

Toward a New Format for Canadian Legislation

**Using graphic design principles and methods
to improve public access to the law**

November 30, 2000

Submitted to the Human Resources Development Canada
and Justice Canada pilot project

by David Berman, R.G.D., MGDC, FGDC
(berman@davidberman.com)

“...every work of typography depends for its success
upon the clear conveyance of its intentions,
in words and otherwise, from one human mind to others.”
— Beatrice Warde, *The Crystal Goblet*

About the author

David Berman has more than 20 years of experience in graphic design and communications. Early in his career he developed a lasting interest in plain language and plain design. His work includes award-winning projects in the application of plain design and plain language for the *Ontario Environmental Farm Plan Workbook*. Other notable projects involving plain language and plain design principles include work for the Canada Customs and Revenue Agency, the Region of Ottawa-Carleton and the Ontario Literacy Coalition.

David brings both graphic design and information technology expertise to his information design work. As early as high school, he created and produced a magazine which was distributed in four countries. While training at the University of Waterloo in computer science and at Carleton University in psychology and typography, he became deeply involved with the student press, introducing microcomputers for the first time to the production of student newspapers in Canada. David also worked in the federal government as a computer systems analyst before turning his hobby of graphic design into his career.

Many consider his knowledge of typography, which he has taught as part of college curricula, to be unmatched in the National Capital Region. He has worked extensively in the adaptation of printed materials for electronic distribution, including Web design and software interface development. As graphic designer, communications strategist and type director, David concentrates on new media, information design, advertising creative, and marketing strategy at Herrera Berman Communications Inc. The firm is among Ottawa's most experienced design agencies.

Since 1984, David has worked to establish a code of ethics which embraces social responsibility for graphic designers throughout Canada. The Society of Graphic Designers of Canada ratified his version nationally in May 2000.

He served as the first elected president of the Association of Registered Graphic Designers of Ontario, the world's first accredited graphic design organization, from 1997 to 1999. He drafted the association's constitution and *Rules of Professional Conduct* and authored Ontario's accreditation examination on ethics and professional responsibility.

In 1999, the Society of Graphic Designers of Canada named him a Fellow (likely the youngest to have achieved the country's highest professional standing in this field) for his work on the *Code of Ethics*, accreditation and other national issues. In 2000, he was elected Vice President Ethics of the Society.

David is dedicated to realizing graphic design's potential to help improve the human condition and the global environment. He speaks at conferences and writes for professional journals on the important role graphic designers can play in enhancing social conditions around the world, as opposed to applying their skills to help organizations mislead their audiences.

You can reach David at berman@davidberman.com.

Table of contents

Executive summary	4
Plain design: an introduction	6
Definitions	7
What is plain language?	7
What is plain design?	8
What is information design?	9
How our government publishes laws now	10
Content and dissemination	10
Look and feel	10
Statutory environment for legislative design	11
A new design for the EI Act	13
Broad project scope	13
Usability testing	13
Guiding principles of the new design	14
Examples of the impact of plain design	16
Features of the new design	17
Typography	17
Colour	21
Accommodation of both official languages	21
Document features	23
Page features	25
Dimensional features	28
Accommodation of electronic distribution methods	29
Accessibility issues	29
Accommodation of production technology	30
Benefits	31
Conclusion	32
End notes	33
Bibliography	35
Acknowledgements	36
Appendix A (Sample page of current EI Act)	
Appendix B (Sample of new design, focus-tested version)	

Executive summary

This paper is part of an information design project at Human Resources Development Canada and Justice Canada. The project goal is for Parliament to pass a new version of the *Employment Insurance Act* written in plain language and exhibiting a new format that respects plain graphic design principles. This would be the first step toward similar reform for future publishing of all Canadian legislation.

This project can look to precedents from within Canada and around the world. The Ontario Securities Commission, the U.S. Government, the Australian government and the United Kingdom's Inland Revenue Service are all at various stages of redrafting rules, regulations or laws based on plain language and design principles.

