

# PODCAST Episode 337

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## SPEAKERS

Rob Mineault, Lis Malone, Sheri Byrne-Haber, Ryan Fleury

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**R** Rob Mineault 01:09  
Hey and welcome to another episode of AT Banter.

**L** Lis Malone 01:14  
Banter banter. My deep cold voice.

**R** Rob Mineault 01:20  
That's pretty good. This is of course a podcast where we talk with advocates and members of the disability community to educate and inspire better conversation about disability. Hey, my name is Rob Mineault. And joining me today ... she's back. Miss Lis Malone.

**L** Lis Malone 01:41  
Hi there. I'm I don't think I'm taking Steve's job, but I'm the understudy.

**R** Rob Mineault 01:49  
There you go. And hey, also, we also have Mr. Ryan Fleury here.

**R** Ryan Fleury 01:54  
I'm enthused to be here!

**S** Sheri Byrne-Haber 01:58  
I'll have what he's having.

**R** Ryan Fleury 02:03  
Well, I had to be opposite since Lis sounded so Dopey Dog - ish.

**R** Rob Mineault 02:07  
So we should say first of all, Lis has been away for a few weeks - or we should say -- Well, now we got to put up with David Lee Roth here. So tell us how was how was the great trip? You went to Lake Tahoe I hear. How was it? Oh, it's beautiful. A lot of my money is still in Lake Tahoe, by the way.

**R** Ryan Fleury 02:13  
Welcome back, Lis!

**S** Sheri Byrne-Haber 02:43  
Technically, it's in Reno.

**L** Lis Malone 02:44  
I drove up the mountain just to lose my money and back down the mountain to go home. So, but it was nice. It's beautiful.

**R** Rob Mineault 02:56  
Now so is this true? This rumor that I hear true is that that's where you ended up getting some sort of an infection?

**L** Lis Malone 03:03  
Ryan thinks that it was on the plane. Going out there.

**R** Ryan Fleury 03:09  
That's true. There something suspicious about that airplane air.

L Lis Malone 03:14  
Yeah, yeah. Not a fan.

R Ryan Fleury 03:17  
The air is just recycling and recycling and recycling. Yeah.

R Rob Mineault 03:22  
And who knows? Maybe it's just it was the change in, I don't know, from North Carolina to there.

L Lis Malone 03:29  
Well, there's definitely that issue. When you're up there that the altitude is so different. And for me, you're my my ears were popping all the time. And I had to make some adjustments for sure. But then you know when you get that, that classic first sign of the itchy throat I was like, oh no.

R Rob Mineault 03:50  
Right. Well just for those people out there that are playing Lis Malone Sickness Bingo. What did you get this time?

L Lis Malone 04:03  
It's this week for anyone who bet on upper respiratory infection you are a winner.

S Sheri Byrne-Haber 04:10  
What's the free space?

L Lis Malone 04:17  
That would be a hangnail.

R Rob Mineault 04:24  
Well, so how are you feeling now though? Are you kind of on the other end of it? Did you what's going on?

L Lis Malone 04:30

Yeah, you know, it's just a little bit of residue that you know, the annoying lingering, runny nose cough. Yeah, you know, but feel at least my energy is back.

R Rob Mineault 04:52

We're gonna have to figure out how to how to keep that in.

L Lis Malone 04:56

Mind my voice. My pitch drops in his goes up like three octaves.

R Rob Mineault 05:07

There's gonna be a lot of sound clips pulled from this. We need some soundboard stuff. Well, that's good. Well, let's check in with Ryan real quick. Ryan, how are you?

R Ryan Fleury 05:19

I'm good. Rob, how are you doing?

R Rob Mineault 05:21

I'm fantastic. Blind Beginnings had a our gala or big fundraising gala over the weekend. Yeah, we've been working hard at pulling that off. So that's been keeping me really busy for the last three weeks. So it feels nice to have that in the rearview mirror. But yeah, the good news is that we raised about \$64,000 as a result of the evening.

L Lis Malone 05:50

Hopefully that wasn't a super spreader event.

R Rob Mineault 05:57

Sure, bring the room down. No, but it was good. It was a fun evening.

R Ryan Fleury 06:11

Nice. Good job. Congratulations.

L Lis Malone 06:14  
Nice job. Good job, Robin.

R Rob Mineault 06:16  
Thank you. All right. Well, hey, now that we're all caught up. Hey, Ryan.

R Ryan Fleury 06:26  
Yeah, Rob.

R Rob Mineault 06:27  
Why don't we get down to business? And why don't you tell us just what the heck we're doing today? Sure. So our guest today is known by many titles. And so I'm only gonna list two of them. And then I'll let her introduce herself and tell us way more than I could ever dive into. So our guest today is Sheri Byrne-Haber. And I've seen titles such as accessibility, subject matter expert, accessibility architect. And I'm stopping there because the list goes on and on and on. So I want to welcome to the show, Sheri. Welcome.

S Sheri Byrne-Haber 07:07  
Thanks, Ryan. Happy to be here.

R Ryan Fleury 07:09  
Glad you could join us. And I hope I pronounced your name right.

S Sheri Byrne-Haber 07:12  
You did.

R Ryan Fleury 07:13  
Yay.

L Lis Malone 07:14  
Oh, go Ryan.

R

Rob Mineault 07:22

Well, listen, I'm anxious to hear about all these other titles too. But before before we dive too far down into that, because we'll get to all that because there's a ton of stuff that I want to talk to you about. But maybe, to just start, give us a little background about yourself, and maybe just how you sort of found yourself as a sort of a digital accessibility expert.

