

3Play Webinars | WBNR 06-02-2020 Publishers

ELISA EDELBERG: Thank you so much for joining this webinar this afternoon, *PublishingAccessibilityLaws101--LearnHowtoCreateAccessibleOnlineContent*. Before we jump in, I just want to introduce myself so you know who's on the other end of the screen. My name is Elisa Edelberg. I am a content marketing manager at 3Play Media. So I manage our content team, our content strategy. I am very passionate about web accessibility. And outside of work and accessibility, I love dogs and I love to craft.

So quick overview of today's presentation. We will cover video accessibility trends. We'll talk about creating accessible online content, accessibility laws and lawsuits for publishers. We'll discuss the benefits of incorporating accessibility into your business. I will leave you with some tips for incorporating accessibility into your video content. And we'll touch on 3Play Media and how we work with publishers to make their video accessible. And then, like I said, we'll have some time at the end for Q&A. So let's dive in.

So to really understand the importance of talking about accessibility today, I want to start out by looking at the accessibility picture. So first, we have to look at how many people we alienate when we don't make our content accessible. There are more than 1 billion people in the world who have a disability. And I want to mention that disabilities can be visible or they can be invisible. For example, deaf or hard of hearing, blind or low-vision, you may not be able to see that on someone. And disabilities can also be permanent, they can be temporary, or they can even be situational.

So much of the internet isn't accessible to people with disabilities. In particular, it's really difficult for those who have hearing, vision, or motor disabilities. So some of the statistics that I have on the screen here are that, across the globe, there are 360 million people who are deaf or hard of hearing. And this means that you have video or audio on your content-- or on your website, they aren't able to interact with it.

There are 245 million people who have some kind of vision loss. This is why alt text, audio description, and screen reader accessibility are really critical. And finally, there are an estimated 190 million people who have some kind of motor disability. So that's a pretty large portion of the population that can't access websites that aren't keyboard accessible, as well.

And then on top of that, the internet is growing, as is online video. So 82% of the world's internet traffic is expected to be video by 2022, and 71% of people with disabilities leave a website immediately if it's not accessible.

And video is growing. So it's not going to slow down anytime soon. It's not going anywhere. We sometimes hear people say that they're just not going to produce video so that they don't have to deal with accessibility, and that's really not a sustainable strategy. In fact, 54% of people express that they want to see videos from their favorite brands.

So now that we've talked a little bit about why video accessibility is important, I want to talk about some of the tools that you can use to actually make your videos accessible. So first, we'll talk about captions. What are captions? So you may be familiar with them, but just to define them here, captions are time-synchronized text. They can be read while watching a video. They're usually noted with a little CC icon. And they originated as an FCC mandate for broadcast in the 1980s, but they have since been used more widely spread, including for online video.

So it's also important to distinguish the difference between captions, subtitles, and transcripts, as they all mean something different. So captions assume that the viewer can't hear the audio. They, like I said, are time-synchronized. And they also include relevant sound effects. And again, you can usually spot if a video has captions if you see a CC icon.

Subtitles, on the other hand, assume that the viewer can hear but can't understand the audio, and their purpose is to translate the audio. So like captions, they are time-synchronized. And transcripts, finally, are a plain text version of the audio. So they're not time-synchronized. They're typically best for audio-only content, like a podcast. And just to point out that, in the US, the distinction between captions and subtitles is important, but in other countries, like countries in parts of Europe, these terms are used synonymously.

So on the screen, I have an image from *Stranger Things*. *Stranger Things* is actually a really great example of why captioning is important and why it's important to include sound effects, as well. So in *Stranger Things*, there's an alternate world called the Upside Down. And this appears throughout the show. One of the indicators that a scene from the Upside Down is coming is auditory.

So these auditory cues alert the viewer that something really big or important is about to happen. And again, that's why including sound effects in captions is really important.

So without the captions saying, quote, "static crackling on radio" and "feedback whines," the viewer would have no idea, if they're deaf or hard of hearing, or even if the TV is muted or the video is muted, that there's-- they would have no idea that there's a really big scene coming up.