All information design — whether for building navigation, software interfaces, store signage, or communication products — involves defining, planning, and shaping the content of a message and the environment in which it is presented to help users achieve a particular objective. Implicit in this definition is a systematic approach to analyzing and preparing plans for communication products, while working within the business constraints of the project.

Applying plain design, in concert with plain language principles, to publish the laws and regulations of Canada will benefit all Canadians. Using plain design to republish Canadian Acts and regulations can improve public access to the law without compromising the effectiveness of the law. Plain design increases public understanding of the law, enhancing the nature of Canadian democracy by making the meaning of legislation more accessible to all literate Canadians.

Plain design is good for government departments and agencies because it allows for enhanced client service and better communication with Canadian citizens. By making contact between government and citizens more effective, resources are freed up to deal with other important matters. The better the public can understand the Act without help from government, the more efficiently government can allocate resources.

A team of designers at Herrera Berman Communications Inc., under the direction of David Berman, worked with Human Resources Development Canada and Justice Canada to develop a new design of the *Employment Insurance Act* presented in the spring of 2000. (You will find a sample of the new design attached as [Appendix B](#), covering Part 1, Unemployment Benefits, of the *Employment Insurance Act*.) Their project mandate was to come up with the best possible communications solution. This mandate included biasing toward complying with the current regulations for publishing laws where feasible without sacrificing the potential for more effective communication.

The new design follows three broad principles: present information in ways that increase comprehension; structure information to be visually inviting and reassuring; and organize information to make it easy to quickly find what one is seeking.

The new design was developed specifically for the *Employment Insurance Act*, however, we also worked with Justice Canada to discover what situations can occur across all existing federal laws and took this information into account. Consequently, the new design of the *Employment Insurance Act* can be applied across most if not all other Canadian legislation and regulations.

The new design is more accessible to disabled readers. As well, though this paper mainly addresses traditional print publishing, the new design is also suitable for interactive electronic media.

Applying plain design principles to the way government legislation is published requires changes to some current publishing guidelines. These guidelines are embodied in the *Canada Gazette*, the official newspaper of the Government of Canada.¹ While the *Canada Gazette* has evolved over time, it relies heavily on publishing paradigms based on long-obsolete typesetting and printing technologies. The potentially disruptive effects of reviewing longstanding traditions in legislative design are more than outweighed by the benefits that flow from the new design. Ultimately, the new design will improve the public's understanding of the *Employment Insurance Act* and their willingness to read and use the Act, without compromising its accuracy or legal utility.

To help justify revamping Canadian legislative design, the new design was subjected to rigorous focus testing. Respondents preferred the new design by a wide margin. Even people who were familiar with the *Employment Insurance Act* overwhelmingly preferred the new design. This vote of confidence supports the overall philosophy as well as the specific design features of the new design. The test results also provide specific direction for the design team as they consider ways to fine-tune the new design.

Plain design: an introduction

Applying plain design, in concert with plain language principles, to publish the laws and regulations of Canada will benefit all Canadians. Using plain design to republish Canadian Acts and regulations can improve public access to the law without compromising the effectiveness of the law. Plain design will increase public understanding of the law, enhancing the nature of our democracy by making the meaning of legislation accessible to all literate Canadians.

Applying plain design principles to the way government writes legislation will require changes to current publishing guidelines. The *Canada Gazette*, the official newspaper of the Government of Canada, embodies these guidelines. The Queen's Printer has published it regularly since 1841, and its antecedents trace back more than two centuries. New statutes and regulations, proposed regulations, decisions of administrative boards (and an assortment of government notices which statutes require to be published) are disseminated this way.

While the *Canada Gazette* has evolved over time, it relies heavily on publishing paradigms based on long-obsolete typesetting and printing technologies. More importantly, when the government first published the *Canada Gazette*, it is unlikely that anyone expected the public (with its significant lower literacy rate than today) to read it. Its audience included members of the establishment, such as government officials, lawyers and business leaders.

