So, keeping the picture big, the next conversation is going to be some people from outside of the UK talking about their perspective on how we make change happen. In particular, talking about Carrots & Sticks.

So, we know that as Caroline explained, you can win the hearts and minds of leaders but we know that sometimes they listen to the idea that they have a legal obligation and we know that the stick can be as useful and as powerful as the carrot in terms of making the change happen. In the UK we have a particular picture of that. What we have done here is pick people from outside of the UK to tell us their perspective.

So, Ellie, can I introduce you? This is Ellie Southwood, the Chair of the RNIB, who is chairing the session. I will check with you, I have the Slido here. I will join in again, or chip in if anything happens.

ELLIE: I will send up a flare! Great. Thank you so much. So, I am the Chair of RNIB. We are absolutely delighted to be sponsoring TechSharePro 2019. Thank you for the hospitality, Google. Thank you all for coming.

A fantastic opening from Caroline; it reminds us why all of this is important, why we do what we do. We are in an interesting place in the UK at the moment. We have a European accessibility directive, which, believe it or not puts an obligation on public sector websites and applications to enforce and to monitor the accessibility. There is a mixed view in the room as to how that is going. We also have incoming accessibility legislation as well. That will go wider. Now, whatever happens in terms of Brexit, it will be up to individual Member States to implement that. So, what better time to talk to experts from across the globe on how it looks from their perspective, what work, what really does not work and what that may mean for news the UK. So, we have four fantastic panellists with us, Alejandro, Malin, Stuart, you are all welcome.

We will hear from each of them on their perspective but to give you a snapshot of where RNIB is on this, we think of ourselves as a catalyst for change, and have a strong track record of collaborating with businesses. "Collaborating" is the key word. We are at the forefront of international advocacy on digital access, working with household names, including Samsung, Google and the voice of Amazon Echo, that came about as a result of an RNIB introduction, we are very proud of that. Our innovation work sees us providing expertise on products. Part of that expertise comes from our community, our customers, who are always up for giving feedback and helping us all to keep improving things. So, we tend to take a collaborative approach. Our experiences that recognising the needs of business alongside the needs of customers works well, however, I think it is fair to say that we don't believe that we have cracked it. There is still too much in accessible stuff out there, a technical term there, many barriers remain and many of our partially sighted and blind customers are struggling in an era where the shift to digital is where the consumers are needing stuff.

So, let's hear from the panellists. I don't know the order. Malin, let's start with you. Malin is head of -- this is a fabulous title -- Head of Authority for Universal Design of ICT in Norway.

MALIN: Thank you. Thank you. Yes, I head the authority in Norway, we were established in 2013. We oversee in Norway the regulations that came in place for both public and private sector for all apps, websites and self-serving machines so we try to oversee that they all follow the regulation and as you say, we have far to go! It has improved, I am glad to say over the six years but there is still far to go, in Norway, of course. I don't know ...

ELLIE: What has the response been to that, to the greater level of expectation around enforcement? Has there been much push back?

MALIN: Not so much. Maybe they are not all aware yet. What we have seen, we don't call it accessibility, we call it universal design. The aim is to find a way to change society, it is a society change. It has to come from Government but also from businesses and from leaders and stakeholders and the users, all coming together.

So, we do what we are famous for, I don't know if I am representing the stick in this group! But we do inspections of businesses and that is both public and private and we do issue fines. So, you should have thought this would make the pushback harder but we have tried to use both the soft and the hard approach. The important thing for us is to make people understand why we are doing this and how they can do it. So, the aim for us is not to fine people, it is to make them do things better. So, we try to use guidance and a softer approach for as long as possible but it definitely helps to have a stick, I think, in the end, at some point.

ELLIE: Always good to have a stick in your pocket, even if the carrot is what we are leading with! Fantastic. Is there a high-profile example, an example of where you have had to fine or nearly fine and how that has worked out?

