AT Banter Podcast Episode 241 - Accessible Overlays

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SPEAKERS

Rob Mineault, Steve Barclay, Samantha Evans, Ryan Fleury, Nick Steenhout

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R **Rob Mineault**   00:00

Hey and welcome to another episode of AT Banter

S **Steve Barclay**   00:19

Banter banter.

R **Rob Mineault**   00:20

I like the tone adjustment on that, that was good. New Year and new 'banter banter' I

S **Steve Barclay**   01:00

Oh, you know, don't expect it to stick around.

R **Rob Mineault**   01:02

Dammit. Hey, my name is Rob Mineault. Joining me today. Mr. Ryan Fleury.

Ryan Fleury 01:12

It's Friday.

Rob Mineault 01:15

And hey, it's Mr. Steve Barclay. It's also me on a Friday Man, New Year.

Ryan Fleury 01:22

It is

Rob Mineault 01:23

A blank slate guys. We can do anything we want.

Ryan Fleury 01:26

Can we?

Rob Mineault 01:27

No. kidding. JK, JK.

Ryan Fleury 01:34

We do have some things that we're rolling out this this coming year. So excited.

Rob Mineault 01:40

Ryan, you just like tickling the audience with a feather.

Ryan Fleury 01:43

You got to keep them that keep them interested.

Rob Mineault 01:47

That is true. That is true. Are you have you guys all recovered from the Anniversary Show?

Steve Barclay 01:53

We had an anniversary show?

Rob Mineault 01:57

If only it had been one of those types of anniversaries. So it's which, for the audience, we have had one of those audience those anniversary shows where I'm sure Ryan didn't remember it.

Ryan Fleury 02:08

Oh, I remember it vividly.

Rob Mineault 02:12

Sure, if I quiz you and ask you what what questions did we ask Shan?

Ryan Fleury 02:17

We talked to Shan?

Rob Mineault 02:22

Exactly.

Ryan Fleury 02:23

What was he on that show? Oops.

Steve Barclay 02:28

You can bet that if a show is gonna get canceled and never released, Shan was on it.

Ryan Fleury 02:38

Morning, Shan.

Rob Mineault 02:40

I bet 99% of our audience are going Who the hell is Shan? Okay, it's part of the mystery of the show. #WhoIsShan. See, man, we're just desperate. One of these days. We're gonna get a hashtag campaign going. And it's gonna be great.

S Steve Barclay   03:08
I like the idea of hashtag #WhoIsShan that's fine.

R Rob Mineault   03:13
Well, who knows? Maybe next week, we'll see a trending. Hey, Ryan.

R Ryan Fleury   03:18
Yes, Rob?

R Rob Mineault   03:19
What? What are we doing today?

S Samantha Evans   03:21
Today we are speaking with accessibility advocate Samantha Evans, and independent accessibility consultant Nick Steenhout about web overlays.

R Rob Mineault   03:33
Yes, it's gonna be one of them learning episodes. Cuz I know enough to be dangerous about accessible web overlays, but not nearly enough. And as we all know, there's there's been one in particular that's been in -- well, it hasn't really been in the news. I feel like it hasn't been in the news, the mainstream news in terms of the downside of it, but it's certainly been in the news. In terms of the upside for it, which is, of course Accessibee.

S Samantha Evans   04:06
Yes, definitely been in the accessibility news streams, but they are not the mainstream news.

Rob Mineault 04:13

Well, but but it I mean, I know that community has been kind of up in arms about its limitations and the problems with it. But I don't know have any actual news agencies have? Have you seen any any sort of the pushback on any on any news sites about it? Or is it really just community driven?

Samantha Evans 04:33

From what I've heard and seen on Twitter and other social media streams? It seems like it's more of the community that is, you know, screaming from the rooftops.

Rob Mineault 04:42

Yeah, that's the sense that I got to because I think in terms of the mainstream media, I think I think it's the greatest thing since sliced bread, which is, I think, a real testament to the marketing department at accessibly, but..

Steve Barclay 04:53

yeah, well, they've got $28 million to play with.

Rob Mineault 05:00

$28 million to play with, I would have a jello pool.

Steve Barclay 05:06

Oh, good idea.

Rob Mineault 05:07

Right? Yeah. different flavors every week, I would have a hot chocolate tub.

Steve Barclay 05:16

I don't know about that.

Rob Mineault 05:18

I feel like you could you could build it in so that it would be hygenic. Maybe after you get some scientists working on that.

Steve Barclay 05:27
Nanotechnology, it solves everything.

Rob Mineault 05:30
That's right. Ah, well, this great. I'm looking forward to that discussion a little later. anything happening over at Canadian Assistive Technology that you guys want to talk about?

Steve Barclay 05:47
No,

Rob Mineault 05:48
Okay. There hasn't, there hasn't been a lot of new stuff coming out. I mean, this whole COVID thing is slowed down the manufacturers like crazy, they can't get components. And you know, the stuff is just trickling out their doors right now. So I don't see any of them releasing anything new at a time like this. Other than human where, you know, they put out their their Brailliant 40. But even those are the, you know, they're they're in short supply, too.

Samantha Evans 06:24
Well HIMS has the new Braille Sense 6 coming out very shortly as well.

Steve Barclay 06:28
That's right. Yeah, yeah, we actually got our invitation to send our demo and to get upgraded. Of course, our demo is getting tested by NNELS, for interfacing with their library stuff. So but it'll get there eventually. And we will have our shiny new Braille Sense 6 available for folks to play with. Yeah.