So the next tool I want to mention is audio description. Audio description is an accommodation for blind and low-vision viewers. And just like captions are represented by a CC icon, audio description usually is represented by a little AD icon. I have that on the screen. It's just letters AD, with kind of three closed parentheses.

And audio description narrates the relevant visual information. So it describes the characters, what the scene looks like, the actions that are going on. And really what it does is sort of paint an image of the visuals for those who can't see the screen, such as blind and low-vision viewers, but also a lot of people have found it's useful if they're multitasking, maybe you're watching a video and you go into the other room to do some sort of chore. So they kind of use it almost as an audiobook.

So in my opinion, the best way to understand audio description is with an example. So I do want to show you a quick example of a video without description and then with description. So I ask that, if you're comfortable, if you just want to close your eyes and listen to the audio and kind of see what you are able to understand, that would be great. And let me just get the video going here.

Just one second.

[VIDEO PLAYBACK]

[SOFT MUSIC PLAYING]

- [LAUGHS]

Ah! Ooh.

Hello.

[GIGGLES]

[SNIFFING]

[GASPS]

[SNEEZE]

[GASPS]

[FRANTIC MUSIC]

Oh!

[END VIDEO PLAYBACK]

ELISA Great. So that was the example without description, and then I'm going to play the clip
EDELBERG: with description as well and see if you're able to close your eyes again and if the video makes a little bit more sense with audio description.

[VIDEO PLAYBACK]

- "Tangled,"
"Wreck It
Ralph."
Disney. A
snowman
shuffles up to
a purple
flower
peeping out
of deep
snow.

- Hello.

[GIGGLES]

- Deep sniff.

[GASPS]

His nose lands on a frozen pond. A reindeer looks up and pants like a dog.

[GASPS]

As the reindeer slips on the ice, the snowman smiles and moves towards him, though, actually, he's running on the spot. The reindeer falls on his chin. The snowman uses his arm as a crutch. The reindeer paddles his front legs.

[END VIDEO PLAYBACK]

ELISA Great. So I'm just curious if anyone wants to kind of mention in the chat if they noticed a
EDELBERG: difference in understanding between the version without audio description and the version with audio description.

So feel free to mention it. Some people are saying there's a big difference. Definitely the audio description really offers a lot more information. So if you have your eyes closed or if you are low vision, you can really get an idea of the context and what's happening more easily.

Great. And then the other way that people typically understand audio description is kind of by comparing it to a sports broadcast. So I have a picture on the screen of someone playing tennis. And the audio description in this case would say, "He approaches the net ready to hit a backhanded volley." So again, you could be in the other room and still kind of get a sense of what's going on. Or maybe even if this is in the context of a presentation or anything like that, maybe you're not able to see. Maybe you're in the back of the room-- so again, thinking about not only disabilities, but also situational or environmental factors.

And then I have a clip on the screen right now. And I would love, just kind of as practice, if everyone wanted to write in the chat window what they might say about this if they were writing audio description for this clip.

So one description that I wrote for this was, "A yellow lab puppy prances across green grass. Their mouth is open, and their ears flop side to side." So it's really just about describing what's going on, kind of giving all the context that could be relevant. Great, someone else said in the chat, "A very young golden retriever puppy runs across a

grassy field, is panting and smiling." Someone else said, "Golden Labrador puppy running toward the camera and ears are flopping." So great job. Those are great examples of the things you'd want to include in audio description.

So kind of moving on, closed captioning and audio description are really critical pieces of making publishing video accessible. But they're also required by laws. So I wanted to get into some of those accessibility laws right now. There are three major federal laws in the US and one international standard that we'll cover.

So first, the Rehabilitation Act of 1973 was the first major accessibility law in the US. It has two sections which specifically impact video accessibility. So there is Section 504, which is a broad anti-discrimination law. It requires equal access for individuals with disabilities. And it applies to federal and federally-funded programs.

Section 508 requires federal communications and information technology to be made accessible. And Section 508 was refreshed over the last few years, and it references the Web Content Accessibility Guidelines, which you may know as WCAG. And we'll cover that in a bit. But what's unique about this is that, now, closed caption and audio description requirements are actually written directly into Section 508.