MALIN: We do have a case that was a very high-profile, the SAS Airline. We did an inspection, there were a lot of things to correct. They had a time frame that they could not meet. It was quite long, six months at that time. When they did not meet it, we issued an order. We call it an order, they get ten days to fix it, if not, there were fine, the fines then were set to 15,000 Euros a day.

ELLIE: That sounds a lot of money to me?

MALIN: It is in the higher end, I would say. But what we look at when we set the fines is the company size and then the importance of the service to everyday life for the users. Booking an airline ticket is quite often used by most people, so it is an important service. Of course, there were a lot of errors left. So, the fines should also reflect on how big the errors are.

ELLIE: Okay. Lovely. Thank you very much. We will come back to you shortly. Yuval, we can hear from you next. The founder and President of Access Israel Org. How do things look from your perspective?

YUVAL: Firstly, thank you TechSharePro for the amazing event and to be able to share from our experience. We believe that the life of all people in Israel and coming to Israel will be totally accessible. We do that for all disabilities in all spheres of life. Now the first, around 14 years, where we promoted that with no legislation at all. We only had the tool of the carrots. So, we thought a lot of how to make such carrots that would be effective. The idea was to make a business case of accessibility and inclusivity. So, we had a number of ideas that we used, all of them. The first was an accessibility badge that everyone thought the image was better for clients, that was the first one we used it was amazingly affective. The second was a slogan called: Accessible Business Equals Profitable Business. Okay, although it was never researched in any academics and proven true, it sounds true! [Laughter]

It is easy to convince it but it was never proven, the target market was so large, 80% of disability, it is big. The slogans, they work. Third, it was amazingly effective, it was using the press. We engaged all of the medias, the TV reporters, the newspaper report, the internet reports, all of them and we told them, "Why don't be you be players in making that happen?" So, they actually jumped into the mission in two ways. One was the positive way, complimenting those that implemented, and the other way, it gave bad articles on those that were not. You know, press is amazingly effective. Then, we had social responsibility, okay? This is actually, I am sorry to say, quite a bluff, okay. On one hand it is supposed to be taking care of our issue, on the other hand, it was not in the standard or not even measured in the Israeli social responsibility organisations. So, we made that also a criterion in the organisations that were checking the responsibility of companies.

Also, we are at Google, we used Google also as a convincing way especially when we were talking about websites and the way they are shown on the search engines. So, using all of that, we had managed, especially the large organisations, from government, from municipalities and from the business sector so promote accessibility in a great way. This was the first stage.

We were very afraid what was going to happen when the law would go through. The laws were passed in 2013 and got effected only then. We were afraid if it was going to backfire or not. Now that it's a law, it will damage the trend of accessibility. We were very surprised that in the beginning the reaction was bad. People said it is going to cost us a lot, how are we going to do it? We don't need to see the clients, et cetera. But after a few months, it was zero ‑‑ it was amazing! So today, our recommendation to all of you is to don't be afraid. Aim high. Major legislation because only for the carrots, you will get full accessibility if you aim high. Don't be afraid: Aim high. And, yes, it is okay to use a stick of legislation. In Israel, everyone can sue a company. If you are not accessible, you can just sue it. It is being used. It is being used effectively.

The last thing I want to say is that even the judges like us! They are pro‑accessibility. So, it is a journey so we saw both sides. If any one of you want to learn more about it, feel free to collaborate with me later on. Thank you.

ELLIE: Thank you very much. What I really love about that is talking about accessibility as if it is a perfectly manageable thing to do. Often the frustration is what we lead with and we want it to be better. I think sometimes starting from a position of expecting it just to be there and just to be right, I think there is a lot for us to think about in that. We have been to Norway. We have been to Israel. Let's go to Europe now. So, Alejandro is Policy Co‑ordinator for European Disability Forum.

ALEJANDRO: Thank you very much. First of all, thank you so much for the invitation. I'm thrilled to be here. For those who don't know the European Disability Forum, we are the platform that brings together organisations representing persons with disability at a European level and also at a national level. Our members are those organisations representing, for instance, blind or partially sighted, the European Union of the deaf, inclusion Europe, and also those organisations at national level also representing the disability movement.

