Shining a Light on The Unspoken Discrimination in Minnesota's Untapped Employment Base: What You Need to Know & What You Can Do

Minnesota High Tech Association ACE Leadership Program 2019

Team Members

- Judy Carlson, Optum, judy.carlson@mchsi.com
- Kirat Sekhon, Thomson Reuters, kirat.sekhon@thomsonreuters.com
- Michele Landis, Accessible360, michele@accessible360.com
- Tom Salmi-Bydalek, Comcast, Thomas_salmi-bydalek@cable.comcast.com
- Barb O'Shea, PTC, boshea@ptc.com

Project Abstract

Enacted in 1990, the American Disabilities Act (ADA) opened many physical doors to those who have physical disabilities. Since that time, much of the work done by American employees has moved into the digital age. However, the ADA has not been adequately enforced to enact workplace changes to meet this changing workplace. As a result, many people categorized as disabled are left out of the workforce completely or find myriad barriers in seeking gainful employment. While many Minnesota companies struggle to fill technology jobs in 2019 due to historically low unemployment and long intervals of open requisitions, a largely untapped set of potential employees with a disability need only be given proper access to the recruiting and hiring tools necessary for connecting them with employers. This white paper creates awareness of this issue for members of the MHTA and highlights tactical steps towards compliance.

Methodology

This topic was selected due to personal interest, experience, professional knowledge, and the realization that, at some point in the future, everyone may become differently abled either due to age or accident. The project team members referenced accessibility websites, personal research, and personal knowledge. Moreover, the project team completed a basic digital accessibility assessment of the largest MHTA member company's HR portals from their corporate websites.

Narrative

Imagine that you open a website to apply for a job and the first thing that greets you is the message: "Middle age white people need not apply." No one would tolerate such a blatant discriminatory

practice, yet daily thousands of people with disabilities face a less blatant, yet as impactful challenges preventing them from applying for jobs.

[Maryann Murad](#), a woman with a visual impairment, recently sued Amazon. In 2017, Maryann attempted to apply for a virtual customer service position with Amazon, yet she could not complete the online assessment on the platform because it was inaccessible given her disability. The online assessment tool used by Amazon was incompatible with Voiceover, the Apple text-to-speech screen reading software that Maryann uses to complete tasks on her computer. Maryann made Amazon aware of her impediment, and a representative of the company confirmed that the site was inaccessible and offered that Maryann should apply for another "appropriate" job. The National Federation of the Blind was brought in to work with Amazon to resolve the issue with no successful outcome for Maryann.

"At this time of year, we celebrate American workers, but too many blind people who want to work face systemic discrimination," said Mark Riccobono, President of the National Federation of the Blind. He went further, stating that "technology can enhance employment opportunities for the blind and other Americans with disabilities when it is accessible to us. When it is not, it exacerbates lack of opportunity and imperils our ability to compete in the economy and society of the twenty-first century. Amazon is fully capable of creating and deploying accessible technology and could be a leader in employing the blind. Having tried to persuade Amazon to do those things to no avail, we are now pursuing a remedy for Ms. Murad and other blind workers in court."[1]

If you asked an employer in the state of Minnesota if they were an equal opportunity employer, they would almost certainly and emphatically say yes. Our society measures equal opportunities based on gender, race, and sexual affiliation, but rarely does anyone measure opportunities provided to those who are differently abled. If a company's brick and mortar building did not have accessibility ramps, elevators and handicap accessible restrooms, in addition to being in violation of the ADA, it would send the message that people with disabilities were not welcome. A company's website is their virtual front door. When it is not welcoming and accessible, it sends a similar message to people with disabilities. Companies would be appalled if they were told that they were not equal opportunity employers, yet by not knowing how to update their digital presence, this is exactly what is occurring all over America, including in the Minnesota technology sector.

Becoming aware of this hidden discrimination allows employers to first acknowledge their shortcomings and understand what equal access really means. Only then can employers take measures to enact policies and tools to make the application experience better for people with disabilities.

---

[1] https://www.nfb.org/about-us/press-room/blind-woman-files-employment-discrimination-suit-against-amazoncom

The ADA contains five key provisions:

- Title 1: Equal Opportunity for Individuals with Disabilities
- Title 2: Nondiscrimination on the Basis of Disability in State and Local Government Services
- Title 3: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
- Title 4: Telecommunications – Telephone and Internet companies to provide relay services for those with hearing and speech disabilities
- Title 5: Miscellaneous Provisions

Disabilities are categorized as hearing, vision, cognitive, ambulatory, self-care, and independent living. There is little to no enforcement of ADA with respect to digital access. Titles 2 and 3 should accommodate individuals with disabilities to have access to all online forms, but, very few companies see or think of their online, digital forms as a barrier to employment for people with disabilities. Digital access is the inclusive practice of removing barriers that prevent interaction with websites, apps and enterprise systems for people with disabilities.

Looking at some of the larger MHTA member employers, the project team found that all reviewed employers had some level of non-usable corporate- and job listing-specific web sites. With little awareness of this issue, many employers are not aware that they are excluding a significant percentage of their potential employment base.

In the 1940's, curb cuts were installed in many American cities to help make public streets accessible to wheelchair users. Over time the benefit of these curb cuts not only achieved their original goal, but also benefited other users such as parents pushing a stroller, children riding their bikes, or a businessperson pulling a roller bag. Curb cuts are now an essential part of street designs, enshrined in all municipal codes, and are utilized by the general population, not just those with a wheelchair. Translated into the workplace, the benefit of addressing accessibility for people with disabilities will have a positive impact not only on the business itself but to the larger employee population.

