion on a mailing list for blind lawyers about a newly introduced human resource package that is less accessible than the system it replaced.

The extent of inaccessible websites and software packages is concerning and surprising. Accessibility guidelines are simple and inexpensive to implement in most situations. The costs of ensuring access are lowest at the design or purchase stages.

Businesses do not need to become IT or accessibility experts; they need only ask questions of those who are. When a business buys a software package they tell the IT supplier what they need the package to do.

If a business at this stage includes disability accessibility as a requirement, then the IT supplier should turn their mind to the issue. If

the IT person does not provide an accessible product, then that is a breach of contract and the business can shift the cost of retrofitting back to the IT supplier.

Win-win for visually impaired people and retailers

The growth of commerce on the internet is transforming the lives of persons with disabilities. If you cannot drive a car, retail shopping is more difficult. If you cannot reach the high shelves or push a trolley, picking up groceries is difficult.

Web shopping, in contrast, enables a user to visit different stores, compare prices, read specials and have everything delivered to the front door.

What does this mean for online retail business? Considering about 10% of Australians have a vision problem, having an inaccessible online retail store means about two million customers are receiving poor service. If an online retail store became fully accessible and advertised this fact, then it is foreseeable that there is a large customer share that is just waiting for good service.

Rather than wait until a customer has their lawyer file a suit, online retail stores should simply comply with their legal requirements and consider the potential for increasing their market share by being fully inclusive.

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