S

Sheri Byrne-Haber 07:46

Sure. So I have this eclectic background that turns out to be perfect for accessibility, even though that wasn't part of the master plan. I started off with a degree in Computer Science and worked in software testing for about 10 years. And then I got a while here and said, you know what, I really think I should go to law school. And so I went to law school for three years thinking that I was going to practice intellectual property when I finished. And instead, my third year of law school, we discovered that my middle daughter was losing her hearing. And so instead of going into intellectual property, I ended up going into advocacy for the Deaf, sued a lot of insurance companies and school districts, for discriminating against people with hearing loss for you know, various different things ranging all the way from, you know, sign language, interpreter services, you know, all the way to cochlear implants and accommodations, and then put myself out of business. I won a class action lawsuit against Blue Cross, and all the insurance companies started giving in wasn't much of a business because I was working for a nonprofit, and we didn't charge so I know all about gala fundraising events, like the one that you talked about earlier. Rob, right. And just about that time, it was when digital accessibility was taking off. And I thought, well, you know what, I've got the lived experience of somebody with a mobility disability. I've got the lived experience of the parent of somebody who's deaf. I've got a computer science degree and I'm a lawyer, why don't I look at digital accessibility as a career pivot? And that was about 17 years ago. So I've been doing that ever since.

R

Rob Mineault 09:29

So having been in that field for 17 years, just as just a general question, what's that trajectory been like? Have you noticed a lot of improvement especially over the last, say, five or so years? Or is this just been sort of a constant constant uphill battle?

S

Sheri Byrne-Haber 09:46

Little bit of both, kind of a mixture. So we've seen an improvement in the existence of laws, but not necessarily an improvement in the enforcement of laws. You know, Section 508's been around for longer, I think than 17 years at this point. And we're only starting to get to the point where the government is getting serious about enforcing it. The EU has leapfrogged the US in terms of having the best accessibility law in the world in terms of having the most stringent standards. So that's something that's relatively new, likely due to the four year stagnation that we experienced, when the Department of Justice wasn't really enforcing much of anything related to accessibility. So I would say those two things are different. And then also just, you know, the litigious nature of the US and the fact that we went from one accessibility lawsuit in 2006 to more than 4000 last year. What's the downside of all of these lawsuits? Like, isn't that

something that's, that's sort of needed, because you're you're absolutely right. Without enforcement, it really gives these the act no teeth. So there needs to be some sort of incentive. So it's not necessarily the lawsuits that are the issue. And of course, there's there's two sides to the story. So I'm sure you're aware that there is litigation pending before the Supreme Court right now, pertaining to whether or not people who are on websites with disabilities that are purely there to test for compliance, whether or not they're valid plaintiffs. And so, you know, the people who tend to side with the businesses say, well, you know, what, they're only in it for the money. They're looking for nitpicky errors, they're not benefiting people with disabilities. You know, on the flip side, you've got people like me saying, hey, look at the tester finds that a hotel reservation system isn't accessible, they're saving me from finding it and actually causing harm to me. So there's both sides to it, you know, framing it in terms of a negative. You have to be accessible, or you're gonna get sued, ends up with people looking at accessibility, you know, disabilities, and negative accessibility is a negative. Oh, it's something we just have to do to make the lawyers happy. And, you know, doesn't come from a place of empathy, doesn't come from a place of let's make our system better for everyone. So I'm just not sure that there's a middle ground that's going to make everybody happy.

R

Rob Mineault 12:26

Yeah, I can totally see that. You know, the other thing that you often hear people say, and I don't know that this is any better and again, I'm curious to hear your take on it is -- people will say things like, well, you know, you just have to provide businesses with like the business case to be accessible. Can you kind of speak to that a little bit about that attitude?

S

Sheri Byrne-Haber 12:48

Well, do we need a business case for including people of color? Do we need a business case for including women? Yeah, accessibility and disability rights are a civil rights just like any other civil rights, and I think we get othered frequently, because the I've seen one estimate that 96% of companies that have DEI programs don't explicitly include disability in them. The sentence, you know, "I want to hear a business case for this" is usually frequently followed by "how many disabled customers do we have anyways?" And that ends up trapping you in a logical fallacy, because if you're not accessible, you're not going to have any disabled customers. But with 20% of the world being disabled, you have to have some disabled customers if you're not actively excluding them. And that's what inaccessibility does, it actively excludes people with disabilities. It prevents us from getting jobs, it prevents us from voting in some cases, prevents us from buying wedding gifts and ordering food to be delivered and things that non disabled people take for granted the simplicity of every single day.

R

Rob Mineault 14:05

What's generally the the sort of the common attitude when you're interfacing with say, with businesses or corporations who are, say interested in becoming more accessible, but still have a lot of really sort of antiquated views or they're not really educated on what that means?

S

Sheri Byrne-Haber 14:25

So with that type of audience, I would say the first step is to get into some accessibility myth busting. There's a lot of like you said antiquated thoughts around accessibility. "Oh, accessibility is hard. Oh, my user interface is going to be ugly. Oh, I'm not going to get to pick pretty colors." You know, just things that that really when you start to dive deeper on those topics aren't really true at all. I think the big one is "accessibility is expensive". Well, accessibility is expensive. If you wait until you get sued. And then you have to retrofit accessibility into an existing design. Accessibility is not expensive when you build it in from the beginning. And so that's something that I want to make sure everybody understands upfront. Another early thing that I do is I take people through what I call a Marie Kondo exercise, which is to go through their websites and decide exactly what parts of the website spark joy. You know, getting rid of those 17 year old PDF files that nobody ever opens anymore, rather than going through the time and hassle of finding the original source to that and making it accessible, and then saving it out, again, only for people to never use it.

R

Rob Mineault 15:45

We've been talking about that on the podcast for quite a few years. When we talk about accessibility and getting people out of this notion that it's an add on or that it's something that you tackle once the piece of software or the website or whatever is built and built out the way that they want it, then they look at accessibility. And that's such a less efficient, and like you said, more expensive way to approach accessibility.