Rob Mineault 06:49

Well, I don't know. Like, it's gonna be interesting to see when things start to return to normal in the sense of manufacturing and production. You know, when some of these supply lines that have been so interrupted for so long starts to, to improve? What just what that's going to mean, in terms of new generations of devices that have maybe just been sort of sitting in a holding pattern for the past year?

S Steve Barclay   07:20
Yeah, we'll see. We'll see. You know, the the fact that, you know, a lot of companies do their do their manufacturing, or at least have major components manufactured in places like China and India, where, you know, like, India, in particular is just getting killed. But, you know, it's gonna, it's gonna take a while to settle down there. You got to vaccinate, what 300 million people in India or something? No, it's more than that. It's like a billion people. It's crazy.

R Rob Mineault   07:47
Yeah, you know, it's mind boggling the logistics to do that. You know, what I, what I, I'm always sort of I try to remember is that, you know, even though we feel like, Oh, you know, what the light is at the end of the tunnel, for this whole COVID thing. We got a lot of people vaccinated. And, you know, I got my vaccination and feeling like things can start to return to normal. We're unique in the world. There's a lot of other countries out there that don't have the vaccine rollouts that that we do and so, you know, you gotta remember that in terms of the world like there's still we still have a lot of work to do.

S Steve Barclay   08:25
Yes, indeed.

R Rob Mineault   08:26
So you know, things aren't going to just spring back into normal into normalcy for a while not certainly not until we get the you know, the large percentage of the world's population vaccinated which could certainly take years. Hey, let's you know what, before we before we dive into Accessibee, because I have a feeling that as interesting it's going to be as might be a little bit of a downer. Let's talk about something fun and cool.

S Steve Barclay   08:56
Like what?

Rob Mineault   08:58

Well, did you guys hear the news that the Barbie company - I guess it's Mattel - has made a Helen Keller Barbie.

Ryan Fleury   09:09

I saw that.

Steve Barclay   09:12

I heard rumors to this effect.

Rob Mineault   09:14

So apparently since 2018 Mattel has been has been producing this series of Barbie dolls called inspiring women. And it's featured, you know, everybody from Rosa Parks to Susan B. Anthony, Sally Ride, of course, who was the first woman in space. And the latest one is Helen Keller, who was awesome. Who doesn't know who Helen Keller is? Although, you know, it's interesting where Ryan and I read this book, The Power of disability and one of the stories in it was about Helen Keller and, man, I had no idea of what kind of an advocate she was and how, like, instrumental in a lot of different things are there. than just you know, being deafblind and being an advocate like she was part of the women's suffrage movement she was an early advocate for for birth control. She she was really big into socialism. She was into social justice. Like, she's really amazing woman. I think it's about time she got her own Barbie doll.

Steve Barclay   10:22

Absolutely.

Rob Mineault   10:23

And it's cute. I'm looking at the picture here, you know, she's got, she's got a book that is on the title on the book is just Braille. And then there's some Braille characters on the book. I'm not sure my brain is a bit rusty because I've only gotten A to J so far in my learning Braille, but so I don't even know what two letters are. I think it might be three letters. Looks like it's three letters.

Samantha Evans 10:47

Okay, wait a second. Okay. Wait a second. Back Back the Braille train up. You started learning Braille last year.

Rob Mineault 10:54

No, this was a no, this is a 2021 goal. Is my new year's resolution for 2021 was to learn Braille. So I'm working on it. Give me some give me time!

Ryan Fleury 11:05

It's J

Rob Mineault 11:10

Its a third of the alphabet.

Ryan Fleury 11:13

All right.

Rob Mineault 11:14

Well, I've been distracted.

Ryan Fleury 11:19

With hot chocolate tubs.

Rob Mineault 11:31

No and actually, you know, the the packaging of the the Barbie doll do has Braille on it. Mm hmm. So I'm very cool. I thought this is this is very cool. Awesome. So no, she doesn't seem to come with a Ferrari or a house or anything. So just she just gets the Braille book.

Ryan Fleury 11:54

So literacy is important.

S Steve Barclay 11:57

The only Barbie that comes with its own driver.

R Rob Mineault 12:02

Was that like a really technical Braille joke? Like a Braille driver? You mean for like a Braille device? Is that? No. Okay. I My mind went in a different direction. I'm not that sophisticated. Yeah, well, so that's very cool. So yeah. Everybody run out and get their Helen Keller Barbie can have all kinds of fun adventures with Malibu Barbie. Go for a night on the town together.

R Ryan Fleury 12:36

Ken can be sighted guide.

R Rob Mineault 12:37

They can be a Throuple.

S Samantha Evans 13:41

Gentlemen, joining us today for this very interesting topic are Samantha Evans, who is an accessibility advocate. Hello, everyone. And we have Nicholas Steenhout, how did I hope I pronounced that properly?

N Nick Steenhout 13:55

Close enough.

R Ryan Fleury 13:56

Close enough.

N Nick Steenhout 13:57

Hi, everyone.

R Ryan Fleury 13:59

Excellent. Thank you so much for taking some time to join us. We appreciate it.

S Samantha Evans 14:03

My pleasure to join you.

R Rob Mineault 14:05

So why don't we start out. And maybe you could just describe for the audience who may not be aware just what we're talking about when we when we are talking about an accessibility overlay.