So, for the past few years, EDF has been very, very active on accessibility, on achieving that stick, that necessary legal framework. On that end, we have used a double approach. On the one hand, we have been pushing and advocating for disability‑specific legislation at a European level, such as the directive you mentioned for the public sector, and also the recently adopted European Accessibility Act which goes way beyond and it has a very strong component on ICT and new technologies, which is great. Unfortunately, not so good on the built environment and transport, unfortunately. We can go into that later, if you wish.

And also, it is also very important, it is about mainstreaming accessibility in sectoral organisations when it comes to media and telecommunications and the government and now artificial intelligence. We have been operating in these two strands. Obviously, also in standardisation.

I would say that it is being an interesting journey and I'm very, very successful when it comes to e‑accessibility. Finally, the EU has caught up with the US and even I think went a little beyond in some aspects. The key and what we found was that when you set accessibility provisions in the legislation and for instance, in the legislation about public procurement or the use of European funds, it says there that you must buy accessibly and buy accessible products and services, but it didn't happen.

Why is that? Because it didn't have accessibility requirements, it was just an obligation. You need to take accessibility into consideration but what does that mean in practice? From our perspective what we found is you need, first of all, a comprehensive scope in the legislation because you cannot just regulate accessibility of the e‑books, without looking at the e‑readers and the way you access those e‑books. Accessibility is an end‑to‑end environment and that needs to be addressed holistically, if I may. You need this comprehensive scope in legislation. And then you need the accessibility requirements for industry, for public administration, for NGOs to know what we mean when we talk about accessibility. In that regard, you need also technical accessibility standards to support the requirements, for industry to know how it implement those or how to fulfil those accessibility requirements. Lastly, obviously, you need a robust enforcement mechanism. This is what we have been advocating more and more or less successful in some areas, more than others, at a European level.

ELLIE: Thank you very much. That point about the holistic thing is really important, isn't it? If only one part of the chain, if you like, has that focus of inclusion, in terms of the customer and the person at the end of the chain that wants to use this stuff, it might as well not be at all.

So, one of the questions which has seven votes on Slido is around why we don't have more legal activity in the UK on this issue. So, I think this is a perfect moment to bring Stuart in. Stuart is Managing Director of Litigation at Disability Rights Advocates.

STUART: I'm Stuart. I'm an attorney; I do disability rights litigation at Disability Rights Advocates. We have something in the US, we have a 30‑year history with our disability statute. It traces its roots back to the civil rights movement of the 1960s, race and gender equality. One of the things that came out of that movement is wanting to make sure you didn't leave things in the hands of regulators. There was some distrust particularly with the civil rights movement of state regulators in particular, but also federal regulators. So, what you have is what is called a private right of action. Our main disability statute, the ADA, has taken from that history. How many folks know what a private right of action is?

ELLIE: No!

STUART: You can essentially go into court and sue. For 30 years, it is what advocates have done. When a person with a disability or an organisation that has constituents with disabilities notice there is a barrier that might be in violation of the access standards or the law, they can go into court to enforce that. One of the components of the ADA and the various state statutes we work with in addition to being able to go to court that individual or organisation, they prevail, so if there's a determination that there is indeed a violation that needs to be fixed, that person gets their attorney's fees and costs paid for by the other side. So, there is an incentive to fix things in addition to the fact the law exists. There is this stick of the private right of action and attorneys' fees. This has been in existence for almost 30 years in terms of the Americans with Disabilities Act. It is combined with a lack of clarity about what the regulators are doing or not doing. The Justice Department at the federal level is tasked with issuing regulations and enforcement of accessibility particularly what I deal with in terms of access to technology and physical accessibility. But they've been very inactive on this in the last few years. So, we cannot rely on the regulators in a sense that some folks ‑‑ I'm very curious in terms of Malin's work in Norway where the regulators have the power to fine ‑‑ that power in some areas in the States does exist but we can't rely on it. So there really has been a push to have the private sector enforcement. My not‑profit is private, we are funded by some foundations but also by some of the fees that we recoup on behalf of our clients from the court. That's something that exists. There are several of us around the country, a lot of NGOs do this kind of work.

