



JEWELERS VIGILANCE COMMITTEE

AMERICANS WITH DISABILITIES ACT (ADA) GUIDE FOR JEWELERS

DECEMBER 2024

JVC

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FUND**

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ABOUT JVC

Jewelers Vigilance Committee (JVC) is the jewelry industry's independent legal expert. For more than 100 years, JVC's sole focus has been on helping jewelers build flourishing businesses that operate with the highest levels of integrity and legal and regulatory compliance.

JVC educates and trains jewelry industry members about their rights and responsibilities as business owners, employers, suppliers, designers, manufacturers, marketers, and sellers of jewelry. We are the industry's legal advocate, liaising with U.S. and international judicial and regulatory bodies on issues that impact everyone's livelihoods. We act as a mediator to amicably settle jewelry-related disputes without court intervention. We are the industry's trusted resource when complex questions arise that threaten reputations and revenue.

JVC is committed to the jewelry industry's success today and tomorrow. Visit www.jvclegal.org to learn more about our many services and resources. As a member-supported organization, we hope many more will join us in safeguarding the reputation, integrity, and vitality of our brilliant industry.

INTRODUCTION

The Americans with Disabilities Act of 1990 ("ADA") was enacted to protect people with disabilities from being discriminated against because of those disabilities. It prohibits and makes disability discrimination illegal. If a person falls into any of the following three categories, they are protected by the ADA:



President George H.W. Bush is seated at a desk in the foreground signing the Americans with Disabilities Act (ADA) in a ceremony on the South Lawn of the White House. He is surrounded by Evan Kemp, Chairman of the Equal Employment Opportunity Commission, Justin Dart, Chairman of the President's Committee on Employment of People with Disabilities; Rev. Harold Wilke, and Swift Parrino, Chairperson, National Council on Disability. In the background behind the President are fountains against the green lawn and a crowd of people watching the ceremony from afar. This image was taken on July 26th, 1990. National Archives ID: 6037489

1. "has a physical or mental impairment that substantially limits one or more major life activities,"
2. "has a history or record of such an impairment (such as cancer that is in remission)"; or
3. "is perceived by others as having such an impairment (such as a person who has scars from a severe burn)."

Importantly, the ADA was enacted to protect people with disabilities in their daily lives and is intended to keep pace with developing technology. Accordingly, members of the jewelry industry should consider examining and updating ADA compliance policies for both their brick-and-mortar locations and their web platforms.



The seal of the U.S. Department of Justice features a golden eagle, wings spread, perched on a blue circular shield with a white border. The eagle grasps an olive branch in its right talon and arrows in its left. Surrounding the eagle is the Latin phrase "Qui Pro Domina Justitia Sequitur," meaning "Who Prosecutes on Behalf of Justice." The outer edge of the seal is bordered in gold with the words "Department of Justice" at the top and "United States of America" at the bottom.

The Department of Justice ("DOJ") is the government agency responsible for enforcing the ADA, and violation of this federal law can result in serious penalties. Website accessibility is an important thing to consider for ADA compliance. While a person facing discrimination for their disability cannot seek monetary damages under the ADA, private lawsuits regarding website accessibility are on the rise, and defending them can be extremely costly. Although the ADA has not been specifically updated to reflect requirements for the internet, the DOJ has consistently held that Title III of the ADA also applies to a company's publicly accessible website or digital platform. As jewelry companies continue to establish or expand their online presence, it is increasingly important for industry members to understand the requirements of the ADA and to acknowledge and accommodate individuals with disabilities.

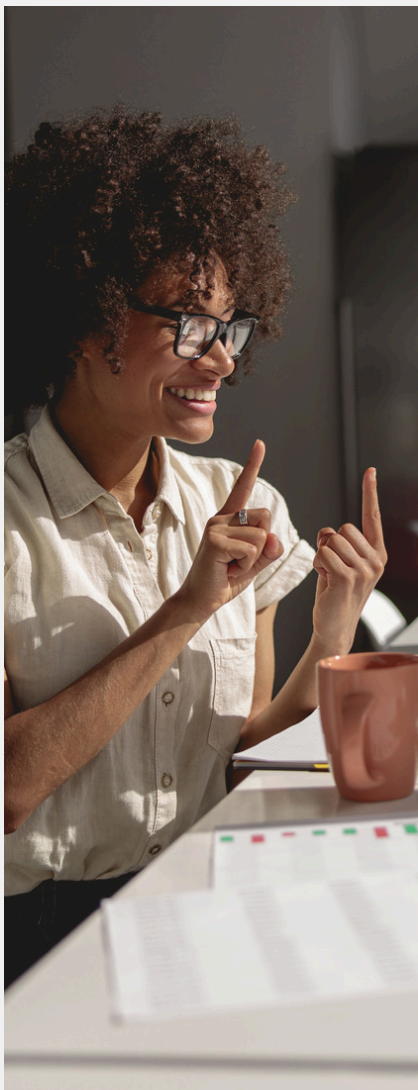
COMPLIANCE WITH THE ADA IS IMPORTANT NOT JUST BECAUSE IT IS THE RIGHT THING TO DO AND THE LAW, BUT ALSO TO PROTECT AGAINST POTENTIAL LITIGATION.