S Samantha Evans 14:18

So accessibility overlays or plugins are generally described as a one line of code. Type in this one line of code and it inserts a menu with preferences and alleged to solve all the accessibility issues and make a website way CAG compliant or ADA compliant in the States or ACA or AODA. And, and claims to do all of this with no effort needed, and as a way to remove concerns of litigation or falling afoul of legal requirements. However, it's really Not possible for one line of code to do all of that work. So it's a bit a bit of a challenge for what they propose to do. They're sold as kind of a magic elixir to solve all the accessibility woes, when oftentimes sites could address some simple solutions, and maybe some technical code adaptations. But I'll let Nick speak to the technical side.

N Nick Steenhout 15:26

Yeah, happy to talk to the technical side. But I'd like to say that Sam was very kind and polite, because when I think accessibility overlay, I actually think snake oil, I think bunch of people that are trying to pull the wool over our heads, I think people that are abusing the fears of people with disability know fears of business owners, and abusing people with disabilities, I am actually quite strongly opinionated about it. From a technical perspective, they're they're trying to, to provide magic solutions. as Sam was pointing out, you know, it's insert one line of code, and then it chooses some AI and it uses some JavaScript to rewrite some stuff. But bottom line is, these solution rarely actually do the things they claim to do. In fact, if you read the Terms and Conditions closely, you'll note that they're basically saying, our product cannot make your site accessible unless your site is accessible to start with. So I really invite everyone that considers buying such thing to read the fine print.

Samantha Evans 16:46

That's the same, those deceptive marketing practices along with their monetizing fear of disabled people, in many cases. And so that's, that's rather distasteful. They do a really good job at it, though, because if you look at the stats, there's hundreds, if not 1000s, of litigation suits against businesses in the US alone.

Nick Steenhout 17:07

here, they really are able to leverage that. And some companies, I am thinking about one in particular and too bad if they're not liking it, but I'm going to name Accessibee specifically, they were able to get a lot of venture capital, millions and millions and millions of venture capital, and part of their strength is marketing, and PR and spin. So unfortunately, if they put all that money and effort into actually solving problems, that that would be great, but they don't. And, as you said, you know, there's what, there's two and a half 1000 lawsuits for accessibility on average yearly in the last four or five years in the States. So it's it's big. But if we're going to talk lawsuits, we should also mention that it is now mentioned in, in lawsuits that Accessibee cannot be used as a remediation tool or even further, they're, they're naming Accessibee as plaintiffs as defendants as already in the cases. So, you know, you Yeah, accessibility lawsuit is a thing to be concerned about. But ultimately, if we're talking about accessibility and making sure that websites work for people with disabilities, one one line, one button click solution is typically not an answer. And Accessibee is just kind of like one of many that have been garnering the attention of the US system or accessibility community.

Rob Mineault 18:48

So do we know how many others are actually out there?

Nick Steenhout 18:51

I can think of probably a dozen off the top of my head, but every time I turn around, there's more. And also, what happens is there's people reselling top tier overlay providers, so you may find a new one and realize, Oh, actually, it's Accessibee or maybe it's Audioeye or maybe it's something else.

Samantha Evans 19:13

So yeah, there's there's a lot of them and a lot of the new ones happen to be resellers becomes a bit of a multi level marketing scheme as well.

Rob Mineault 19:29

Yeah, well, you know, in in looking at Accessibee very closely, I mean, what I would say is what they are very good at is they're very good at marketing. You look at their site, and you know, and it looks like they have attracted some fairly big clients. They have which is a little bit concerning, because these are, these are big players. And it's no small deal that that they've attracted them and they've they've bought into this idea.

Nick Steenhout 20:05

From, from my perspective, as a independent accessibility consultant, I've worked with fortune 500 companies, fairly large organizations, you know, airlines, financial people, health care providers. What I think is appealing to these kind of organizations is this thing that accessibility is expensive. And well, those of us on this call know that accessibility is only expensive when you're not building accessibility from the start remediation is what's expensive. It remains true that a remediation exercise can cost half a million dollars when you're talking about white label product that is sold to large healthcare organizations in the States. So when we're starting to get someone who's very good at spin, and PR, who has very deep pockets for for organizing sales, when they come in, and they say, Hey, I can solve your accessibility problems for maybe $10,000 a year, or maybe even less than that, it does become very appealing the CEO, the even the CTO that don't actually understand what accessibility means. When they see this, they can go, hey, that's gonna really solve our problem and save us a whole bunch of money. And it'll be a lot faster. I've had stakeholders Tell me, we chose this overlay solution, because I'm doing it properly, would take six months, whereas we can do it in a week, and we're under the gun here, we need to get this fixed. So it's, I can see the appeal for for stakeholders, but I think they need a lot more education.

Rob Mineault 22:01

Well, and I think that that's, that's been the case for a long time, the term accessibility to a lot of people, it's, it's vague, they don't, even if they have a rudimentary understanding of what it means. It's still it's very hard for them to take that and then implement that into their, their own digital space, whether that's a website, or it's an app. So I agree with you 100% it I'm sure it is very appealing as as a as a business owner to just be like, yeah, like these guys are saying that they can make as accessible with one line of code, it'll take an afternoon for our, for our guide who inserted into the website, and away we go, we're completely safe. And we're bulletproof, in terms of any sort of a lawsuit, except they're not. That's exactly it. And accessibly, you know, exists to be in particular, you're again, there that fine print sort of protects them from from, you know, any sort of legal recourse, because, you know, because they're smart about it. But let me pose this to you guys,

though, is, is the notion of an accessible overlay, at its root, a bad idea, like if it if it was implemented, right, and it could work as it's supposed to? Could that be a positive?