And then the second major accessibility law in the US is the Americans with Disabilities Act, or ADA. This one also has two sections that impact video accessibility. So Title II applies to public entities, and Title III applies to places of public accommodation. This includes private organizations that provide a public accommodation. Some examples of this are doctor's offices, libraries, hotels, restaurants, and so on.

And the context of place of public accommodation has been tried in several lawsuits in regard to how it impacts internet-only businesses. And in several cases, Title III has been extended to online-only spaces. So for example, there were suits against Netflix, both in regards to captioning and audio description. In both cases, the outcome was that Netflix had to provide accurate captions for their streaming shows and audio description for their Netflix originals.

There have been several lawsuits tied to audio description. Some notable ones are the *American Council of the Blind v. Netflix*, like I mentioned. And we'll get into a few more lawsuits in just a couple of slides. But the big thing about this is really just that those online-only businesses do count as a place of public accommodation.

And then the third major accessibility law in the US is the 21st Century Communications and Video Accessibility Act-- the CVAA for short. And in regard to captioning, the CVAA applies specifically to online video that previously appeared on TV. So any online video that was on TV with captions is required to be captioned when it goes online. This includes video clips and trailers. And as for audio description, the CVAA is phasing in audio description for prime time viewing and children's programming.

And moving on, I mentioned the Web Content Accessibility Guidelines, or WCAG. The WCAG 2.0 level AA guidelines are from the Web Content Accessibility Guidelines, the international standard for web accessibility. And WCAG really endeavors to make content perceivable, operable, understandable, and robust. And what's important to note here are that there are three levels of WCAG compliance.

Level A is the most attainable. It offers the least amount of accessibility of the three. And it includes a transcript for audio-only content-- again, like a podcast, captions for pre-recorded video, and either an audio or text alternative for audio description. Level AA is what's most referenced in lawsuits and legal recommendations. It requires captions for pre-recorded and live and also audio description for pre-recorded video.

And then level AAA is the hardest to achieve. It provides the most accessibility. It's really rarely referenced in legal requirements. And it includes things like a sign language track, extended audio description, and a live transcript for audio-only. So again, most laws and lawsuits mention WCAG 2.0 compliance-- level AA. So for now, that's what's required. But I do want to mention that WCAG 2.1 is the most updated standard.

And right now, if a law explicitly states that the web developers have to adapt to the newest version, they would need to comply with 2.1. However, the W3C does suggest that any new websites should be created following WCAG 2.1 guidelines. These are the most up-to-date, but they're also the most inclusive and mobile-friendly. So as a reminder, anything that's WCAG 2.1 compliant will also be 2.0 compliant, but not necessarily the other way around.

And then I said I would get back to some lawsuits. So shifting gears a bit back to lawsuits, in 2019, there were 2,235 digital accessibility lawsuits. So this is a really big number. And it's not meant to be used as a scare tactic, but it's just important to know and have this knowledge. And this was a really stark increase from 814 lawsuits filed in

2017. So I wanted to specifically mention two other lawsuits. *Robles versus Domino's Pizza*-- this was a lawsuit against Domino's for an inaccessible website and mobile app. This case really sets a strong precedent that, despite the lack of clear regulations, the law still applies in this digital space.

And the second one is the *National Federation of the Blind versus Target*. This was a class action lawsuit against Target for an inaccessible website for blind individuals. And again, this established the precedent that website accessibility for commercial websites is really critical.

So in addition to the legal requirements and, of course, making content accessible, there are a number of benefits to adding captions and descriptions to publishing videos. And I want to look at some of those now. So we're going to find out why 66% of marketing professionals are captioning their videos.

I have a bunch of benefits of captioning for publishers listed here. I'll go through them in a bit more depth. But just to run through the list, the captions can help boost SEO, improve user experience, offer viewing flexibility, help reach a global audience, and better your brand. So similar to traditional SEO, video SEO helps to increase views and website traffic from your video content. Since bots can better determine the content within videos when there are captions, this improves the chance of higher ranks and more visibility.