Despite these constraints, the *Canada Gazette* remains an effective document. However, applying plain design principles to the publishing of Acts of Parliament will make them more accessible and more effective. Improved accessibility will likely result in more Canadians choosing to familiarize themselves directly with the law, rather than having to rely on experts such as lawyers.

Definitions

What is plain language?

Plain language is a style of writing that a reader is more likely to understand the first time they read it. It doesn't mean writing for a certain grade level — it means organizing and writing for your reader. Writing in plain language saves time and money for writers and readers: writing it is faster and it is understood more quickly. Plain writing gets its message across more often, more easily and in a friendlier way, than any other writing style.²

For most readers the benefits of plain language are intuitive. Since readers understand plain language more easily, they tend to prefer it to the often dense or impersonal prose of many public documents. And because they understand it better, they make fewer mistakes in dealing with it, have fewer questions, and ultimately save time and money — for themselves and for the authors or interpreters of the document.

Plain language means clear and effective communication — the opposite of “legalese” — and it has a long literary tradition. Plain language doesn't involve baby talk. Plain language and precision are complementary goals, not antagonists, because the choice between clarity and precision is usually a false choice. Countless projects worldwide have shown that writers can translate complex subjects into plain language with no loss of accuracy or precision.³ (One recent example is the U.S. Securities and Exchange Commission's pilot program to write parts of investment disclosure documents in plain language.)⁴

Plain language is not subverted by the need to use technical terms. Lawyers often have an exaggerated notion of the extent to which legal terms are precise or settled and unchangeable. For example, the word “give” can usually always be substituted for “bequeath.”

In fact, plain language often leads to more precise wording than traditional legal writing because it uncovers ambiguities and errors that traditional style, with all its excesses, tends to hide. People and organizations that undertake plain language projects are routinely surprised, and sometimes disconcerted, by the deficiencies they discover in their trusted old documents.

What is plain design?

Plain design is to graphic design what plain writing is to writing. Put simply, plain design is effective graphic design (graphic design is the visual representation and organization of ideas for a purpose).

Plain design is often very visually appealing. However, its appeal lies in its utility, not in subjective qualities such as the look and feel of the design or in decorative elements designed to manipulate mood.

Looking at how plain language compares to bureaucratic writing can help to understand plain design. Plain language is clear and designed to enhance understanding, while bureaucratic writing often includes jargon causing it to be less accessible to readers. Plain design is direct and utilitarian. Many examples of graphic design include extraneous elements, ornaments or techniques that serve no defensible communications purpose. Graphic design choices are best made based on their function rather than their appearance.

Plain design's strict adherence to function over form need not lead to uninspired or unoriginal graphic design work. In fact, it leads to design that is elegant in its simplicity and its ability to deliver a message.

All plain design — whether for building navigation, software interfaces, store signage, or communication products — is about problem solving. Plain design involves defining, planning, and shaping the content of a message and the environment in which it is presented to help users achieve a particular objective. Implicit in this definition is a systematic approach to analyzing and preparing plans for communication products, while working within the business constraints of the project.

Applying plain design to a document involves understanding basic cognition theory, fundamentals of what graphic design is and how it relates to other human faculties.⁵ Plain design experts use cognition theory and the idea of cognitive styles. These styles refer to the preferred way an individual processes information and describe a person's typical mode of thinking, remembering or problem solving. Cognitive style is a personality dimension which influences attitudes, values, and social interaction.

What is information design?

Information design is about organizing information logically so that everyone can understand it.⁶ Thus, information design encompasses both plain writing and plain design. An information designer knows that logical organization is about more than just good aesthetics, seeing little point in creating an attractive layout which fails to deliver the correct message to the intended audience.

The design of information may involve adapting a message from one language or set of cultural assumptions to another, from official or technical jargon into plain English, or from complicated diagrams into straightforward listings. Information design, because it must reach everyone, is as much about process as anything else: it involves all the techniques for clear communication — planning the document, designing it, organizing it, writing clear sentences, using plain words, and testing the document whenever possible on typical readers.