S

Sheri Byrne-Haber 16:15

And accessibility as an add on is exactly how we ended up with overlays.

R

Ryan Fleury 16:19

Don't get me started there.

S

Sheri Byrne-Haber 16:23

Assume your audience's is very familiar with why those are terrible idea.

R

Rob Mineault 16:29

Yeah, but you know what, we love talking about it. Actually, I did have that on the list of questions to sort of ask you about because you know, you're sort of are more in, in this space working day to day. So where are we with overlays, in terms of our companies beginning to realize that they're just kind of being fed snake oil, and it really doesn't do what it's marketed to do, because there, you still see a lot of them around.

S

Sheri Byrne-Haber 17:00



The overlay companies are still in business. So I don't think that people aren't necessarily getting that, that snake oil messaging, you know, they they've been overclaiming what they do for, you know, an extensive period of time, they're still you know, using language saying "only one line of code and everything will be compliant". And that's not exactly the way accessibility works. They also take the assistive technology out of the hands of the users, you know, I want to type control plus myself and move my keyboard the way I want to move it, I don't want some layer, you interacting with the software that I wear, I don't understand how that layer works on my behalf. And one of the other things that that makes me a little annoyed with overlays is that many of them do not allow you to combine features. So there's one very well known overlay, I'm not going to give them any publicity, where I can say that I'm an individual who gets easily motion sick, or I'm an individual that uses magnification, but I can't do both at the same time. And that's a problem because you can't predict what combination of disabilities people are going to have. And it just so happens that I very much am both of those people.

R

Rob Mineault 18:25

A lot of the overlay marketing that I've seen, you know, really leans into this idea of seeing accessibility as a threat.

S

Sheri Byrne-Haber 18:33

Well, it's the same thing that we talked about with the litigation, and also very much seeing accessibility as a checkbox exercise.

R

Rob Mineault 18:41

Right, exactly. And this idea that, Oh, well, you can just become a compliant with one with one line of code. And you know, and we haven't even talked about the book yet. The book you wrote, "Giving A Damn About Accessibility". I know that in it you specifically talk about the idea that accessibility is isn't something that you just you work on for a few months, and you finish and it's like, okay, boom, the websites accessible or the piece of software is accessible. It's really an evolution. And it's something that you're sort of constantly working on that you never really want to be content with. You always want to be trying to make things better.

S

Sheri Byrne-Haber 19:20

Yeah, the short version that we put on T shirts is "it's a program not a project".

R

Rob Mineault 19:24

Right, right. Right, exactly. And so and that and that really this this overlay philosophy, just it simplifies accessibility to a ridiculous point. And it's not even true anyways.

S

Sheri Byrne-Haber 19:30

S

Sheri Byrne-Haber 19:39

Even it's more than that. So if you're making a case for why not to use an overlay, really the what you need to look at is that overlays had been selling themselves as a lawsuit vaccine and they're not. In fact overlays send a message - "I haven't bothered to make my website accessible" and it actually may make your website a lawsuit target, I believe. Usable Net said in 2022, that 10% of lawsuits filed in 2022 were filed against companies using overlays. And we know that there are a couple of big lawsuits that have settled that involve overlays that settled in favor of the plaintiffs. So it's just none of the claims hold up. You know, how do you automatically identify images, if we don't even have good 100% or even 90%, solid image identification system? I have this one example, where I show myself in my wheelchair, doing practice on my archery range, and the automatic ID for that picture is "a person outdoors". Right? Nothing about the archery, nothing about the wheelchair. The the important parts of that picture are just completely lacking from that image. And then also, so much of alt text is about context. Right, right. It's not about what's in it in the image. But what does the image mean? And we're not even at the point where we can accurately describe what's in the image yet, much less, what does it mean?

R

Ryan Fleury 21:16

So why do you think we're still fighting these battles, especially with overlays with everybody knows, they don't work?

S

Sheri Byrne-Haber 21:22

That's the problem. Everybody doesn't know it. People like quick, cheap solutions. And they say, oh, well, I either have to hire these people and train everybody on accessibility. Or I can just, you know, for the low low price of just \$24.95 a month. You know, you do this one thing, and and you think it's fixed. I mean, the bottom line is, if it's too good to be true, it's probably false.

R

Ryan Fleury 21:50

But again, like you mentioned, with over 4000, litigation suits in the US, year, over a year over a year, and that number growing each year, all it takes is a simple five minute Google search to see overlays bad lawsuits against Domino's, like people know, they're doing wrong. So why are we not seeing change happen faster?

S

Sheri Byrne-Haber 22:12

I don't know that the decision makers are necessarily doing the Googling, I think product owners might just be defaulting to whatever IT wants to do, and it isn't bothering to check. I think we need a couple of more really big cases to really send the message home because there have only been the two the two large ones so far. But believe me, there are plenty pending.

R Rob Mineault 22:42

Yeah, I'm sure in the long run this, it will be something that will eventually die out.

S Sheri Byrne-Haber 22:47

Just for that reason, look at how the overlay companies have tried to morph. Already, all of a sudden, they're like we do full audits. We're not just overlay companies. So they're obviously planning for a second life.

R Rob Mineault 23:03

Yeah. Right. Which is, which is really ironic.

S Sheri Byrne-Haber 23:07

Well, exactly. Because if their tool worked, why would you need a full audit? I mean, that's just the mind exploder.

R Rob Mineault 23:17

Well, they can't die soon enough. And you know, like, I'm consistently shocked to see what sites still use an overlay.

S Sheri Byrne-Haber 23:30

Well, the other thing I think I hear a lot of is they're better, they must be better than nothing. Well, we'll just do it while we figure out what the real solution is. And then they either never get to the real solution, or it actually slows down the real solution, because they think that they've got a partial solution in place when they really don't.