Nick Steenhout 23:30

There's so many problems with that concept. I'm going to start by saying, What's good about accessibility overlays. Five or six years ago, I worked for a company that actually provided overlays as part of the overall service so that the difference of what we were doing then, was that we were able to go in and prepare an overlay. So basically some JavaScript that would insert accessibility fixes within a page. And this is different from accessibility, or over audioeye or other current overlay providers because the current one provided toolbar to improve things. And that's not what we were doing. We were really going in and surgically fixing things that we identified so we could insert, whether it was area attributes to make things better, or we could change color contrast on the fly. And this was a great quick fix as a temporary solution, while the actual proper work of doing the remediation was ongoing. So from that perspective, and accessibility overlay is good. The downside from a technical perspective is the moment anything changes on the page. You just broken your overlay, so if If, for example, you change a class name across the whole site, well, the overlay doesn't work any longer. So it's it's a very fragile solution. That's why it needs to be temporary. The overlays, as they are implemented now are first did not work. If you try as a sighted user, if you try to get to the accessibility menu, using only the keyboard, you actually can't. So there you go, you just cut out sighted keyboard users, if you're using it as a screen reader user. So yeah, you can actually bring up a list of interactive element and get to it and maybe mess around and figure it out. But the very concept is, is broken. One of the features of these overlays include the ability of making this the font bigger for folks with low vision. This completely negates the idea that someone who has low vision will need in large font on every site they go, they will actually need it on the operating system to be able to function. So when you get to the site that has the overlay, that often will conflict with the with the assistive technology that's needed by the user, I assume, at least a couple of people on this call are screen reader users. I don't know what your experience of accessibility is. But when I've done testing, mind you, I'm a sighted user, so I don't use a screen reader the way someone who relies on it does I acknowledge that. But when I interact with Accessibee, I get so many assertive warnings and live regions that actually interfere with with the experience of navigating the content. So yes, in some cases, some form of overlays can be beneficial and useful, but not as a long term magic solution to fix your long term accessibility problems.

Samantha Evans 27:06

I think, Nick, I do I think some of our hints, there are some companies that do have this as

a stopgap measure, a temporary fix, but it is, while it is always accompanied by human intervention and human radiation. And those those instances could could be useful as a short term solution. But there are very few companies that are doing that with human support, identifying the issues, and then either providing the solution to the site owner, or making the changes for them. That's not what the snake oil sales people are doing.

R Rob Mineault   27:42
Yeah, well, I mean, it sounds like if you want a real world equivalent, it sounds like you know, excessively, it's like the equivalent of say, putting, needing a wheelchair ramp. And so and just putting, like a really rickety piece of plywood down over the stairs, and being like, okay, what's his wheelchair ramp? And, and never actually building an actual ramp or investing the money in a permanent solution?

N Nick Steenhout   28:07
Rob, your analogy is pretty good. But I would would modify slightly. As a wheelchair user, I have experienced this, I think the the overlay snake oil equivalent in the real world would be to put that rickety piece of plywood, you know, quarter inch plywood with couple bricks under it on the back entrance right next to the dumpster and forcing you to go through the kitchen. That that's what we're really looking at. Right? Right.

S Samantha Evans   28:40
And if you're a power chair, user also telling you that you need to leave your chair outside. There's a manual chair over here that's not fitted to you and may not, you know, but yes, you can take a you can use a wheelchair to enter on the rickety ramp, just not yours, not the way you're used to and not the way that's most effective for you.

R Rob Mineault   29:01
Right. So, I mean, it really sounds like and I'll admit, coming into this conversation, like I was unsure of how to feel about accessibility overlays in general. Because it seemed to me because I played around a little bit with access to be and my initial, my initial response to it. And again, I'm a sighted user and I didn't really run it through many paces, but my initial was my initial reaction was kind of like well, this is kind of cool, because you can do all the things like you can change the contrast in colors. You can I believe you can make the text bigger, right? You can you know, there was there was all these little sort of minor visual changes that you seem to be able to make for people you know, with with ADHD and all those things seem to work okay. It was pretty obvious that the the screen reading

portion of that was broken. And that that may be have was it was an issue. But I thought well, maybe this could work. For for things like being able to make colors contracting for people with low vision and whatnot. But it sounds like the problem is sort of fundamentally deeper in the sense that it's, it's diverting attention away from actual making sites, and making applications actually accessible from the ground up, which is what really we should be fighting for. And these are just like quick fixes that they're convincing a lot of these big companies are permanent fixes is that kind of the this am I kind of getting that right?

N Nick Steenhout 30:36
You're spot on. The thing is, there is nothing that the overlays do that cannot be done. through proper markup through proper site design, through proper content creation, all these things can be handled well, properly. From know from a perspective of we fix it once and we forget about it. As opposed to well, we don't actually know if this is going to work for our users. And we do know that for some of our users, it's not going to work. As you set it know from a sighted, non disabled user perspective, it's very appealing, because you can do all these things. You can change font size, you can change, contrast, you can play with getting things read out to you, you can do all these things. But

S Samantha Evans 31:32
I can do all of that in my operating system and my browser.

N Nick Steenhout 31:35
Well, that's it. That's it, because when users that rely on whether it's in large font or colors, contrasts and all that people who need these functionality needed to all the time, so they have the tools at hand, that means that the toys that are implemented, are not particularly useful.