Tradition has conditioned many graphic designers to regard the design of information as something that is somehow beneath them: they prefer to consider the aesthetics of a publication over spending their time figuring out what information is needed and where it should go. Such designers would prefer to leave these tasks to writers, typesetters, engineers, architects and bureaucrats. As a result, the value of information design is often neglected and ignored in Canadian society.

There are some encouraging signs that our society is now recognizing the value of information design. More and more organizations are discovering the advantages of clear communications. Their response signals a fundamental shift in design thinking to a model where something can be more efficient, more practical and more affordable, precisely because of its logical design.

How our government publishes laws now

In order to appreciate why this document recommends republishing federal acts and regulations using plain design principles, it is necessary to understand how acts and regulations look at present. This section also outlines some of the statutory limitations and barriers to understanding associated with current legislative design.

Content and dissemination

The *Canada Gazette* is published under authority of the federal *Statutory Instruments Regulations*,⁷ and consists of three parts:

- Part I: Material required by federal statute or regulation to be published in the *Canada Gazette* other than items identified for Parts II and III below (published every Saturday)
- Part II: Statutory Instruments (Regulations) and other classes of statutory instruments and documents (published every second Wednesday)
- Part III: Public Acts of Parliament and their enactment proclamations (published as soon as is reasonably practicable after Royal Assent)

The *Canada Gazette* is available in some libraries and on the Internet (<http://canada.gc.ca/gazette/main.html>) for consultation.

[NOTE: Readers interested in reviewing the Canada Gazette in greater detail can contact bookstores selling government publications as listed in the telephone directory or write to: Canadian Government Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S9.]

Look and feel

To get a sense of the current look and feel, please look at the sample page attached as [Appendix A](#).

Overall, the *Canada Gazette* has a number of major design features that run counter to basic plain design principles. These design features as well as subtler ones, along with our suggestions on how to improve upon them, are explored in greater detail later in this document.

Statutory environment for legislative design

Statutory Instruments Regulations

Section 10 of the *Statutory Instruments Regulations* requires the *Canada Gazette* to be published using a typography, style and format that is substantially similar to those used to publish the public general Acts of the Parliament of Canada. The requirements for publishing these Acts are contained in the *Publication of Statutes Regulations*.

These requirements will have to be reviewed and changes will be needed to accommodate the new design. The new design cannot retain its integrity if it must comply with these regulations.

The barriers to plain design in the *Publication of Statutes Regulations* are

- Section 2, which says that the annual Statutes of Canada must be printed in the same size of type and in the same form as the printed bills of Parliament “so far as practicable” (the current type size and form for printing bills would not permit the new design), and
- Section 5, which sets strict standards for page numbering, page dimensions and text layout.

Personal Information Protection and Electronic Documents Act⁸

The *Personal Information Protection and Electronic Documents Act*, which was passed on April 13, 2000, contains measures to protect personal information in the private sector. It also provides for electronic alternatives for doing business with the federal government and clarifies how the courts are to assess the reliability of electronic records used as evidence.

This Act also made a number of changes to other Acts to allow for the electronic publication of legislation, including:

- changes to the *Statutory Instruments Act* authorize the publication of the *Canada Gazette* by electronic means,
- changes to the *Statute Revision Act* authorize the publication and distribution of an electronic version of the consolidated statutes and regulations of Canada, and
- changes to the *Canada Evidence Act* ease the admissibility of electronic documents, including electronic versions of legislation.

This is of interest because it opens the door to the use of different formats from that currently used for the *Canada Gazette*. This willingness to change the rules to accommodate new publishing media may signal a broader willingness, when discussing formatting guidelines, to consider how documents are used and what can be done to make them easier to use.

A new design for the EI Act

A team of designers at Herrera Berman Communications Inc., under the direction of David Berman, worked with Human Resources Development Canada and Justice Canada to develop a plain design version of the *Employment Insurance Act* presented in the spring of 2000. (An example of the new design is attached as [Appendix B](#), showing its application to Part 1, Unemployment Benefits, of the *Employment Insurance Act*.)