Places of Public Accommodation

BRICK-AND-MORTAR STORES

Title III of the ADA applies to physical businesses that are open to the public, or “places of public accommodation”, and specifically outlines requirements that these businesses must follow. For the jewelry industry, this means brick-and-mortar retail locations, pop-up shops, etc. The ADA requires that businesses open to the public communicate with people with disabilities as effectively as they would communicate with others. It also requires business to make reasonable modifications to policies, practices and procedures as needed, ensure that individuals with disabilities can access the business’s goods or services, and allow service animals to accompany such individuals, even if the store has a no-pets policy.

COMMUNICATION, ACCESS, AND REASONABLE MODIFICATION



A woman is seated at a desk, smiling, while signing in American Sign Language. The desk has paperwork and a coffee mug placed in front of her.

Most people are familiar with ADA accommodations such as ramps and doorways that permit access for individuals using mobility devices, but there are many other issues jewelry store owners should think about. One key consideration is the importance of communication. Under the ADA, places of public accommodation are required to give primary consideration to the choice of aid or service requested by a person with a communication disability. Providing a qualified note-taker, qualified sign language interpreter, oral interpreter, real-time captioning, printed scripts of stock speeches, and other similar aids can facilitate communication with individuals who have hearing, speech, or other communication disabilities. The use of large print or braille options for signs and descriptions, electronic screen-readers, qualified readers, and recordings can assist individuals with visual impairments. Some customers may need appropriate lighting options (e.g., adjustable lighting to ensure that a sign language interpreter is clearly visible, ensuring that customers who are seated in a wheelchair don't experience case lighting glare, or visual fire alarms for safety) or a “quiet room” for those who have difficulties with hearing, loud noises or over-stimulation. Jewelers should be familiar with the available accommodations and be prepared to meet the preferences of customers with various disabilities, to the best of their ability.

Access – which most people are familiar with – is equally important and encompasses more than just wider doorways and ramps. Ensuring that a person with a disability has access to restrooms, parking, an accessible path through the store, and seating areas, is vital. Access also extends to ensuring access to your business’s goods or services. Installing lower counters and developing alternative means of displaying products are just two ways to make your store equally accessible to customers with disabilities.

Places of Public Accommodation

BRICK-AND-MORTAR STORES

COMMUNICATION, ACCESS, AND REASONABLE MODIFICATION

Finally, it is important to remember that the ADA requires businesses to make “reasonable accommodations” for customers with disabilities. A classic example of a “reasonable accommodation” is a store that requires a customer to provide their driver’s license to pay with a check. In that instance, the store would be required to accept an alternative form of identification from individuals whose disabilities prevent them from driving. Another example is the previously mentioned case of service dogs: places of public accommodation must allow service animals, even if the store has a no-pets policy.

Ultimately, the ADA was created with the goal of making the everyday world equally accessible to those with disabilities and members of the industry should continue working to ensure that equal experience.



A large sized white dog wearing a red service dog vest is laying next to a motorized wheelchair. A person is seated in the wheelchair with only their legs visible, wearing dark pants and sneakers.

Places of Public Accommodation

WEBSITES AND SOCIAL MEDIA

Links:

- [WCAG 2.0 AA](#)
- [Accessibility Principles](#)
- [How People with Disabilities Use the Web](#)
- [Stories of Web Users](#)
- [Tools and Techniques](#)

THERE ARE FOUR PRINCIPLES OF WCAG COMPLIANCE - DIGITAL CONTENT MUST BE:

- **PERCEIVABLE**
- **OPERABLE**
- **ROBUST**
- **UNDERSTANDABLE**

American consumers increasingly make more of their purchases online, and accessibility on the internet is just as important as it is in brick-and-mortar stores. Under the ADA, websites that advertise goods and services to the public are considered places of public accommodation and therefore must be accessible to all users. The World Wide Web Consortium (“W3”) is the go-to international standards organization for the internet. W3 creates and publishes Web Content Accessibility Guidelines (“WCAG”). The WCAG are utilized by U.S. courts and agencies, such as the Department of Justice, as a primary resource in determining whether a business’s online services and web content are ADA compliant. “Web Content” generally refers to any part of a website, including the front-end of a website (the public facing webpage that users interact with), or the back end (the website’s inner workings such as coding or software).

