

Beyoncé Was Sued Over Her Website Violating the Americans With Disabilities Act. And You Could Be Too - *Fortune* - ft. Philip Voluck

Philip R. Voluck, Esq., Co-Managing Partner of the Kaufman Dolowich & Voluck, LLP Pennsylvania offices, comments on ADA and web site accessibility in an article written by Gwen Moran for *Fortune* published on September 21, 2019.

In January 2019, Beyoncé Knowles' company, Parkwood Entertainment, became the defendant in a class-action lawsuit alleging that it violated the Americans with Disabilities Act (ADA). The suit, filed by a blind woman from New York, claimed that the company's website, Beyonce.com, did not provide accommodation for people with significant vision impairments, leaving an estimated 2 million blind people and others with vision impairments unable to access the primary portal for news about all things Bey.

Parkwood is far from alone. The ADA has been law for decades—it turns 30 in 2020—but it's spurring a new wave of digital-era lawsuits. The civil rights law applies to businesses with 15 or more employees, including state and local governments, and also applies to places of public accommodation.

Compliance confusion

"Compliance" may have different meanings, depending on whom you ask. Ideally, websites would meet Web Content Accessibility Guidelines (WCAG), which is a set of technical specifications that improve the accessibility of web content, websites, and web applications on a variety of devices. The guidelines were developed by the World Wide Web Consortium (W3G), a global community of accessibility experts. WCAG 2.1, the latest version of the guidelines, suggests enhancements that address the needs of people with a variety of disabilities, including vision, hearing, mobility, learning and cognition, and others.

But adhering to the in-depth accessibility guidelines WCAG recommends can be daunting, especially for small to midsized businesses (SMBs), says Philip Voluck, co-managing partner of the Pennsylvania offices of law firm Kaufman Dolowich & Voluck. "While the WCAG guidelines are very specific, you don't know which should apply to a small company and which should apply to a Fortune 500 company," he adds. "So, it becomes a reasonable accommodation analysis. What's reasonable for this company to bring its website into compliance?"

Protecting your business

For now, businesses are largely on their own in figuring out how best to proceed and where to invest. Consultants like Dermer and legal experts like Voluck and Barton agree that it's usually a good idea to err on the side of inclusiveness to the extent possible. By making your digital properties more accessible, you may protect your website from litigation and make it easier for the roughly one in four U.S. adults who live with a disability to do business with you.