R Rob Mineault 23:48

Right. I think the other thing that really bothers me is that it's in the marketing, they really use that threat of litigation, to create the fact that Accessibility is this monster that, you know, you have to try to avoid by buying a product.

S Sheri Byrne-Haber 24:04

And it paints the people with disabilities is bad guy.

R Rob Mineault 24:09

 ROB MILNEAULT 24:00

100%, for sure. And which really takes away from the whole point of, you know, driving home accessibility education. We want to make the world better. It's not a matter for everybody, not just for one small niche, you know, customers that may or may not buy your product. I mean, I know that as a business, that's kind of what they look at. But so many people don't really understand the idea that that making a product more accessible, easier to use, giving people options, that just makes it better for everybody.

 Sheri Byrne-Haber 24:42


Absolutely, I mean, 80% of captions users aren't people with hearing loss. There are people in noisy environments, there are people who learn better visually, there are people where English is not their native language. And so those things, it's just it's the curb cut phenomenon, you know, curb cuts were made so that, you know I could get from one side of the street to the other in my wheelchair without assistance. Who uses curb cuts 99% of the time? It's not people with mobility disabilities. It's bicyclists, skateboarders, people pushing strollers, people putting pulling luggage, Amazon trolley types of delivery services. You've made the situation you intended to improve the situation for somebody with a disability. But in actuality, you ended up improving the situation for everybody. And just to add one long pole thought, to the answer to the question of why don't people know this already. You know, there are zero Computer Science programs that I'm aware of that require a course and accessibility to graduate. If every if every design students and every computer science student in the United States was required to take one three unit class, or six hours of online training, or even something basic about accessibility, then they would automatically know why overlays don't work. And they would never support them in the environments that they work in. There'd be more voices against.

 Ryan Fleury 26:16

Okay, so we're yelling at the wrong people, then we need to get to the educators, we need to get to the decision makers, because we're just screaming to the public hoping that the business minded people are going to do the right thing. And they obviously are so short sighted that they can't see 20, 30, 40 years down the road that they themselves will be disability disabled in some way, shape, or form. So who do we need to reach? Who do we get need to get this point across? Because we've been doing this show for eight years. And, you know, we're slowly start seeing things change in some arenas. But again, back to the US, you know, litigation is going up year over year after year. So the ADA doesn't seem to be doing anything. WCAG doesn't seem to be doing anything. What's going on?

 Sheri Byrne-Haber 27:05

Well, I wouldn't necessarily say it's not doing anything, you know, obviously, we're, we're talking about it more, we're seeing more accessibility efforts, we're seeing more large corporations vote with their pocketbooks and say, we're going to try not to buy inaccessible software. But my my target has shifted away from the people who own the websites and the products and towards the educators. I think that's where our ultimate solutions point is.



**R** Ryan Fleury 27:33  
Right.

**R** Rob Mineault 27:34  
I think the the other positive that we're seeing is that when more and more companies are incorporating inclusive hiring habits, so they're bringing on more people with disabilities onto their staff, so it's becoming more and more important for them to be providing tools that are accessible. When they say, contract out a software company to build them something custom, that may be something in the contract, where it's like, look, you know, we need something that's accessible. So in a way, accessibility can improve through a sort of a bunch of different a different ways, because the more companies are demanding accessible products, that's where the developers are actually going to pay attention to.

**S** Sheri Byrne-Haber 28:22  
To even go one step further than that, which is it's not necessarily about focusing on on hiring people with disabilities, if you build an environment where diversity is tolerated period. And I'm talking about all kinds of diversity, not just focusing on one particular dimension of it, that's a core component to building what we refer to as a psychologically safe space, which then in turn is going to drive innovation. So people with hidden disabilities are going to feel more comfortable talking about those disabilities in the workplace. And people in meetings are more likely to raise their hands and say, how is somebody with dyslexia going to use this? How is somebody who's blind going to use this? And those questions aren't being asked frequently right now, especially in smaller companies.

**R** Rob Mineault 29:13  
I do find it really interesting, though, that it's the larger companies - and maybe that's just because it's about resources and what companies sort of have the resources to put into this, I'm not sure - but it seems to me really interesting that a lot of the leaders in this stuff are the larger corporations. You know, we hear about, you know, Microsoft, for example, like having, you know, what are they called ERGs?

**S** Sheri Byrne-Haber 29:40  
Employee Resource Groups.

**R** Rob Mineault 29:42  
Yeah, that's right. You know, those types of idea. It's the larger corporations that are beginning to incorporate those. But you're right, like it's the it's the small and medium businesses that I feel like those are the really hard sells, it seems.

S

Sheri Byrne-Haber 29:57

And those are the ones that are going to be the targets of the overlays because they're naturally risk averse.

R

Rob Mineault 30:02

Right.

R

Ryan Fleury 30:03

Well, they won't last anyway, because Amazon's gonna rule the world.

S

Sheri Byrne-Haber 30:06

So I'll tell you here they have a good accessibility program too.

R

Ryan Fleury 30:12

Yeah, I'm sure I'm sure they do. You know, I use Amazon quite frequently. And, you know, like Rob said, you know, the bigger players right than Netflix, the Amazons, the Microsoft's, the Googles, you know, these these big entities have, have some of them, not from the start, but in the last number of years, decided accessibility is very important and are reaching out to the community for involvement, and feedback. And I think that's the important part of it, too, is asking the community. You know, accessibility, and I hate that term, because it means nothing is a very daunting word, what's accessible to less may not work for me. And so when you say you need to be compliant, you need to be accessible, you need to do this, this, this and this. That's almost where you do need a list of checkboxes to check to make sure you're covering off dyslexia, learning disabilities, cognitive blindness, partial sight, all that stuff. So I can understand why there'd be some trepidation.