Broad project scope

The new design was developed specifically for the *Employment Insurance Act*. However, at the same time, we worked with Justice Canada to discover what structures (such as numbering) can occur in general across all existing federal laws. We took these broader parameters into account, ensuring that the new design for the *Employment Insurance Act* could also be used as a template for publishing all Canadian legislation and regulations.

Usability testing

The department subjected the new design to focus testing, in which the testing organization asked readers to perform a variety of tasks to demonstrate the utility of the new design. As a control, they tested the current printed version of the *Employment Insurance Act* in a similar fashion so that comparisons could be drawn between the two editions.

Readers were asked to find specific pieces of information and their performance was timed. Readers were also asked to show that they understood specific sections of each document. Regardless of whether the respondent was familiar or unfamiliar with the Act, the new design was consistently rated as more user-friendly and effective at delivering information, engaging the reader and fostering an understanding of the *Employment Insurance Act*.⁹

In fact, the breakdown of the respondents’ reactions to the report suggests substantial support for adopting the new design:¹⁰

	English General Public	French General Public	English Informed User	French Informed User
Overall preference for plain design versions	89%	88%	71%	96%

These impressive results support the overall philosophy and specific design features of the new design. The usability report also provides specific data to help fine-tune the new design.

[NOTE: For a detailed account of the testing process and its results, please refer to “A Report on the Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act”, available from Human Resources Development Canada.]

Guiding principles of the new design

We followed three guiding principles during the redesign of the *Employment Insurance Act*. These principles governed all of the subsequent design decisions. The detailed design elements are explored in the next section: “Features of the new design”.

1. Organize information logically to increase comprehension and comprehension speed

Clearly organized information results in higher retention and greater comprehension, with less effort on the part of the reader. Consider this example of effective information design: the plain language version of the Act uses descriptive headers so readers absorb information more quickly and easily, and understand its relationship to other information.¹¹ The new design complements this by positioning these headers so they are easily located and logically grouped, including listing them in the table of contents. We also use variations in typeface weight and size to place emphasis appropriately, further assisting the reader in understanding this information while making its context clear within the overall document.

2. Organize information so it is visually inviting and reassuring

Readers are attracted to plain design because it sends a strong signal that their needs are being taken into account and that they will be able to understand the content. In all graphic design, messages are being sent at two levels: the overt message is the content of the document itself, preferably organized for easy access and comprehension. However, equally important with regard to maintaining the confidence and attention of the reader is the covert message sent by the overall design: that the document is carefully organized and therefore both worthy of attention and likely to be convenient to digest. Plain design uses simple techniques to draw the reader in and enhance understanding. The designers carefully consider seemingly minor considerations, such as the use of empty space in the design, to maintain the readers confidence throughout their interaction with the document.

3. Organize content to leverage the impact of legal documents

Information design is primarily concerned with conveying information in an organized and effective way. Of course, the design used in current legislation shares this goal. However, the plain design version offers so much more, finding ways to maximize the impact of the information being presented.

Information design is ideal for application to legislation because the process seeks to enhance understanding and accessibility. Legislation and regulations published using plain design can have a much wider impact than is possible with traditional design formats. Plain language versions of regulations can result in improvement to all the writing that echoes regulatory language, from manuals to correspondence. Because of its utility, plain language and design reduces the time and energy people spend in contact with government departments and agencies. In turn, this helps staff in government departments and agencies dedicate more time to enhancing client service and communication with Canadian citizens.

Information designers typically choose plain design with the general public in mind. However, because it is so effective at conveying complex information, it works equally well as a tool for experts like government officials and lawyers.

Examples of the impact of plain design

Benefits of plain design have not gone unnoticed. Many influential agencies and organizations have adopted plain language and design principles. Here are examples:

The Ontario Securities Commission

Securities regulators have adopted plain language and plain design guidelines for prospectus writing and other important documents that investors rely on. The Ontario Securities Commission says that access does not mean just physical access. Information must not only be disclosed in a timely way, but there also must be progress toward making that information comprehensible to the broadest possible cross-section of investors.