As far as user experience, captions encourage more viewership. They strengthen recall and comprehension. And they really do improve the overall user experience. As a creator, your goal is to really delight your audience with engaging content. And with captions, you can really provide that full experience. And a research study from the Journal of the Academy of Marketing Science found that captions improve brand recall, verbal memory, and behavioral intent-- so really just offering a fully comprehensive experience.

We talked a little bit about viewing flexibility in terms of audio description, but it's true also of captioning. Adding captions allows viewers to watch videos in sound-sensitive environments. It allows them to engage with the video and understand what's going on. Maybe there's background noise. Maybe they're in a place where they don't have headphones and can't be watching a video out loud. So this just offers a wider range of

flexibility.

In terms of reaching a global audience, having captions makes it easier to translate your videos and create different language subtitles, thus allowing you to offer the video to other regions and really make your content and your product more accessible to people all over the world. And then better your brand-- so people are increasingly buying from brands that show ethical and moral alignment and that take a stance on important issues. And providing accessibility shows the type of brand you are and can attract more consumers. I also mentioned captions improve brand recall and really just kind of show who you are as a brand and the type of experience that you want to provide.

And then moving on to the benefits of audio description, there are a number as well, in addition to legal requirements and accessibility, of course. So like I mentioned, an estimated 24 million Americans have trouble seeing. So accessibility is huge. Again, the idea of flexibility and flexible viewing-- being able to view videos in eyes-free environments or when your attention is kind of split.

Auditory learners-- 20% to 30% of students say they retain information best through sound. That kind of shows, just kind of on a bigger scale, not just looking at students, but many individuals certainly learn through audio. Inattentive blindness-- so this is a phenomenon where you actually fail to recognize the visuals that are in plain sight. And having audio description can help make sure that everyone is understanding and taking in all of the different elements that are happening in a video.

And language development-- listening is a key step in learning language. So it's really helpful for individuals who are learning the language, maybe don't speak the language as their first language or native language. And then, of course, I have legal compliance on here again, and we just covered that in depth.

So I want to make sure to provide some tips for making accessible publishing videos. So I have a number of different ways that you can do that. So there are kind of four main things that I want to cover-- first is budgeting. When it comes to budgeting, be creative. I have a couple different things on here, but it's really important to kind of think outside the box and be creative. Budget is typically one of the bigger barriers that we see, but there are a lot of ways around this.

Show that the accessibility is worth the money. You can petition a pilot program. You can raise money with grants and funding. Find line items and other budgets that can be applied. So for instance, maybe it's the video production budget or maybe a more broad technology budget or a marketing budget or whatever the case may be. And another option is to kind of prepay for the following year with leftover funds from the previous fiscal year. So just thinking outside the box and getting creative can certainly help when budget seems like a big barrier.

Next, we also know that buy-in can be a difficult point. And my biggest suggestion here would be to build awareness. Start with empathy and with education. Use fact-based and research-based information to make your point. Of course, I mentioned that large number of lawsuits, and that's important to note. But don't only rely on scare tactics. Try to use more education and more empathy. Really creating the understanding of the need for accessibility is going to go much further than kind of using scare tactics.

Again, you can suggest doing a pilot program. And I would say, come to the table prepared with the work done. Come with a plan in place. Do the work already so that it makes it easier to really present your case to any higher-ups. Have an understanding of how you want to get started and also some vendors that you maybe want to work with. And that leads me to the next part. When selecting the right vendor, you definitely want to make sure that you find one that's reliable, accurate, and cost effective.

During the search process, that's when you definitely want to ask about fees, bulk discounts, workflows, support, and other accessibility services. Come prepared with questions. We have a great checklist on our website which we can share-- a checklist for what you should be asking vendors when you're in the search process. But don't be afraid to ask about processes, turnaround, and things like that ahead of time.

And then this kind of goes back to budgeting and showing it's worth the money, but thinking about the return on investment-- and not necessarily from a monetary perspective, but understand the outcomes. Understand the impact that it's going to have on your brand, the impact it's going to have on accessibility, the impact that it's going to have on maybe making derivative content or making content more global and being able to translate it so it's useful for other regions. So more people are drawn to captioned videos, and it can really help with viewership and with traffic. So understand this and be able to communicate the return of creating accessible content.