Unfortunately, there has been a backlash against this private right of action. There have been folks who are less scrupulous who have been filing hundreds and hundreds of lawsuits against companies based on their websites and their apps. The business community has actually taken notice and a couple of years ago there was a move to get our Congress to limit this private right of action. At least you couldn't really ‑‑ under the proposed move you couldn't jump into court and you actually had to give the business an opportunity to cure it over a period of time. That didn't end up getting passed although some of the state governments have done something similar and the court where I do my most practice has a similar kind of notice requirement. That kind of backlash has taken some of the teeth out of our stick, so to speak.

One of the things I'm very interested in is learning from others. In addition to litigation being a kind of ruling sometimes, I'd rather be in a much more co‑operative position. We find when we work with companies and corporate entities, you are in the midst of the litigation and the hackles are up and you don't get to talk with the right people. We have worked with some advocates in California and elsewhere in the United States doing a hybrid approach. They call it structured negotiation. There is a woman named Laney Feingold, it is her patented method of negotiation. It is removed from the courts. It is written up and it is kind of like a contract and then you hopefully, when you have that contract, you get the lawyers out of the room and you put the tech people in with the affected individuals, you do some usability testing and make sure things work. And then at the end of the day, if there is an agreement, you sign a contract, you may never ‑‑ that contract may never see the courts, it is just about the fix or the access improvement, but it is enforceable in court. It is a hybrid of the two.

I'm actually very curious in learning how to balance those approaches. As advocates, I feel like we have benefited from the stick for the past 30 years. We have seen lots of access improvements. Initially, the ADA didn't have any language at all. It still doesn't have any language at all addressing things like apps and web technology. The courts have moved us there in interpreting the ADA in a way that moves the ball forward in terms of coverage. I feel like we have reached a point where we might be pulling back a little bit. I'd be curious to learn what others, especially folks who have done both approaches, can tell us about the carrot and its benefits.

YUVAL: So, was that the Pizza Hut case?

STUART: Domino's Pizza was the case. One of the benefits of that case is that essentially it told us, as advocates, and the business community, look, you don't have to wait for the Justice Department to issue standards. You can actually rely on what exists in the community, the WCAG standards and others as a guide. You don't have to wait for the regulatory bodies to act in order to bring things forward to the courts. It was a positive. The Supreme Court didn't take it up and the appeal is stopped in its tracks. At least as of now that piece of the stick is intact. I would actually encourage the business community ‑‑ we don't ‑‑ we actually want our litigation side, you know, to go out of business! We hope to do more of the carrot and less of the stick. As Alejandro mentioned, you probably need both at least in our litigious society in the States.

YUVAL: Are you sure about that!

STUART: Yes!

ELLIE: It is a really good observation about unintended circumstances. I wasn't familiar of that idea of vexatious litigation in this context and actually how that potentially damages the whole effort. So, I think that's really, really interesting to reflect on.

Thanks for your questions on Slido. There are a couple of themes. Malin, everyone in the room is feeling envious of the Norwegian position but wanting to know more. With thousands of websites around, how do you choose what to inspect? How do you go about that and do you sort of offer support to organisations to improve things as well as doing this inspection and enforcement side of it?

MALIN: We do different things. It is so important, I don't think that the stick is the answer to anything but what we have experienced with the audits that we have done, is that, because to make accessibility happen, you have to work on so many levels, both with the tech people but also with the leader. I think all leaders, with the stick for the fine, what we have seen is it definitely brings management attention, so it opens the doors for the tech people to do, what they have always wanted to do but it has not been prioritised, for instance. We have 14 people, it may not sound much to companies, but we have 200,000 businesses to oversee. A small country but still 200,000. So how to choose them? We have put emphasis on building our status, looking at the status, doing surveys, finding where are the barriers, which are the groups with the biggest problems, which sectors, we have chosen them from there.