(http://www.osc.gov.on.ca/en/About/News/Speeches/investor_protection.html)

The United States Government

The Plain Language Action Network (PLAN) is a government-wide group working to improve communications from the U.S. federal government to the American public. They believe better communication will increase trust in government, reduce government costs, and reduce the burden on the public. They work with government agencies to help them comply with the Presidential Memorandum on Plain Language.

(<http://www.plainlanguage.gov/>)

For example, the U.S. Securities and Exchange Commission is on record saying that investors need to read and understand disclosure documents to benefit fully from the protections offered by federal securities laws. Because many investors are neither lawyers, accountants, nor investment bankers, the commission identified a need to start writing and designing disclosure documents in a way that more investors could understand.

(<http://www.sec.gov/consumer/plaine.htm#A4>)

The Australian Government

Australia was the first English-speaking country to embrace such concepts. In 1993, the Tax Law Improvement Task Force was set up to rewrite Australia's Tax Laws, introducing legislation into their Parliament in periodic installments. Projects such as the Corporation Simplification Project (1993) and the enactment of tax legislation, such as the *Tax Law Assessment Act, 1997* had a significant impact on our project.

(<http://www.opc.gov.au/links/plain.htm>)

The United Kingdom's Inland Revenue Service

The United Kingdom's Inland Revenue is rewriting British tax laws using plain language and design guidelines. This effort is aimed at improving relations between the agency and the British public.

(<http://www.inlandrevenue.gov.uk/rewrite/wayforward/tlra1.htm>)

Features of the new design

This section relates specific design features of the new design. (An example of the design is attached as [Appendix B](#), where it is applied to the plain language test version of Part 1, Unemployment Benefits, of the *Employment Insurance Act*).

Typography

Typography is the tone of voice of the printed word. When we speak aloud, meaning is delivered not just in our words, but also in our volume, cadence, and tone. Excellent typography allows us to deliver those additional levels of meaning through the careful choice of letterforms and how we arrange them. Just as in spoken word, clarity is often dictated by the delivery as well as the choice of words. In the matter of delivering the law, the confidence, authority and desired clarity is delivered through carefully executed typography. The first critical decision in this pursuit is the selection of typefaces.¹²

Typefaces

After extensive research, considering sample settings of dozens of typefaces, typeface families were chosen for their individual qualities as well as how they work together. We chose two typeface families that harmonize extremely well. Limiting the design to one typeface family would not have afforded all of the variations in information levels required for the document. Conversely, selecting more than two families would have risked confusion due to too many varieties of letterforms on each page, as well as unnecessarily burdening the publishing process.

As is common in publication design, we selected a serif typeface for the text and complemented it with a sans serif typeface for the supporting titles, heading, footers and so on. This is one of the best ways to add typographic impact to a document.¹³ This approach is also especially suitable for this project, as we used the distinction to create a clear contrast between the law and the supporting text that helps organize it.

We limited our search to typefaces that are widely available, which simplifies production and increases the likelihood that associated documents would be set similarly. At the same time, we avoided typefaces such as Times Roman which are so ubiquitous as to have lost any sense of distinctiveness.

We also limited our search to typefaces which reproduce easily in a variety of technologies. This makes the traditional printing process more flexible, while also ensuring that such combinations as faxed photocopies are more likely to maintain legibility. The key quality which ensures this in the typeface is a relatively thick

minimum stroke width in thinner weights and fairly wide counters (the negative space captured within, for example, a letter *o*) in thicker weights. We also favoured typeface families that offered well-designed and definitively contrasting bold and italic variations.

We sought typefaces with an efficient width, allowing more characters on a page while retaining an effective size affording easy reading. Because a given letter may be wider in one typeface than another, typeface width is typically measured by measuring the width of the entire lowercase alphabet. Both of the typefaces we have chosen score high in terms of legibility and also offer more letters an inch, resulting in more words on each page, which allows the reader to absorb more information between page turns.