And then I do want to spend a little bit of time before getting into questions just talking briefly about 3Play Media and what we provide for publishers. So 3Play, you may know, provides online video captioning, transcription, and subtitling services as well as plugins for video search and SEO. And this really allows us to help publishers with their video content and help make it more engaging, more searchable, more SEO-friendly.

So some of the tools that we offer can really help make captioning easier and more cost effective. One of our main priorities is to help publishers leverage the full value of their online video by making the accessibility process easy. So we offer flexible upload options, a user-friendly account system, custom caption formats, APIs and integrations with popular video platforms. I mentioned on a slide we have 99% accuracy, lots of engagement tools, ease of use, up to two-hour turnaround times, and again, those APIs.

So we're really a one-stop shop for accessibility, and we also offer a ton of free resources that I encourage everyone to take advantage of. And I will put those on the screen, some of them, before we move on to Q&A. I can also send some of these out in the chat window as well. So I can do that now.

And other than that, we are getting ready to move on to Q&A. So definitely feel free to keep the questions coming in, and we'll compile those to get started with questions.

Great. So we have a couple of questions coming in. And definitely keep them coming, like I said. One question is, "What about social media videos? Should these be captioned?" That's a great question.

So more than ever, video is becoming the preferred medium for publishers to reach their audience. Viewers really like to engage with the brands that they love. And brands can really tell stories, develop personas, share information, and connect with viewers on a more personal level. So captions have been shown to increase watch time. That's one benefit and one reason to definitely provide captions on social media videos.

Social media videos also now autoplay on silent. So having captions on your videos allows viewers to engage and understand your content. And it helps you to catch their eye on stand out from some of the other videos that may be just scrolling through on their news feed and playing and they're not able to really tell what's going on.

Another question we have is, "Do you need both captions and audio description?" So the answer to this question is that captions and audio description really have two different purposes. They solve different problems. As I mentioned, captions are for those who are deaf or hard of hearing and have a number of benefits as well. And then audio description is really an accommodation for individuals who are blind or low vision. And of course, they too have additional benefits.

But they really don't replace the other. So it is important-- a lot of the laws are pretty vague around accessibility, and video accessibility in particular. But the laws really do kind of apply to both separately. So I would say that you do need both. One doesn't replace the other.

Great question. So someone is asking for any advice or ideas on calculating ROI, or the return on investment. Yeah, this is a good question, and certainly we could kind of follow up with some additional resources.

But one thing that I would say off the bat is, first, looking at how many views could be attributable to adding transcripts or captions. Compare your caption videos against uncaptioned videos. Certainly, feel free to test these out, and really keep track of the differences. And we just put in the chat window good blog post on this as well. So I encourage you to take a look at that.

So another question is, "What publishers do you think do captioning well?" There are certainly a number that do really well. *This American Life*, O'Reilly are a couple that kind of stand out. And I definitely would also encourage you to take a look at our case studies page. And you can learn a little bit more about how we work with different publishers and some of the benefits that they've seen from adding accessibility into their workflow and into their strategy. So I'll pop that in the chat in just a second as well.

Let me just grab some of those while some more questions come in.

I'm trying-- just bear with me for one second. I don't know why that's not copying, but I wanted to send out the industries page that we have that's specific publishers to provide some additional information. But I'll continue with questions for now.

So someone is asking how you should caption or transcribe podcast content. Since this is audio only, really a transcript is the only thing necessary. You don't need to provide captions for the audio-only, because it doesn't need to be time-synchronized to match up with visuals.

So typically, you would post this in the page of the episode or by linking to it. And 3Play does provide transcripts as well. So that's certainly something that is simple enough without the time codes to DIY, particularly if the content is pre-scripted. So you can definitely do that yourself a little bit more easily than adding captions.

So it doesn't look like we have any other questions coming in. I'll give it another minute, if anyone does have any sort of additional last minute questions. But other than that, we are happy to answer any questions if anyone reaches out to us individually after the presentation. And definitely take a look at some of the resources that we've sent in the chat. So I'll just give another couple of seconds.

Great. Well, it doesn't look like we have anything else. So thank you again for joining us this afternoon. I hope that you enjoyed the webinar.