S Samantha Evans 32:04
And then there's concerns about what they can't do because it is AI, and it's not that intelligent, yet. The images, anything that's presented as a visual is not valid. The art, the alt text, or text equivalent for images cannot be created by the AI. They cannot make a video accessible with captions, they cannot make documents accessible. They, most of them, I'm thinking of four of the big ones choose not to address data, infographics or tables. Yeah, what what what interaction functionality for actual resources that people use to live their life is covered in any of that.

N Nick Steenhout 32:44

And I think that's a good point, because we're looking at a lot of, unfortunately, a lot of government sites and a lot of education sites are relying on this. And these sites tend to provide services and information through PDF downloads, through video only content, which by their very nature cannot be remediated by AI. So you know, you know, we're fixing the way we can or fixing the way we can get to this PDF download. But once we have the download, we can't actually use the document.

S Samantha Evans 33:21

One as a screen reader user myself, you know, like you just said it will recognize table. So now my table formatting, being able to read through cells, columns, rows, is thrown out the window. So there's my efficient reading of that chart, that table, that graph, you know, my navigation by headings, heading level twos, threes, fours, whatever, that's thrown out the window as well. So much fun. And one of the great examples, if we're talking about excessive be, may have an example that they use on their own site, their own promotional, of a woman who's shopping at a sifting through hanging clothes, and the alt text that they've created and they promo This is their bragging rights says that a woman is folding laundry. Yeah, she's actually in a high end retail store. And it's a sale 30% off, you know. So it's very clear that they have absolutely no interest in equity for disabled people and accessibility. If you actually look at what they do, and don't do and the mice type in their contract terms, but they're advertorials because they're so common and they're everywhere. They get a lot of visibility and people call that research.

R Rob Mineault 34:42

Yeah, I think that it's, you know, it's, it's pretty obvious when you look at is and especially when you dig in a little deeper, that you know, these guys are not interested in, in, you know, making the digital space more accessible. They're really cashing in on things like All these lawsuits and and the fear that a lot of companies are having right now of getting sued for having, you know, a lack of accessibility in any given app or site.

S Samantha Evans 35:14

What's interesting to me is that with a lot of the content management systems, even the ones that are on platforms that were notoriously inaccessible before, many self hosted or you know, worse CMS products, where you don't have to have technical skills to build your site, many of them are developing platforms and themes and plugins and libraries that are accessible. So small businesses do have access to a reasonable amount of

information and choices to make small business platforms more accessible. And with a little bit of knowledge can do a great deal on their own. But last week, excessive you put out a comic, that was their cartoon, that was a small business owner, it was in three frames, and the first frame had a small business owner very pleased with themselves, my website's finally ready. The second frame were two lawyers, one of them holding an accessibility lawsuit, and one of them holding an ADA lawsuit and in screaming at those small business owner, and then walking away with moneybags, and the business owner said, Why bother? Now I'm broke? Well, that's kind of what I'm looking at are thinking about, you know, the, the end user files a lawsuit against the organization who has implemented Accessibee, they go back to Accessibee and say, look, you said we'd be accessible and Accessibee says, oh, if you read the fine print, it says nobody won't. Like so frustrating for a business owner who doesn't do their homework.

Nick Steenhout   36:46

Yeah, it is. And even if they they actually try to do the homework, there's so much fraud out there. Now, it's just really hard to find the right information, unfortunately, because when a company like accessibly is raised, I think in total, nearly 40 million US dollars worth of venture capital, it's hard to compete with that as either disabled people or independent accessibility experts. I mean, I'll never have the kind of budget to do any kind of education level, the way the way they do marketing. So we can't compete. And as a result, as a result, the independent business owners are going to suffer, where I have a lot less sympathy is when large corporations that have the money to actually hire experts and get proper advice. When they fall for the for the, you know, snake oil, then that's, that's more problematic.

Samantha Evans   37:51

There's one brand in particular that has been marketing themselves as inclusion and LGBTQIA, friendly and all about their inclusive nature. And they've chosen Accessibee as an overlay for their, for one of their brands on their website, but they have a full accessibility team. And they have the resources at the very large international snack food company. And a Nabisco and Oreo and Mandalay have chosen excessively, instead of actually doing the work with the team they have and their resources as an international mega Corporation, to make their Oreo brand website accessible.

Steve Barclay   38:29

This is one of the things that makes me absolutely crazy about web accessibility and the way that companies deal with web accessibility. You know, the bigger the company is, it

almost seems like the more they're willing to throw at lawyers instead of accessibility. And you know, the the example that leaps out at me and I always come back to is Domino's. And their absolute flat out refusal to make their website accessible for people, they took it to court rather than then be accessible and, and lost.

N Nick Steenhout 39:06

I mean, Clint Eastwood Hotel in California, and instead of renovating his bathroom as a result of a lawsuit and spending maybe $5,000, fixing his bathroom in his hotel, oh, he spent half a million dollar fighting this in court, and then lobbying government to change the ADA. It's not a new pattern.

S Samantha Evans 39:30

Jeez, yeah, Domino's had a solution set for $35,000 to resolve their entire accessibility need. And instead of they're in at least $425,000 at the moment.

R Rob Mineault 39:45

Yeah, it just it stuns you just how bad of a business decision a lot of these companies will make.