We also chose typefaces which exhibit certain legibility characteristics, most notably a large lowercase x-height (defined as the ratio of the height of the lowercase *x* to the overall distance between consecutive baselines). Most of the ink used to reproduce a font (and therefore most of the delivery of meaning) is used in the parts of the alphabet that span from the top to the bottom of a lowercase letter *x*. When the lowercase x-height is high, the typeface looks taller and larger than it actually is. Therefore, the typeface is apparently larger than another typeface set at the same point size of the same overall mathematical height, making it easier to read while taking up relatively less space on the page.

Many typefaces have qualities that evoke a certain emotion.¹⁴ We chose typefaces that have a neutral emotional tone. This avoided inappropriateness in dealing with the wide range of often difficult topics considered by the law, as well as avoiding the possibility of the tone of the typeface getting in the way of the message.

We selected Century Oldstyle for the body text, and Frutiger for titles, headers, footers, notes, and other contrasting uses.

[NOTE: We considered limiting our search to typefaces designed in Canada, however there were no appropriate candidates that fit all of our criteria.]

Century Oldstyle

Morris Fuller Benton designed Century Oldstyle between 1908 and 1909. The design echoes the proportions of Century Expanded with its fairly large x-height, short ascenders and descenders, and large capitals, but Century Oldstyle has “oldstyle” serifs. (Serif typefaces have small horizontal lines on the letters that lead the eye forward. Thus a serif typeface is typically used when you have a lot of text, as it helps the eye quickly distinguish between individual letters.) Century Oldstyle is still renowned for its legibility, and is a very good typeface for magazines and other publications.¹⁵ (The body text of this paper is in Century Oldstyle.) Of the half dozen Century typeface families, Century Oldstyle is the most efficient because of its condensed weight which permits more characters on a page.

So respected are Century typefaces for legibility that most Canadian schoolchildren are exposed to Century Schoolbook, another variant of Century, when they learn to read (Century Schoolbook is the “See Dick Run” typeface). Thus most Canadians not only recognize the typeface and find it very easy to read but many also will have a positive familiar association with it. People who did not learn to read in Canada, or people who learned to read later in life, will find the font relatively easy to read.

Frutiger

Frutiger, originally designed in 1976 by Adrian Frutiger for the signage at the Charles de Gaulle airport in Paris, where quick and easy comprehension of short text is essential, and has since become one of the more popular typefaces for corporate use.¹⁶ (The larger headings in this paper are set in the Frutiger typeface.) It is a sans serif typeface. (Sans serif typefaces do not have the additional features of serif faces and tend to be composed of more straight up and down lines, resulting in a more mechanical look. Sans serif typefaces are ideal for headlines, signs and other instances where small amounts of text are expected to deliver an important message.)

Frutiger offers all the traditional advantages of a sans serif typeface but also has some of the qualities of a serif font: it is classified as a “humanist” typeface, in that it shares variations in stroke width and organic curves not usually seen in typical sans serif typefaces.

[NOTE: If the government wishes to take even greater steps toward accessibility, particularly for adults who learned to read later in life, a special typeface could be commissioned for the laws of Canada, modifying Century Oldstyle regular weight lowercase letters *a* and *g* to reflect the cursive hand with which we draw letters: this property is exhibited in the Century Oldstyle’s italic *a* and in Frutiger’s *g* in all styles.]

Variations within typeface families

Variations in sizes, weights and styles of a typeface can denote different levels of meaning. Emphasis is achieved by using bold weight or by varying typefaces (for instance, in headings). Additional features employing special typographic treatments are identified later in this document.

The new design uses the variation of an ALL CAPS setting very sparingly. This is because ascenders and descenders (the parts of individual lowercase letters that extend above or below a letter’s lowercase x-height) are no longer present. Ascenders and descenders give words shape, helping the eye recognize entire words at once, thus increasing comprehension speed. The only place we use all caps in the new design is within the footer, where the name of the Act is repeated on each page, since this phrase need only be read once. By contrast, the *Canada Gazette* uses all caps for a number of different headings.