Doing an audit is a very, it's a very time-consuming, labour-intensive task so. We have to choose the right ones. And like Yuval mentioned, the media, if you choose a business, a service that is relevant to many, the media will get on board and write about that case and forward the word, so to speak, that this may be the consequence and this is what you have to do. So, we inspect not many, about 20 companies a year. But we focus on the biggest ones and the ones with the most important services. Yes.

ELLIE: Excellent, thank you. A few themes coming through on the questions as well, I suppose they hint at where the leadership for all of this comes from, how can we expect the private sector to invest in this when routinely, the public sector and government websites are inaccessible, the experience is rubbish. You know, it would be really interesting, what Yuval was saying about the power of the media as well, and where are the leavers and the leaders for driving this, are we looking too much to the public sector, to expect them to be first when perhaps we live in an era where there is more innovation in other places. What are your thoughts on this?

YUVAL: The answer is pretty simple, today, the leaders are the business leaders. The business sector is leading and is showing the government how it is done. Government is doing that because it is a civic obligation, it is doing it after the private sector. I want to raise an important issue when talking about tech accessibility, website application, et cetera, all of the time, we are very focused on the technology being accessible but we don't put enough focus on teaching the clients, the target markets, the people with disability of how to use it, to even know that they have so many accessible, innovating technologies that can change their life. So sometimes, what happens, we have companies or organisations have amazing accessible technologies and they say that they are useable, as they can measure it, they ask, "Where are all of the giant target markets you are talking about?" We know that they are there but we don't put enough focus on having them know about it, use it and enjoy it. This is something that can help a lot, motivate also again and implement us to do it more and more and better.

ELLIE: That is interesting.

STUART: We have had several situations where you, through our client organisation groups a fix has been put in, some sort of innovative technology, then it goes in and it is not used or certainly not used by the percentage of people. We hear back that you forced us to do all of this work but we are not necessarily seeing the demand. I feel like the outreach is something. We are started doing in case work outreach to the community first to ensure that what we are asking for is actually needed and secondly, as a way of educating folks about the demand but it is a lesson learned the hard way. We had some companies telling us we were crying wolf, when there was a demand but just accessing it.

ELLIE: If what we are hinting at is that for these things it is a right and people with disabilities have an equal right to access, is there a consumer end of that, if you like, what we would have a right to in terms of being skilled and confident to use the stuff?

ALEJANDRO: I think so. This has been our demand to the European Union, to the Commission and to the European Parliament, accessibility is a human right. We are not stakeholders here. People with disabilities, we are right holders when it comes to accessibility. We have been using this approach of carrot and sticks and you actually, you can actually include carrots in the legislation, you know?

For instance, in public procurement we managed in 2014 to include that accessibility should be considered as a work criteria, so they meet us with offering a product or a service with the highest level of accessibility gets extra points selected by the public authority. This has not been used yet. The problem comes when you try to include remedial actions and enforcement mechanisms when it comes to the public sector, what you mentioned before, the difference between the public and the private sector. The public sector they don't want to include sticks for them. When we were discussing the web accessibility, we were proposing penalties, they said openly, they didn't want to oppose penalties to themselves. So, this worked for the other directive, the one adopted this year, the accessibility act in which the carrot is the I internal market, so over 500 million people and also beyond. The stick is basically, if you don't live up to the requirements, the accessibility requirements in the legislation, you cannot sell your product or your service in the internal market. The market authorities, they will be able to stop you from selling your products. So, here we have the two approaches in the legislation but it is, it has been a difficult discussion. Obviously, the challenge is to see how it rolls out at a national level.

