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New Online Recruiting Accessibility Tool Could Help Forestall ADA Claims by Applicants With Disabilities

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In recent years, employers have increasingly turned to web based recruiting technologies and online applications. For some potential job applicants, including individuals with disabilities, such as those who are blind or have low vision, online technologies for seeking positions can prove problematic. For example, some recruiting technologies and web-based job applications may not work for individuals with disabilities who use screen readers to access information on the web. The **U.S. Department of Labor's Office of Disability Employment Policy (ODEP)** recently announced the launch of "[TalentWorks](#)." TalentWorks is a free online resource intended to assist employers in providing accessibility in their web based job applications and recruiting technologies for job seekers with disabilities.

TalentWorks can provide background information on accessibility and e-recruiting in addition to tips for providing online job applications, digital interviews, pre-employment tests and resume upload programs that are accessible. The tool was created by DOL's [ODEP's Partnership on Employment and Accessible Technology \(PEAT\)](#). The PEAT developed the tool after a [national survey](#) of people with disabilities found 46% of the respondents rated their most recent online job application experience as "difficult as to impossible."

Employers would be well advised to review TalentWorks in connection with their online recruiting efforts because if their online recruiting tools are not accessible to individuals with disabilities, they may be targeted for alleged Americans with Disabilities Act (ADA) violations by individuals, advocacy groups for the disabled and the EEOC – particularly if they do not provide alternative, regularly used, legitimate methods for job application. Moreover, federal contractors now have specific affirmative action goals for individuals with disabilities. In any audit of a contractor by DOL's Office of Federal Contract Compliance Programs (OFCCP), it is likely that OFCCP will scrutinize whether the contractor's avenues for job applications, including online recruiting, is accessible to individuals with disabilities. Further, a contractor may not be able to meet its goals for hiring of people with disabilities if their application process is not accessible.

The U.S. Department of Justice (DOJ) has investigated a number of cities and universities for alleged ADA violations in connection with their application, recruitment and training processes. DOJ's enforcement activities have resulted in [various settlement agreements requiring the cities](#) (see page 4) and [universities](#) involved to make their application processes accessible to individuals with disabilities (See specifically Paragraph 22).

In light of such potential claims, we are working with employers on assessing their online recruiting and application processes, as well as their websites, to enhance accessibility and reduce potential exposure to ADA claims. With DOL's focus on this issue with TalentWorks, it is clear that this is an issue that will continue to attract increasing attention and enforcement activity.



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