

New Trend Alert – Websites Must Be Accessible To The Blind To Comply With The ADA

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A new trend seems to be emerging at the intersection of employment law, technology and e-commerce – companies getting sued for not making their websites compliant with the Americans with Disabilities Act (ADA). In recent months, a spate of class action lawsuits have been filed against several online retailers, including H&M, Tory Burch, Hugo Boss and Urban Outfitters, for failing to design their websites so that they can be read by screen-reader software that allows websites to be understood by people who are blind or otherwise visually impaired. The argument is that a retailer's website is an extension of its brick-and-mortar shops so must similarly comply with the ADA's accessibility requirements or else be found to be unlawfully discriminatory. So far, at least one case, perhaps unsurprisingly in California, has found a retailer to have violated the ADA by denying a blind man equal access to its website. In light of what appears to be a growing trend, it would behoove companies to consider the ADA-compliance of their websites and any other online material.

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