S Samantha Evans 39:52

Now I've had some success with I was working with a Canadian media group that was writing a guide. I always worry when I see people write the complete to accessibility, especially when they don't work and accessibility or disability rights. But I happened another CEO, and I was reviewing their book and they said, oh, we're going to feature this website. And it has this amazing solution. And it was accessibility and the concept that this organization that had a film that went to, to the, to the to the most recent Movie Awards, was that a disability organization was using excessively on their website was horrifying. took myself and one other colleague about an hour and a half to get to, to get to the two lead organizers of this company. And we finally figured it out that their staff didn't know their staff had been told by their media agency that works for social justice and disability rights organizations who fell for the advertorials. So I got the 23 and 25 year old marketing agency teams. As I look, you have a web, you have a WordPress website. In two hours, I promise you, we can edit about four lines of CSS, choose a new theme, and change one plugin, and everything will be fine. You'll be accessible when you get rid of them. It took us two hours and 30 minutes. But they were like, We had no idea. They told us it was gonna cost us 50 $60,000 to make this happen. And I said, Did we spend any

money just now even if you paid somebody $500 an hour for this work? Would you be out any amount of money that was that was even, you know, considered a consideration? And they said no one it's like, how many other of your clients are you doing this with? So one agency, but that's just me one person, so but we can, but it's we can't keep up? Well, that's the thing. We can't keep up. Yeah. And I wanted to ask you, Nick, because this is hit us actually quite close to home recently. The city city of Chilliwack has implemented accessibile onto their website. Yep. So most of the cities in the lower mainland, I believe, and Steve or Rob, maybe correct me if I'm wrong. Have advisory committees with people with disabilities on these committees? Has anybody followed up with the city to find out how this happened?

Nick Steenhout 42:15

I have sent three emails and every one of these emails have been unanswered. Given COVID pandemic, I'm not really willing to travel and go face to face, which is what I would normally do but at the moment, it's it's really either being ignored or they don't know what to do with the with the questions or it's being juggled back up to potato? I'm not too sure. Okay. But somebody at the city is unwilling to come back and open the discussion. I think, in my experience these committee have of disability advisors suffer from from a couple of things. The first thing is that they're often not consulted on what is considered, you know, daily, day to day operational things, as opposed to looking at policy things, right. And implementation of an overlay would not be considered a policy thing. The other thing is that very often, and I've been saying that for a long time, but very often disabled people need disability awareness training. So you know, if if someone is a wheelchair user, they know the need of themselves as a wheelchair user did not understand the needs of all wheelchair user. If someone is blind, chances are they don't understand the need of people that have mobility impairments, but that are ambulatory. And then all the people that have physical disabilities, we tend to either be unaware of or completely ignore the needs of people with cognitive or neurological impairments. So between between the advisory committee that may suffer from from a certain level of ignorance of other disability groups, and the fact that the city will only consult us on policy issues rather than operational issues. We are facing an uphill battle.

Samantha Evans 44:28

Until they get slammed with a lawsuit.

Nick Steenhout 44:30

Yeah, that's right.

Rob Mineault   44:32

Yeah, when I see see places like, you know, cities and you know, different organizations that fall for this, that's where the real danger is. I mean, it's one thing for, you know, if Oreo wants to implement access to be on their website, and somebody can't really find out what the newest flavor of their Double Stuff cookies are. Not a huge deal. But, you know, for somebody who depends on using, say, the city's website To pay their electricity bill or whatever, or with it, they needs, you know, specific resources. And now they can't access those resources. Because of accessory. That's, that's a real big problem.

Samantha Evans   45:13

Yeah, when civic engagement is interrupted for lack of accessibility, people's lives, and livelihoods and rights are at risk.

Nick Steenhout   45:21

Especially in the context we're facing now of endemic where more and more stuff is done on the web. And, you know, you have to rely on on the information on the web, rather than traveling to two different places, then it absolutely becomes critical to make sure these resources are available in an accessible way.

Rob Mineault   45:45

Yeah, exactly. Exactly. That kind and that's what, you know, we've been kind of screaming that from the rooftops, or, you know, from the first few months of, of COVID, that now more than ever, digital accessibility is so vital, because of this shift online for a lot of for a lot of services.

Nick Steenhout   46:03

I'll give you another one that that makes things even more fun. I don't know if you've been following what, what is happening with the long term effect of COVID what some people call long, long, COVID, or long haulers. But it looks like and I may be misquoting but it's the number something like 80% of people who had COVID have cognitive issues afterwards. So we're talking brain fog, we're talking trouble concentrating were thinking, ability to process the written word. So we're we're starting to look at a large segment of the population that will be left with cognitive issues. And what do we do from a digital perspective to make sure that access to all the information they need to access services from it might be from unemployment insurance, it might be benefits, it might be access to

health care, it might be any number of things, what are we doing to make sure that the information is is easily accessible and understandable and perceivable for for this large segment of the population, who may not even realize they have a disability, but she truly is becoming one?

R Rob Mineault   47:23
you know, I think that, that we still don't know what, you know, the post COVID world is going to look like, but I suspect that, you know, a lot of these online services are going to remain the case, I think a lot of places will go back to maybe sort of a hybrid. But, you know, I don't think that the digital landscape, and the importance of digital accessibility isn't going to change anytime soon. You know, this is where I really do see the danger of access to be because really, it's built into their business model to sort of spread, I guess, I don't want to be true, too dramatic about it. But I mean, to really to spread misinformation. I mean, it's, it's in their business model, and their elevator pitch to a company to go in and say, Look, if you're in a real, you're your site's in a real danger of being sued. And, you know, and and if you were to try to make your site accessible, it's going to cost you hundreds of 1000s of dollars. So just go with us. I see that that's the real danger, this something like an accessible overlay system, that's going to be seen as sort of a more of a viable option, as opposed to doing it the proper way that's actually going to work.