S

Sheri Byrne-Haber 31:17

But that's where bringing in people like you with with lived experience is really helpful. Because, you know, I can use a screen reader, I can actually use six screen readers, I don't use them the same way you do. Right? Whereas I do live and die by magnification because I have glaucoma. So it's, it's a different experience. And it's a spectrum. And even when people are committed to doing it, right, they don't even always recognize that right? Yeah, some people sign some people, you know, in terms of deaf people, some people sign some people speak, some people use captions, you know, some people are deaf blind and need to use Braille. There's, there's all kinds of different approaches that you need to take into account.

R

Ryan Fleury 32:02

There is and I think one of the other things that we tend to forget quite often is to applaud those who are actually making change, making the effort to become compliant to become accessible. We're so good at screaming and yelling. But how often do we compliment those that are actually doing the doing the work?

S

Sheri Byrne-Haber 32:23

And when people are doing the work, it's typically not a big bang, it's typically rolling out small improvements over time. And so sometimes, if the company isn't touting their improvements themselves, they might not even be noticed. Yeah.

R

Rob Mineault 32:39

Yeah, that's a really good point. That's a good point. You talked about in the book, too, when you when you talk about building accessibility, you say that, you know, your first attempt at it it's not going to be perfect. And you know, as a as an organization, you have to be open to criticism and keep an open mind when you're trying to develop an accessible product. Do you find that accessibility is sort of intimidating to a lot of a lot of organizations, when you when you first talk to them about it?

S

Sheri Byrne-Haber 33:10

I think anytime you're talking about any dimension of diversity, people are worried about getting it wrong. You know, they've heard oh, some people want to hear the phrase "people with disabilities" and other people want to hear "disabled people" and other people want to hear "autistic". And, and they're nervous to even try because they think the world is going to implode if they get it wrong.

R

Ryan Fleury 33:35

That's why the disability community can get nothing done.

S

Sheri Byrne-Haber 33:38

I wouldn't say that, but it's but it's why we see so many cultural differences associated with like, nobody in India thinks twice about using the phrase "wheelchair bound", right? And that just makes me cringe. Whereas other countries think it's perfectly fine to use the phrase "special needs" and I'm not a big fan of that one either. So it's almost like we're not talking about the same thing. Sometimes it can be a little bit disjointed. And I think that's another reason why larger companies might be better at it in part because the financial resources but also in part because they can take a global perspective on it and not just focus on a company you know, a country where they happen to be located.

R

Rob Mineault 34:29

Rob Mineault 35:29

And this is I feel like this is a societal problem this goes to extends far far beyond sort of the disability community but it's again it's it's a symptom of everybody being afraid to offend anybody or afraid to really being screamed down on say, social media, for example. So they don't even engage. We're not having the conversations because people are too afraid that they're, they're gonna say something wrong or they're gonna use the term, the wrong language. And I think that that can be a problem.

S

Sheri Byrne-Haber 35:01

Oh, I'm quite sure it's a problem. And in fact, I have a slide with a well known song lyric that I'm sure the two of you are familiar with. "If you choose not to decide, you still have made a choice", which is from a song called Free Will by a band called Rush. And, you know, I'm originally from New Brunswick. And so that was, that was my upbringing. And, you know, when you're silent, you've made a choice, right? If, you know, when you decide not to do something, you've you've decided not to do something that is a choice. Right?

R

Ryan Fleury 35:43

Right.

R

Rob Mineault 35:44

And it's also frustrating, because it's also a huge distraction. I mean, while everybody's screaming at each other about say something like, like language and terminology, meanwhile, you know, we have we have much bigger problems in terms of, you know, everything, you know, the build environments and accessibility of websites. I mean, it really does blow my mind that in 2023, we were still fighting for for web accessibility. Like, it's just it's, it's mind boggling to me, we've been fighting this fight for decades.

S

Sheri Byrne-Haber 36:18

Well, in I mean, the Accessible Canada Act passed, what, six years ago? Yeah, I want to say, I mean, I was actually in New Brunswick when it passed. And I haven't been home since the pandemic, hoping to get home next summer. But anyways, that, you know, intent is great. But until you've got everything codified and rolled out and said, these are the deadlines, you know, people are waiting for that there. They don't want to spend money on something where they don't know what the final rules are.

R


Ryan Fleury 36:54

On again, the lack of enforcement is going to be an incentive to not do anything.

S

Sheri Byrne-Haber 37:01





Well, I'm seeing cases come out of Canada, where they're using civil rights law over physical and accessibility. I'm hoping that that somebody will take up that that approach over digital accessibility as well. Because to me, that makes sense. We don't, we don't have disability codified in our traditional civil rights laws in the US, which is why we're using the Americans with Disabilities Act instead.



Rob Mineault 37:36

But it's frustrating because I feel like any other equity seeking group wouldn't be dragging their feet in terms of literally like, it's just it baffles me that still today, how all these really old ableist attitudes are still there. I just don't know why that is.



Lis Malone 37:55

I've always stuck with my same theory about that is that because to make things accessible with as opposed to an equity seeking group, our plight costs money, where theirs don't. There's this more of a, you know, shift in thinking, as opposed to a shift in how they actually not only run their business, how they operate their business, how they structure their business, and there's so many more facets to it. And I think if the money part weren't worth the issue, then we would be so much farther.



Sheri Byrne-Haber 38:31

One of the one of the things that I think plays into it is it's hard for people without disabilities to look at, you know, the "disabled population", and I'm making air quotes around that as a single community. You know, people who are blind need one thing, people who are deaf need something different people who have physical access and fine motor skills issues need a third thing neurodiverse people need a fourth thing. And so we don't look as a cohesive or, you know, we don't look the same way as other dimensions of diversity do.




Rob Mineault 39:10

But again, going back to the book, Sheri you know, we can you say that people are allergic to change. And I really, I really get that sense that, you know, this is the way that things have always been in a period of time right now, where we are seeing so much social change. I don't know maybe there's the maybe people just are worn out.



