

Effective ADA Compliant Communications

T-Base Communications Webinar

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Effective Communication

Effective ADA Compliant Communications

What does “effective communication” mean?

- Content & intent of the message is correctly received.
- Effective communication is **always** about what is *received*, **never** about what is sent
- ADA legislates “**equally** effective communication”
- This means information you share with people who have disabilities is just as effective as information you share with people who do not have disabilities.



Public Accommodations

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What types of businesses are required under the ADA to provide effective communication?

Public accommodations are nearly all the places where people go and their spend money. For a place to be a “public accommodation” there are three eligibility requirements:

- Private businesses that do not run government programs; and
- Commerce is affected (money changes hands); and
- It fits into one of 12 categories. The law lists 12 categories, and the Department of Justice has provided [examples of each place of public accommodation](#).

Two Examples:

- **Service establishments** (e.g. laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals)
- **Places of education** (e.g. nursery schools, elementary, secondary, undergraduate, or postgraduate private schools)



Auxiliary Aids & Services

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What is the definition of auxiliary aids?

- An “auxiliary aid or service” is a communication device needed so messages can be understood by the receiver. The type of aid will depend on who is receiving the message. Most auxiliary aids or services are technology-related.
- Example of an **auxiliary aid**: a screen reader used by people who are blind or have low vision to access information on a website or in a PDF.
- Example of an **auxiliary service**: If your customer is deaf and uses American Sign Language, then you must send your message in American Sign Language. In the case you are not fluent in American Sign Language, then you must hire someone who is. A sign language interpreter is considered (by the ADA) an auxiliary service.



Auxiliary Aids & Services

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What types of materials would a public accommodation have to make available to ensure equal access for customers who are blind or have low vision?

- Any communication that is non-verbal or is in standard print must be provided in another way, that is you may need to provide an alternate format.
- Depending on the individual's needs, you may need to provide information in any one of the following formats:
 - Braille
 - Large Print
 - Audio
 - Accessible PDF
 - e-Text



Auxiliary Aids & Services

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What is the best way to determine which auxiliary aid or service to provide?

- Avoid offering someone information in an alternate format that they do not need, as this is a form of profiling or stereotyping.
- Although, they shouldn't have to "hunt down" information in the format they need either. They make a request and you provide.
- It's important to educate customer service representatives on accessibility so they can appropriately respond to a request.



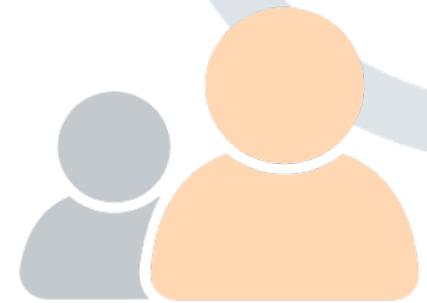
Auxiliary Aids & Services

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Can a public accommodation charge for the provision of accessible communications or auxiliary aids & services?

A public accommodation *cannot* charge for the provision of accessible communication or auxiliary aids or services.

- This is referred to in the law as a “surcharge” and is forbidden. Providing accessible communications is the cost of doing business, and the cost can be passed along to all customers, not only one.



Online Accessibility

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Are organizations required to make their websites and mobile apps accessible?

- Because you are responsible for providing effective communication, if you're delivering information through a website or mobile device, that information *must* be accessible.
- There are ways to both review and improve web accessibility.
- Have a company review your website to determine whether or not it is accessible.
- Request that the web accessibility specialist have people with disabilities navigate the website and pinpoint areas that are not accessible or that could be improved.
- If you don't work ahead to ensure your website is accessible, stay updated on what the Access Board is doing (by going to [access-board.gov](https://www.access-board.gov) and registering an email for updates). Once there are proposed guidelines, begin following them.



Complying With Accessibility Legislation

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What happens when a company *does not* comply with ADA legislation? Can companies avoid legal action?

- ADA is civil rights. If someone has a disability (whose rights are protected by this law) and is discriminated against, he or she can file suit with the court.
- Example: A man who is blind calls a service provider and requests a braille document, and if the service provider responds that he/she cannot provide, the caller calls an attorney, who files a boilerplate lawsuit for failure to provide alternate formats. Once the company receives notice, the man who is blind calls the service provider back and offers to drop the lawsuit for \$12,000 or more. The company agrees, the man and his lawyer split the money, and they go on to the next company.
- In some states, a state law allows a person whose civil rights are violated to receive compensatory damage based on a daily rate from the date the suit is filed until it is settled.
- **Therefore, it's important to have policies & procedures in place to provide alternate formats.**



Complying With Accessibility Legislation

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Best practices:

- 1) **Think about accessibility from the get-go.** When creating a new document (in MS Word, Excel, etc.) or adding fresh content to your website, make sure it is accessible for people with disabilities, whether they are blind, have low vision, are deaf, have some hearing loss or have a cognitive disability.
- 2) **Review current customer communications to ensure they are accessible.**
 - Brochures/ catalogues
 - Reports & memos
 - Emergency plans
 - Surveys
 - Presentations
 - Announcements
 - ... and more!



Thank You!

Effective ADA Compliant Communications

T-Base Communications is your go-to alternate format company.

- Accessible [Statements](#) & [Documents](#)
- [Web Accessibility Audits](#)
- [Accessibility Training](#)

Three benefits of providing accessible communications:

- Enhances the customer experience
- Saves money
- Strengthens compliance with accessibility legislation



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Questions? Contact us!

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