S Samantha Evans   48:38
It's a really dangerous disinformation campaign. And it really undermines civil and human rights at its core.

R Rob Mineault   48:46
So let's talk a little bit about what's been going on then, in different communities, how are people pushing back against access to be and for any of our listeners who want to join the fight against that. What can they do?

N Nick Steenhout   48:59
First, there's what can they do for themselves, because if they, if the listener has an accessibility needs, they can actually install a bookmarklet that will turn off and disable those overlays. So that's the first thing you can do for yourself is, when you come across a site that uses Accessibee or Audioeye, or any of the big overlays, you can you can download that install that on your browser, and then you won't have the conflicts which

are on assistive technologies. The other thing is be the squeaky wheel. Just know you come across a site where you do business or you need information. Contact them say hey, I noticed you have this this overlay that you're trying to do improve accessibility but maybe you've been misinformed and it's actually making things worse for us and so on. I've personally sent out through emails to the city of Chilliwack. But perhaps if there were a dozen people sending three emails, then that would start to make more sense to to the city to actually stop and look into things. So we, we have to be careful as disabled folks that we don't burn ourselves out, because it's quite a burden to always do advocacy. But at the same time, if we don't, then we're going to end up in the deep, deep, smelly stuff. So talk to people that use these, these platform, if you do business with them, I'm not suggesting that you go in and do a search on all businesses that use overlays and contact them. But if you come across one that you're doing business with, send a quick email, prepare a template, you know, copy, paste, and just send the same email over and over again, to different groups and eventually get get to a point where maybe someone's gonna pay attention.

S **Samantha Evans** 51:09

There's a disability rights attorney that has put together some some nice, quick responses to share on social about, Hey, I noticed that, you know, hey, company x noticed that you are using an overlay. Have you heard that these actually damaged the rights of disabled people and aren't actually helping accessibility and then referring to some mainstream media news coverage, and details in education, resources that are online, and occasionally that gets someone's attention enough to read and engage in an applied educational format. This is definitely a conversation I'd like to see keep going. You know, I heard you, Sam on Jonathan Mosen's podcast talking about this. You know, we've we've spoken to Mike Calico, and Matt Campbell, about Accessi byebye, their extension for Chrome to turn it off. So there's definitely people that community that are interested in making this go away. Is there. Is there much chatter on the US side still going on about this? Depends on what community you're in? In the accessibility professional and practitioner community, yes. But beyond that, in the digital in the in the disability rights community as it relates to access to digital media, websites and applications, some I don't see a mainstream swell for it. At the moment, though. I, I know that our colleagues at NFB are considering what to talk about. And they have addressed more talking about the disinformation campaigns, and the deceptive marketing and the the the use of fear of disabled people as the premise of the marketing concepts as a concern. Yeah, I haven't heard our, you know, CNIB talking about it either. And even some of the technology groups that we belong to, as part of the blind, low vision community anyway, not many people are talking about it here that I'm aware of. So it's interesting to just keep an eye on it and see what's happening. We've seen too, in the international community, I think, is

there a left running list, I saw that our friends in Germany, France, in the UK are starting to see these pop up in Europe as well. So and the one in France is actually quite aggressive, and sending nasty grams on social media to people who speak against it. And so it's, it's a real danger to the progress that's been made in the last few decades towards digital accessibility.

R Rob Mineault   53:47
Yeah, well, I mean, you would think that, you know, eventually, the party is going to be over because when he when enough lawsuits start to happen against businesses, and they, they start to realize that having an Accessibee overlay or an overlay, like Accessibee does not actually protect them. You know, you would think that, you know, Accessibee will just go away, just for lack of business, but part of the problem with just playing that waiting game is that that's just slowing down the actual accessibility. real danger. It's the last thing we actually needed. We were just starting to sort of get the ball rolling and now we've we've got these guys coming in and and slowing the process down in spreading enough disinformation that who knows if we're gonna actually recover from that? So yeah, I think that it definitely is within you know, the best interests of the community that that that we push back against these guys and at least try to mitigate some of the disinformation that they are spreading through their their own marketing.

N Nick Steenhout   54:56
These these overlays need to die today. quickly but die horribly for all the harm they've done and they keep on doing. But it's not going to happen. It's not going to happen quickly. That's That's for sure. Yeah.

S Samantha Evans   55:12
But it will when it spirals when when these corporations that their procurement is weak, and the lawyers did not review the contract, and somebody in a web team, installed it onto their website, and it gets out there and they are sued in it does proceed, and they go to the overlay company and say, protect us. We give you $49 a month and they say, Oh, no, no, no. If you read the last line of that 12 page contract, we don't actually do that. That is when it will, that it will take several of those big ones bigger than Dominoes.

N Nick Steenhout   55:54
That said, there are some wins sometimes. Not that long ago, the California State University Northridge CSUN, which has the oldest and one of the most well known

accessibility and Assistive Technology Conference in North America had the misfortune of installing excessively on their website as the accessibility solution, which was really, really ironic. But it didn't take too long for for the community to a start laughing at them, and be saying, what were you thinking? And date took maybe a couple of weeks to go through the hoops and actually remove it. They realize that made a big mistake. So you know, we have small wins, and we should celebrate those because otherwise it's just too disheartening.