Sheri Byrne-Haber 39:33

The other thing that I've started to add to that, which probably wasn't in the book, because I published that two years ago, is that technology evolves faster than the ethical use of that technology.



R Ryan Fleury 39:43  
Yes. Oh, so we're seeing Chat-GPT--

S Sheri Byrne-Haber 39:47  
I was just gonna say we're seeing that in Chat-GPT right now. Have you guys discussed on your podcast yet the when somebody pretended to be blind and got CHAT-GPT to complete a CAPTCHA for them.

R Ryan Fleury 40:04  
Oh, no, no, I didn't see that.

S Sheri Byrne-Haber 40:06  
Yeah, that happens three or four weeks ago. I think they solve the CAPTCHA.

R Ryan Fleury 40:13  
Yeah, probably fabulous. Wow.

R Rob Mineault 40:18  
Well, Chat-GPT has the world's knowledge at its fingertips. Right, it can do things so much better than humans can, in some regards. Yeah, I mean, AI, I think is exciting in some ways, and really super alarming. And others, it's a real mixed bag. But you know, if it can you eventually do something like say it can eventually get to the point where it can alt-text a picture accurately, with at least enough information to, you know, maybe it might not get the context, right, maybe that's something that will still always need a human hand...

R Ryan Fleury 40:57  
We will get Sheri to upload her picture of her own the archery range and see what it comes back with.

R Rob Mineault 41:02  
Exactly. I mean, so that's exciting. I mean, there are some some accessibility implications with AI that that can be exciting. But I think in general, the entire technology is, is you're right, going way too fast. Before we were figuring out the ethics of it.

—

S

Sheri Byrne-Haber 41:20

That's something that's not going to change the next but next technology will be, you know, that comes after Chat-GPT will evolve faster than the ethical use of that technology. It's it's it's just the way technology evolves. Technology evolves quickly. Ethics, not so much.

R

Rob Mineault 41:38

Right. Well, I mean, heck, we have to remember that even iPhones, you know, when they first came out, it took them, what is it Ryan, two, three years before, they eventually got to the point of building in a screen reader so that it was accessible. And Apple, you know, historically, they've been one of the leaders in in terms of building an accessibility into their products, but it took them a while too. So, you know, I guess these things do take time. But again, you know, you have to wonder about why the hell when you were sitting down and designing an iPhone in the first place, why didn't you think of accessibility right out of the gate? Why did it take you two years to switch over?

S

Sheri Byrne-Haber 42:18

Again, that comes first full circle to my conversation about making computer science and design students take accessibility classes in college.

R

Rob Mineault 42:27

Yeah, yeah, you're absolutely right.

S

Sheri Byrne-Haber 42:29

Because if they had that would less likely happen.

L

Lis Malone 42:33

Can I just point out something about the Apple iPhone, which is still so shocking to me to this day, is that you know that you cannot answer your phone with one touch. So if you're not, if you're not using VoiceOver, you cannot answer your phone. If you can't see your screen, and you can't swipe.

S

Sheri Byrne-Haber 42:59

You might be able to if you've got the Apple Watch, but I've only seen other people do it. I don't use one myself.

L

Lis Malone 43:06

But why should you have to get an Apple Watch to answer your phone?

S

Sheri Byrne-Haber 43:08

Yeah. And same thing with the Apple Watch, you know, with the facial recognition, and then pandemic happened and people didn't want to take their masks off. And for a while it was it would adore the mask if you had the watch, but not if you had the phone. Took them a while to get that rolled out

L

Lis Malone 43:26

Every time I stopped by the Apple Store, if I pass by, I will always pop in and talk to my guys. I'm like, hey, have you figured out how I can answer my phone when I can't see my screen? And they're like, no, no, we're still working on it. We don't know yet.

R

Ryan Fleury 43:42

Coming out next week.

L

Lis Malone 43:45

So when they when they actually finally fix this, you're welcome.

R

Ryan Fleury 43:51

Well, and it's washers and dryers, it's stoves, it's refrigerators, everything with touchscreens, like, you know, companies are still manufacturing unaccessible products on a regular basis. So one of the questions I wanted to quickly jump in with was, do you think accessibility only seems to be a priority when it's happening top down? So like the Microsoft CEO has a son with a disability. I don't know about Google. I don't know about Apple. But some of these companies seem to have a tie or a relation to a disability, and that might be what spurs them on to make change. Have you noticed anything like that?

S

Sheri Byrne-Haber 44:36

I don't know the reasons why other other companies have made their decisions. Certainly the Microsoft situation is fairly well known, though. I believe Microsoft was on the path to accessibility. Certainly it doesn't hurt to have somebody in leadership committed to the cause.

R

Rob Mineault 45:01

Right? Well, then. So as a general overview, how do you feel lately about accessibility? Are you in a place where you're fairly optimistic? Or are you just sort of still just fighting. I feel like

in a place where you're fairly optimistic? Or are you just sort of still just fighting, I feel like you're sort of fighting the same fight day by day?

S

Sheri Byrne-Haber 45:21

Well, I'm fairly well known for being a half glass empty kind of person. So a lot of the times, I do feel like I'm fighting the same fight, day by day. You know, if I look at the industry, you know, I'm happy about the European Accessibility Act, I think that's going to be a big game changer. And when you change your website, so that you can do business in the EU, just like GDPR, people made that change, so they could sell in the EU, you're not making a special website for people in the EU, you're fixing your website. So everybody, it is going to have access to that improved legislative state. So I'm, I'm looking forward to that. You know, I'm there. There are other things, though, like you said, that are more frustrating. I'm concerned that if this Supreme Court decision, which I think is going to be 5-4, but I can't tell you who's going to win right now. If that goes against accessibility testers, that's going to shut down the the plaintiffs business of accessibility litigation. But it's also going to make it a lot harder for people like you and me to file our cases, because we're going to have to prove that we actually intended to, to buy things from that website or to utilize that service where that that's not required as a point of proof right now, in most jurisdictions in the United States.