To ensure websites, apps, and other digital content can be accessed by all users, including those with visual, auditory, motor, and cognitive impairments, retailers should strive to meet these four principles in their website design. The WCAG guidelines are organized into three levels of compliance: A (basic), AA (standard for legal and usability compliance), and AAA (highest). There are many resources available to help retailers achieve compliance, including W3C’s official documentation and educational platforms offering training on accessibility practices. Web developers can use these resources, and many may already be built into your web-hosting platform. Web developers can also refer to accessibility plugins, hire specialists for audits, or consult legal guidance to meet specific jurisdictional requirements.

- **“Perceivable”** refers to how a web user perceives content through their senses (i.e., through hearing, feeling, or seeing). Disabilities affect a web user’s senses in a myriad of ways, and web content needs to be adaptable to suit specific needs while preserving its original meaning and organization. For example, text-alternatives (including custom text sizes, labels and conversion of non-text content to be displayed on braille devices) can serve to convey the purpose of non-text (i.e., visual and auditory) content, enabling visual or hearing-impaired persons to perceive what they would otherwise be unable to. Use of ADA alt text – descriptive text that can be read aloud by screen readers – allows people with visual impairments to hear both descriptions of the images and the text appearing on screens.
- **“Operable”** refers to the web page interface through which a user interacts with the web page. All of the web page’s functionality should be available from a keyboard interface, meaning that all mouse/trackpad options should have a keyboard equivalent function. Users should have adequate time to complete tasks: operable web pages should allow users to turn off, adjust, or extend time limits. Web page design should not include any content known to cause seizures or physical reactions, such as content that flashes more than three times in any one second period. Finally, web pages should be navigable, providing multiple options for users to move around a web page efficiently. Navigation tool examples include bypass blocks, headings and labels and focus order.

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- **“Robust”** web content is capable of being understood and interpreted by a wide variety of users and user agents (the software or assistive technologies that people use to access web content). Maintaining robust web content means maximizing its compatibility with current and future user agents: as technology evolves, robust web pages grow and change to remain accessible so that the content stays reliably perceivable.
- **“Understandable”** means the information and operation of the website is readable, predictable, and allows for input assistance. Text content is readable if assistive technology can determine the language of the webpage and indicate when words are in different languages. A webpage is predictable when it operates in a consistent manner so as not to disorient users as they engage with the user interface. Users should be able to avoid and correct mistakes through input assistance.

While the ADA itself has not been updated with specific rules for the internet since it was enacted, it is vital for members of the jewelry industry to take steps to be compliant now. JVC recommends a risk-averse approach to WCAG compliance: ensuring that your business's online services are compliant with accessibility standards will not only protect your business from liability but will also create good will amongst your customers.



In the foreground, a man wearing a light grey turtleneck sweater, dark glasses, and headphones is seated at a desk. On the desk is a computer monitor, keyboard, mouse, and a book in braille that the man is reading. The background behind the man shows library bookcases filled with a variety of books.

CONCLUSION

The ADA was created with the goal of making the everyday world equally accessible to those with disabilities. Today, with technology intimately woven into modern-day American life, it is more important than ever that members of the jewelry industry continue to adapt and take advantage of the numerous opportunities to assist their customers and provide them the best experience possible, whether in person or online. For more information, please contact the Jewelers Vigilance Committee.



JVC IS YOUR ADVOCATE AND SOURCE FOR ALL MATTERS OF COMPLIANCE GUIDANCE INCLUDING ADA AND MORE.

IF YOU HAVE ANY QUESTIONS OR CONCERNS REACH OUT TO US AT [INFO@JVCLEGAL.ORG](mailto:info@jvclegal.org).

The **Jewelers Vigilance Committee** is the leading authority in promoting ethical standards, compliance, and legal expertise within the jewelry industry. Our expertise touches the entire jewelry supply chain, including deep knowledge regarding advertising, anti-money laundering, responsible sourcing, and everything in between. With a 107-year commitment to upholding the highest standards, JVC fosters a global community dedicated to integrity and excellence.

Member Benefits include:

- up-to-date legal updates and insights to navigate evolving regulatory environments and improve compliance practices.
- access to our team of legal experts who provide individualized guidance for your business,
- connections with a global community of like-minded individuals, demonstrating a commitment to ethics and integrity across the industry.
- advocacy for the industry from JVC's work with the Federal Trade Commission, US Department of State, and other governmental bodies, influencing the future of the global jewelry sector.
- recognition of ethical practices and industry excellence globally by showcasing JVC membership.

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The mission of the JCK Industry Fund is to support the jewelry industry's long-term success and growth by providing grant funding to organizations with the vision and programming to drive sustainable improvements across the industry.