R Rob Mineault   56:50
Well, listen, guys, we want to thank you so much for coming on. And in talking about this, because again, this is a really important issue. You know, it's kind of the the dark side of digital accessibility out there right now. But again, it's really important because I think that people out there have to really start realizing what's going on and really start to advocate.

S Samantha Evans   57:12
And I think if if your listeners have any concerns, or they're not sure, the accessibility community is is really open and happy to share knowledge, not necessarily work for free. But all of us who work in advocacy and awareness and education, are happy to clarify and ask questions. And we happen to know a few 1000 people who do this work. So if there's a need for professional, highly skilled or technical intervention, there are people that can help. And unless you're at an enterprise level, I don't think it starts it at the 10s of 1000s of dollars. I just, I just don't i don't think it does for small business. You know, if you're a small business, and you have a you know, you have a blog, and you have some images, and you might have a shopping cart, you know, your resolution on the errors you find are probably going to be changed in a plugin or theme and maybe some slight CSS code change. Adding alt text, making your color changes, things that that even a non technical can do. For best practices can can go a long way to making things more inclusive. And if you're if your goal is to human experience, whether that's first shopper or your audience, then why not dig into this a little bit and learn how to make it a little better.

N Nick Steenhout   58:26
As assuming people listening to the boss get this podcast or into podcasts, I would love to plug my own, which is the Accessibility Rules podcast. It's found on the web at www.a11yrules.com. I have long form interview question shows and I also have a series of short, in their own words, kind of shows where disabled people talk about the barrier they experienced on the web.

Samantha Evans 58:56

So why haven't we had you on the show to talk about that yet? Don't ask me. All right. Well, I'll be in touch. Fantastic.

And do you do you guys know about the overlay Fact Sheet? It's overlay fact sheet and it gives some descriptions of overlays the strengths and weaknesses of them. The strengths and weaknesses of automated repair, how to be compliant and usable. And then there's a whole lot of in their own words from disabled people and what they've encountered. And there's a list of more than 400 accessibility professionals and practitioners and disability rights, people who've signed this in support to help build awareness of what the dangers are of these overlays.

Rob Mineault 59:43

Well, we will be sure to include that in our show notes as well. Alright guys, well, listen, thanks so much again for for coming on. Sounds like we're good. We'll probably be talking to you again soon.

Nick Steenhout 59:52

Fantastic. Thanks for having us, folks.

Rob Mineault 59:55

Alright guys, take care.

Ryan Fleury 59:57

Thanks so much, y'all Take care. Thanks, Sam. Thanks, Nick,

Rob Mineault 1:00:00

Well, so that was that was pretty enlightening. I don't know about you guys, but I learned a lot. Well certainly explains why people are upset about these overlays. Yeah, yeah, it really does. It's It is unfortunate, because I feel like had overlays been used for good instead of evil. I think that it could have been, this could have been something that has maybe really helped push the ball forward in terms of digital web accessibility, because it

has been such a hard sell. You know, we've been we've been fighting to make websites accessible since the early 2000s. And we just don't seem to be making all that many strides in terms of that. So yeah, it would have been nice. So I'm a little disappointed, I'm bummed out.

S Steve Barclay   1:00:53
Well consider this to you know, there's such a uproar about these, these plugins, any company that's actually installing those plugins, right now, they're gonna hear about it. And they're gonna get pushed to improve the accessibility. So by using these overlays, essentially, they're putting a target on their backs. And they're, they're going to raise the ire of the community, and the community is going to force them into better web accessibility. So that the end of the day, problem solve better web accessibility. Hopefully.

R Rob Mineault   1:01:28
Wow, Steve is playing the part of the optimist for the show today is Steve Barclay. Hey, Ryan,

R Ryan Fleury   1:01:38
Rob.

R Rob Mineault   1:01:40
Where can people find us?

R Ryan Fleury   1:01:43
They can find us at atbanter.com

R Rob Mineault   1:01:46
They can also email us if they want to. cowbell at@banter.com.

S Steve Barclay   1:01:56
And we are just so socially active out there on the interwebs on things like Twitter and Facebook and Instagram. So you can connect with us there. Give us five star ratings. Tell us how awesome we are. Please, please tell us how awesome we are. We're so bored.

We've got no fan mail. #WhoIsShan Yeah, let's get that going people. Get it going? Because maybe we'll reveal who exactly Shan is.

Rob Mineault 1:02:29
Where you can just dig back into the archives of this every episode and piece it together.

Ryan Fleury 1:02:34
Right? There's only 240

Rob Mineault 1:02:38
As the only person on earth who's ever listened to me all 241 episodes of the show, I don't recommend it.

Samantha Evans 1:02:45
Yeah, I've been present for I think almost all of them anyway.

Rob Mineault 1:02:48
That's Yeah, I guess so. That's true. Did you when you took that break? Did you were you listening?

Ryan Fleury 1:02:54
I don't remember.

Rob Mineault 1:02:57
Exactly.

Ryan Fleury 1:02:58
I don't know,

Rob Mineault 1:03:03

All right. Well, hey, that is going to about do it for us this week. Thanks, everybody for listening in. Big thanks to Nick and Sam for joining us and talking about web overlays. And we will see everybody next week.

R   Ryan Fleury   1:03:19
Access i Bye bye.