R

Ryan Fleury 47:00

which I don't really think is that bad, because we know there are people that are just sitting at home scouring websites to try and find companies to sue.

S

Sheri Byrne-Haber 47:10

It does not take much to what we say in the legal community "plead with specificity", which, you know, means, you know, put in a few details and don't make it the same copy of the lawsuit that you filed against at other companies.

R

Rob Mineault 47:26

Well, sounds like we still have a lot of work to do.

S

Sheri Byrne-Haber 47:30

Our work is definitely cut out for us. But you know, I keep seeing jobs for people with accessibility involved in them. Number of job descriptions and even mentioned accessibility that are not necessarily about accessibility is going up. The there are now accessibility apprenticeships available in both the US and the UK that were not available five years ago. So from from that aspect, I think we are seeing improvement that will have a real change. Excellent.



R

Ryan Fleury 48:03

Well, this week, I'm glass half full, and you brought me back around Sheri. We got that energy back. I feel good!

R

Rob Mineault 48:17

Sheri, it's thank you again, so much for for taking some time out and talking with us. We love talking about accessibility. If people want to reach out, contact you, where can people go to find out more and to read some of the articles that you are writing.

S

Sheri Byrne-Haber 48:38

So my main form of social media is LinkedIn. So if you want to just connect with me as spelling of my last name is hyphenated. And the book that we've been talking about is available from [accessibility.uxdesign.cc](http://accessibility.uxdesign.cc). I'm working on trying to find a publisher for my second book right now. So if you all liked the book, please leave me a nice review on Goodreads because publishers do look at that.

R

Ryan Fleury 49:25

I have one more question. One more quick question. How do you feel about Twitter? Go!

S

Sheri Byrne-Haber 49:31

Oh my god.

R

Ryan Fleury 49:37

Absolutely.

S

Sheri Byrne-Haber 49:42

I think the fact that they turfed their whole accessibility you everything that you need to know about what I think about some

R

Ryan Fleury 49:48

Yes. Oh come on. There's no filters on this show. Let her go. Yes, please come back. We'd love to have you back. Yes, please do.

S

Sheri Byrne-Haber 49:59

Yeah. Maybe when WCAG 2 comes out. If you want to do a review on that, or any of the pending important litigation in the US gets decided I'd be happy to come back.

R

Ryan Fleury 50:14

Wasn't that supposed to be released this summer sometime?

S

Sheri Byrne-Haber 50:18

Yeah, we'll see now, we're down to our final calls for consensus.

R

Rob Mineault 50:24

All right. Thank you so much.

R

Ryan Fleury 50:26

Take care. Bye bye. Bye bye. Look at you with the book references.

R

Rob Mineault 50:39

Impressive, right?

R

Ryan Fleury 50:44

Flipping through the index.

R

Rob Mineault 50:45

No. Table of Contents.

L

Lis Malone 50:52

He asked for the summary from Chat-GPT.

R

Ryan Fleury 50:58

I never thought of that. I'll start doing that when I book an author. I'm just gonna go straight to Chat-GPT.

R

Rob Mineault 51:10

We do need to figure out how Chat-GPT can make us make this whole thing more easy for us.

R

Ryan Fleury 51:18

Well, I think if Chat-GPT can deep fake Kayne's voice and Drake's voice it can do us. So maybe we'll just let Chat-GPT do the podcast.

R

Rob Mineault 51:28

Well, there you go. Yeah. Oh, Lord.

L

Lis Malone 51:32

That's our fifth co-host. Oh, my God. I'll get demoted down to Mic five.

R

Rob Mineault 51:46

You're gonna be under Chat-MORGANFREEMAN. Morgan Freeman's voice. Great. Yeah, it's always interesting getting a talking about accessibility, and especially with somebody who's in there. I don't know. I'm sure how to feel now. Like, am I optimistic or not? We're making some progress. But are we really making it fast enough?

R

Ryan Fleury 52:20

To see I think for me, yeah, like I like she said, we may see incremental changes that are barely noticed or hardly noticed. But I think for me, when Maytag or Whirlpool or Keurig, or whoever manufacturer is, releases their entire product line with accessibility out of the box, where I don't need an app and, you know, the touchscreen has a screen reader built in because it can be done so many has a camera that has this full screen reader on it. I think when I see that happening, I'll have a bit more hope that companies are paying attention to the community.

R

Rob Mineault 53:02

But well, and I thought you brought you brought up a really good point. And this is something that everybody in the community I think should should actually practice. But yeah, we should be recognizing companies that are making that attempt. So you know, for for example, Sony in their camera, like they should be getting accolades from the community. People should be like, yeah, like, hell yeah, like go buy, this is great. So far. Yeah, we shouldn't be rewarding companies that are that are trying to do the right thing. And I don't know that that's happening.



R

Ryan Fleury 53:33

Again, because accessibility, there's an audio company that makes interfaces called Focusrite. They have a whole line of audio interfaces. Their first one that came out last year, called the Bowcaster One, the Bowcaster Two.. They had people beta testing it, and it is 100% accessible, their software is 100% accessible on your PC, on your Mac. And that's because they were paying attention to the community, they got feedback from the community, they got feedback from audio producers who are blind, partially sighted, you know, whatever their other disabilities may be. And they built that into their product. And they're doing that going forward. So you're right. People need to recognize that and applaud them. But if you were to buy one of these interfaces, and install their software, you wouldn't know it's accessible because you're able bodied. Somebody who's blind might find out about it through their website or a Google search. But if they were just to go into a music store and buy one, and hope for the best, they'd be pleasantly surprised. Right. But you know, it's a gamble. You just don't you don't always see the accessibility.