ELLIE: Absolutely. If I were to ask each of you of a great example where you have really seen either a huge improvement in our accessibility of a particular, let's say, or maybe not website but a digital experience, what would you point to? I was reflecting on what we heard from Caroline at the start, making the case, and once you raise awareness amongst people, most will say, "Yeah, we should do that, we want to do that but how to get started? How to ensure we are not end up in court if in the US?" So are there ideas from the panel about how an organisation could get started.

ALEJANDRO: I have a suggestion!

ELLIE: Somebody has to go first, go for it!

ALEJANDRO: First it is key to hire more people with disabilities in organisations and in the public and in the private organisations. And the companies, as we have heard, with the 500, with the Valuable 500, the companies need to change their mind set. You need a leadership; you need to have a universal approach to when it comes to producing your products and services. This year, also, we were involved, Malin knows about it, on the European Standard, I think it is a great tool that we should promote widely. It is a European Standard on achieving accessibility following for all. It is similar to those management standards that the companies use like ISO9000, and this management standard. It tells you the requirements or the recommendations for the entity, regardless if it is public or private to ensure there is a universal approach or a Europe-wide approach, so to have a leadership, to have accessibility, to be having the accessibility requirements with the aim of addressing the non-users for the moment. I think this is a great actual we can promote in the coming years.

ELLIE: Fantastic. Malin, any thoughts from you on this?

MALIN: What I think was so important, you have all said it, not to be afraid. When we included ... we have always forgotten the question, why include all of the private sector but what you do, you include the whole country, everybody has to do the same, to move forward in the same way. Then you open a market for vendor, accessibility experts. I think that is maybe a takeaway ... that you shouldn't just focus on this, although I would agree with you with the rights but I think from a public perspective, it gets very like on the democratic side, the civic, it is the right thing to do, of course it is but if you include all of the private sector you can get the benefits and look at the profitable sides of it and get into more of a holistic view, maybe, if you can be brave and include all sectors.

YUVAL: I would like to connect to what Caroline said in the beginning about Valuable 500, it all starts with the leaders. Awareness and extending and obligation. But coming from the bottom up, it is very hard. If you convince the leaders to do that, they do it. On the other hand, it is not enough to have one company, another company, 20 companies, at the end of the day we have to remember who we are doing it for. We are doing it for all people with disabilities trying to live their daily live, simple live, simple tasks, 365 days a year. If, at the end of the day, it is not all accessible, we, the people with disabilities, live a big cultural gap. So, all the time you have to think of the big picture and aim for that. okay? It is very important, again, I am saying that because in my experience it is proven, think of the total picture.

ELLIE: Thank you. Stuart, is there anything you would add to that?

STUART: I echo the piece about hiring people with disabilities in positions of power in a lot of places and around accessibility. In the work, we have had, whether it is an initial request or a demand or even at the end of litigation, where there are folks or persons with disabilities who have had life experiences in decision-making positions, it has been a heck of a lot easier. We have often avoided complex litigation partially as folks can sit down and talk person-to-person on these things. There have been some companies, one that comes to mind, a couple of large healthcare providers, someone Sutter Health in California, I don't think that they exist outside of the Western States in the US. But they have taken it on as a proactive mission, a universal design, proactive mission, to educate other companies along the same lines. That was nice to see. I think that we initially sued, 10, 12 years ago but it is something that they put allot of attention to it quickly and they are now in a leadership position. Their position to us, and having seen the work, I take it at face-value, that their disability affects, it will affect all of us but it affects far more people than people in the C-Suites often recognise but they take a design approach and I'm hoping that others will follow.

ELLIE: So, a theme of decision-making and people in influential position, that is about being able to advocate as a customer or a user of a particular technology or a website. Thank you all so much. So, I think definitely themes around taking a holistic approach, having the right people and influencing leadership position, being brave! Following through on our desire to make an improvement. I think, making sure that our carrots are as tasty as they can be so people are persuaded and remind us of that so it does not take us backwards.

I promised AbilityNet to finish on time. So as not to ruin the programme, can I thank you for joining me in applauding the panel. [Applause]