According to i4cp research, hiring people with disabilities is not only the right thing to do socially but makes good business sense. Companies that make their workplace more accessible to all potential employees, both physically and digitally, reaps benefits for the larger employee population and for the company's bottom line.

Adverse Impacts to Job Applications and Hiring Practices

Potential talent loss

There is a large group of people that may have completed degree programs, have talent that would prove useful to an employer and may be in a transitional or temporary state of disability. Due to the website being non-accessible, employers may be missing opportunities to meet and hire great talent and thought leaders. Employers may also be adversely impacting their existing talent as they try to complete their work and navigate the organization with a temporary disability.

Shortage of technical workers

In a time when there is a shortage of technical workers with continuing impact into the future, how can employers find it acceptable to tolerate potential talent loss? Are employers aware if their online job applications are digitally accessible? MHTA members should each bring a call to action to our companies to determine if we are finding and including all potential workers into our organization and culture.

Lost opportunity to valuable stakeholder contribution

Imagine how valuable it may be to have stakeholders contributing ideas to a product from multiple perspectives. Ensuring employers not only accommodate technical workers, but also include internal and external customer perspectives shared by those that personally understand the needs and expectations of others.

Less robust product that has inclusivity of all in mind

Taking stakeholder contribution a step further, what if employers have employees that can use their digital products and provide direct feedback to make those products more useful and helpful for all? Developers, testers, and product owners that can understand how the product should work to meet accessibility compliance would be a great asset to teams and organizations. Inclusivity would also build up the brand and business of the company.

Litigation

Active court cases frequent the news as people are pressing the issue of non-compliance on websites. Online solutions are everywhere, and the industry continues to change how we do most things by including mobile apps, online web sites and technology that may include devices/IoT. Shopping, banking, education and even Social Security benefits are now accessed from- and reliant upon- an online site. It may cost and organization more to resolve accessibility in court than to make the code changes needed for an accessible solution. Minnesotans benefit from ensuring employers hire and retain top talent that understands the customer experience and preferences and has an inclusive mindset.

Damage to company brand

Not only might a company incur costs from litigation, but the costs associated with damage to their brand and how people view and trust that organization once media has shared the non-compliance of an organization can be detrimental and difficult to recover from.

Potential loss of business

Ultimately, this problem leads to loss of business due to limiting the scope of the audience for goods and services. This too can lead to litigation and damage to the company brand.

It is challenging to understand how organizations may feel it's not in their best interest to support and hire people with disabilities. It is even more difficult to understand how a company and their products may not provide accessible solutions, which could lead to loss of revenue, brand damage and loss of business instead of providing accessible solutions that the wider population may also find helpful and beneficial.

Web Content Accessibility Guidelines (WCAG)

In 2008, the Web Accessibility Initiative (WAI) developed web accessibility guidelines (WCAG 2.0) to make the web accessible to people with disabilities[2]. Aimed at web developers, managers, policy makers, HR professionals and others, WCAG 2.1 (updated in 2018) offers four main guiding principles to make web content more accessible[3]:

1. Perceivable
   - Provide text alternatives for non-text content;
   - Provide captions and other alternatives;
   - Create content that can be presented in different ways, including by assistive technologies, without losing meaning; and
   - Make it easier for users to see and hear content
2. Operable
   - Make all functionality available from a keyboard;
   - Give users enough time to read and use content;
   - Do not use content that causes seizures or physical reactions;
   - Help users navigate and find content; and
   - Make it easier to use inputs other than keyboard
3. Understandable
   - Make text readable and understandable;
   - Make content appear and operate in predictable ways; and
   - Help users avoid and correct mistakes
4. Robust

---

[2] https://www.w3.org/WAI/standards-guidelines/w3c-process/ accessed 7/29/2019
[3] https://www.w3.org/WAI/standards-guidelines/wcag/glance/ accessed 7/29/2019

- Maximize compatibility with current and future user tools

The WCAG website https://www.w3.org/WAI/standards-guidelines/wcag/ offers detailed advice and coding considerations for each guiding principle, as well as a self-grading scale of accessibility.

Suggested Actions

The key to resolving the limited digital access to those with disabilities is to raise awareness.

This is where Minnesota High Tech Association could play an impactful role. MHTA is in a unique position to building awareness in the following ways:

- Lead by example by being an accessible website
- Host a best practice link on their website
- Share tools that are accessible for meetings, HR distributed documents, and benefit information
- Host webinars that highlight this information and foster the conversation
- Highlight the need for accessibility at the MHTA Spring Conference

For MHTA, the first step to opening the door of awareness on this issue is to lead by example. Ensure that the MHTA website is accessible to all. If the website is not accessible, it would be a great first step in the journey for MHTA to document how they became an accessible website. What software did they choose and why? What considerations played into this decision? How long did this journey take? How many people needed to be involved to make this update a reality?

Once these tools are in place, or maybe as part of the journey, it would be good to host webinars that promote the journey to digital accessibility. If we could make these webinars accessible to all, these tools could be used by those working to advocate for more accessibility within their own companies.

Tool Kit for MHTA website so that member organizations can reference a solid plan:

1. Get the current process Audited by an independent vendor (instructions for selection and what to ask for included)
2. Post an accessibility statement to the main website
3. Select an Accessibility Coordinator or Committee from cross- department personnel
4. Draft and implement a Corporate Accessibility Policy
5. Train for an unbiased recruiting & onboarding processes
6. Plan for an inclusive corporate work environment

MHTA can become a beacon in the dark, shining a light on these barriers to the Minnesota technology community. If this outreach is successful, MHTA can become a shining example for the rest of America on how to level the playing field for people with disabilities and incorporate the richness that all citizens have to offer.