R

Rob Mineault 54:54

I wonder if if somebody should actually and I don't know how these work. I don't know how do you just make an award but like, really there should be accessibility awards. There should there should be like something a badge or something that, that different companies and organizations can actually like put on their website and be like, hey, not just like a committed to compliancy badge. But yeah, like something from the community that, you know, listen, you guys went above and beyond making your product accessible.

L

Lis Malone 55:25

I hate rewarding people for things that they should be doing all along.

R

Rob Mineault 55:29

Yes. But, you know, again, if they've done it, then Let's applaud them. Or maybe we need to try and get Sony on the podcast and ask them.

R

Ryan Fleury 55:40

But it might be that they had enough people in the community say, look, I want to use your products, but I can't. And then they realized that there is a market, there's a business model to be made in serving this community, this community of disabled people.

R

Rob Mineault 56:14

Yeah, but you know what I like, I really like Sheri's attitude on that. I like this idea of getting away from this whole business case thing.

R Ryan Fleury 56:27

We, you know, again, we're \$20 trillion spending, that companies aren't taking advantage of, because they're not thinking about accessibility, they're not thinking about the disability dollars, right? If you build a Maytag washer and dryer that's fully accessible, that I don't have to do. I don't have to try and change any settings on the washing machine to do colors and silks and whatever. I just, you know, right now, put the dial on cold hit the timer go. i That's all I can do. But if they build it up plants that's 100% accessible that I can adjust settings and water temperature and time and everything else. I'll buy that product. Yeah, because I can because I can use it.

L Lis Malone 57:11

Oh god, don't try to pretend you do laundry.

R Ryan Fleury 57:14

That is one of my jobs. I do the laundry. Yes.

R Rob Mineault 57:18

Really?

R Ryan Fleury 57:19

Yep. Thank God for Tide Pods.

L Lis Malone 57:21

I want some proof.

R Ryan Fleury 57:23

Well, I'll get my wife on the podcast.

R Rob Mineault 57:25

Hold on, hold on. Now we're gonna get like a lot of emails because Ryan just admitted that he uses Tide Pods. Those are bad for the environment. They break down into microplastics, sir and fill the ocean. You're killing Dolphins.

R Ryan Fleury 57:41  
What about your Keurig, Rob?

R Rob Mineault 57:44  
No, no, no, no, no, no, no, no. Like I bought one of those reusable pods. I just I buy ground coffee and fill those, not because I'm trying to save the environment. I'll be super transparent. It's too damn expensive to buy K-Cups. Indeed. Yeah, it cost me like 25 bucks to buy like 20 of them and like forget that. I'm not paying \$1 for a coffee.

R Ryan Fleury 58:15  
But you'll spend seven for one at Starbucks.

R Rob Mineault 58:17  
No, but I won't.

R Ryan Fleury 58:19  
Exactly I know you will. Makes no sense. Hypocrite.

R Rob Mineault 58:24  
Just saying don't use Tide Pods. You're killing dolphins.

L Lis Malone 58:29  
The Tide Pods too expensive, squirt a little you know hand washing stuff in there.

R Rob Mineault 58:34  
Yeah, exactly. You just squirt some soap, who cares you don't need those measurements. Don't listen to the measurements. They

R Ryan Fleury 58:40  
Just squirt in a bunch of soap and toothpaste and they're stirred up.



L Lis Malone 58:45  
Water alone does the job.

R Rob Mineault 58:49  
No, I heard listen, so it's totally side bar. But I heard from somebody that you're not supposed to actually wash jeans.

R Ryan Fleury 59:02  
Yeah, I think I was heard you could put them in the freezer.

R Rob Mineault 59:05  
Yes that's exactly it, put it in the freezer and kill all the bacteria.

L Lis Malone 59:10  
No no wait, I know what you guys know it doesn't the freezer does not kill the bacteria. It basically puts it into like a suspended state. So guess what? It will still be as all the bacteria and funkiness it just hitting the pause button.

R Rob Mineault 59:27  
Okay, now I don't know what to believe. I'm getting conflicting information. I'm gonna have to probably Google that later. I don't know I've been watching my jeans for like all my life.

L Lis Malone 59:43  
Well, yes everyone you should wash your jeans.

R Rob Mineault 59:46  
Okay, we'll see Lis's caregiving I completely different information from Liz unless she's like pulling our chain. She's just feeding us wrong information which I wouldn't doubt...

L Lis Malone 59:54  
No god please please, for the love of God wash your jeans.

R Ryan Fleury 1:00:01  
Buy cheap coffee but wash your jeans.

R Rob Mineault 1:00:06  
Okay, well I'll keep you guys posted I'll see what I decide

L Lis Malone 1:00:15  
Put your stinky socks in the freezer and then leave them in there for a week and then when you thaw them out come talk to me.

R Ryan Fleury 1:00:24  
Okay, I'll go there -- so put your underwear in the freezer and then it's clean pull it out and put them back on.

R Rob Mineault 1:00:32  
Wow

R Ryan Fleury 1:00:33  
Exactly.

L Lis Malone 1:00:37  
Moral of the story is people wash your jeans.

R Rob Mineault 1:00:41  
Moral of the story is never go to Ryan's house for perogies. Anyways, we got we got sidetracked.

R Ryan Fleury 1:00:53  
Not us

R Rob Mineault 1:00:55

Hey Lis.

L Lis Malone 1:00:57  
Hey Rob.

R Rob Mineault 1:00:59  
Where can people find us?

L Lis Malone 1:01:01  
I think they can find us [www.atbanter.com](http://www.atbanter.com)

R Rob Mineault 1:01:03  
You are correct. They can also drop us an email if they so desire at [cowbell@atbanter.com](mailto:cowbell@atbanter.com). I think that is going to do it for us this week. And we will see everybody next week.