
**BLIND MBA TO HAVE HER DAY IN COURT OVER INACCESSIBLE
GOVERNMENT WEBSITES**

*Federal Court hearing in Charter of Rights case will take place
September 21-23 in Toronto*

Toronto – September 14, 2010 – An important hearing in a landmark web accessibility case is slated to unfold next week in a Toronto courtroom. Over a three-day period beginning on Tuesday, September 21st, the court will hear from both sides in the case, in which Donna Jodhan, a legally blind Canadian, is challenging the federal government over websites that are inaccessible to blind and partially sighted web surfers. Ms. Jodhan wants the government to make job application forms and other major services accessible for these users, and says the necessary changes would not be difficult or expensive to implement.

“What frustrates me is that the government knows it should be making its websites accessible, and they know it doesn’t take a huge amount of money or complicated technology to do so,” said Ms Jodhan, speaking from her home in Toronto. “Why are they spending so much time and money to fight against their own goals?”

Blind internet users visit websites using a piece of software called a screen reader, which converts text to a usable format such as audible speech. But in order for screen readers to work properly, a web page’s html code has to include tags that organize the information on the page – explaining for instance, how form fields match up with their corresponding labels. Otherwise, the page comes out as a garbled, unusable mess, as currently happens with many government web sites handling employment, passport applications and other important services.

“The web has become a key channel through which the Government of Canada delivers information and services to its citizens,” said David Baker, Ms. Jodhan’s lead counsel on the case. “When blind and partially sighted Canadians are arbitrarily shut out of these crucial services, it becomes an issue of discrimination under the Charter of Rights.” The case was launched under the now-defunct Court Challenges program, which helped fund court cases that advanced equality rights guaranteed under the constitution. The program has been cut by the Harper government, and Ms. Jodhan’s matter is one of the last Court Challenges cases to make its way through the courts.

In difficult economic times, the inability to apply for jobs is a particularly sore spot, Mr. Baker added. Even before the current recession hit, studies were reporting that blind and partially sighted Canadians have an unemployment rate of about 70%, and low per-capita incomes compared not only to the general population but also to other disabled groups.

“One of the tragic things here is that Canada was once an exemplar when it came to on-line accessibility,” said Jutta Treviranus, director of OCAD’s Inclusive Design Research Centre and a leading global expert on accessible technologies. Dr. Treviranus, who is an advisor on the case, says the means to make government websites accessible – including automatic authoring and monitoring tools – are simple to use, widely available and inexpensive.

Numerous other governments around the world have made their websites accessible to blind users, including those of the United States, Australia and European Union member countries.

Ms. Jodhan decided to launch her case in 2006, after trying unsuccessfully to apply for a position via a federal jobs site. She felt she had all the right qualifications for the job – an MBA from McGill University’s Desautels Faculty of Management, technical certifications from Microsoft and Novell and a résumé of private sector postings at companies like IBM and Royal Bank. But despite her extensive technical expertise, she couldn’t get the on-line job application to work, even after following up repeatedly and asking the government for help.

The government responded to her initial complaint by trying to have the case thrown out of court on technical grounds, but its motion to strike was rejected in late June of 2008, paving the way for next week’s hearing. Following the hearing, the court will rest before handing down a verdict, likely in a few months’ time.

Ms. Jodhan says she has been pleased by the expressions of support she has received, both from individuals and from organizations such as the Alliance for Equality of Blind Canadians, the Council of Canadians with Disabilities and the Canadian National Institute for the Blind. She is also relieved that the court will soon be hearing her case. “Frankly, I’m sad that we had to go all the way to court,” she said. “But with over three million Canadians cut off from so many important services, somebody had to put up a fight.”

Jodhan web accessibility hearings

September 21-23, 2010
Federal Court of Canada
180 Queen Street W. (at University Ave.)
Toronto, Ontario
From 9:30 am

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