Type size

The size of the *Canada Gazette*'s body text is approximately 9 point, which for most readers is uncomfortably small. The new design uses a 12-point font for the body text because larger type is easier to read. (Choosing a size larger than 12 point would have compromised the amount of information on each page, as well as resulting in uncomfortably short lines of type.) The new design's type size was preferred by between 94 and 98 per cent of users depending on the group in question (i.e., general public vs. informed users / English vs. French users).¹⁷ The new design uses more space: testing showed that readers are willing to tolerate this if it enhances meaning.¹⁸

[NOTE: The typographic measure, a *point*, equals approximately 1/72 of an inch.]

Line spacing

Adequate distance between consecutive rows of type — line spacing — makes it easier for the eye to stay on the current line, thus speeding reading and improving comprehension. It also makes it easier to read, allowing the eye to finish a line and then return to the proper row of text. And it makes it easier to return to the current line after an interruption. The new design contains more spacious line spacing (14 points), than the *Canada Gazette*, which uses 10-point line spacing.

Line length

The number of characters in a row of type affects comprehension speed: too short a line (such as in the existing design) slows comprehension and risks error as the eye has to move too often to the next line; too long a line encourages the eye to accidentally wander to another line. The best line length for long texts is between 50 and 70 characters a line.¹⁹ Our design has 63 characters a line on average, while the *Canada Gazette* version has 42.

Justification

Unlike the *Canada Gazette*, all the margins in the new design are flush left and ragged right. This is a simple plain design technique that makes a document more visually appealing and easier to read. Justifying the right-hand margin, as is done in the *Canada Gazette*, is an anachronism from the early days of the printing press. Early printers attempted to gain the legitimacy of the standard handwritten texts of medieval scribes. Typesetting technology was developed to distribute additional space between words in order to get the right end of each row of words to align.

Unfortunately, the result is decreased legibility. The arbitrary change in how much space appears between consecutive words causes the eye to stop (and even be tempted to wander down a line) and also challenges the eye to find the next row of words because it denies each row its own characteristics.

Colour

Using coloured ink, as opposed to just using black ink, can help to further emphasize key pieces of information. The *Canada Gazette* does not use colour, likely because it was designed at a time when adding colour was far more expensive and complicated than it is today. In the new design, we have used colour as a secondary cue to help associate levels of information, easing navigation through the document, while making the document generally more inviting. We have also used colour to enhance the functionality of the thumb index.

Our use of colour is implemented in a way that does not distract the reader, and has been carefully structured to ensure that the design does not malfunction when reproduced in black and white only. In publications such as this one, which are likely to be photocopied or faxed, colour is best used as a secondary method of distinguishing information, since it may be lost in reproduction. This also accommodates readers who won't be able to discern the colour due to colour blindness or poor lighting conditions.

The design team recognizes that using colour will make the Act more costly to reproduce; we believe that the benefits to the general audience outweigh the additional cost.

Accommodation of both official languages

Why it is important

Section 2 of the *Publications of Statutes Regulations* requires legislation to appear as it does in bills introduced in Parliament. Therefore, the *Canada Gazette* publishes English and French side by side on each page.

It is very important that both official language versions of the law are available together, since subtle differences in interpretation often result when comparing the two languages. In a court of law a lawyer is supposed to be able to point to a specific section of the law and have both languages immediately available. Further, when referring to the law people are supposed to be able to use a single page and paragraph reference, which applies to both languages.

The current solution

Publishing two languages on the same page poses a number of design problems. The *Canada Gazette* format has subordinated legibility in the interests of keeping the two official languages in step.

In order to make sure that the tops of each matching paragraph align in both languages, vertical space is added between paragraphs whenever necessary. For a reader only considering one language, which is more often than not the case, the text is punctuated by arbitrarily sized chunks of vertical space. This makes the text choppy and harder to read, and overall makes the document less inviting.

Some readers are distracted by the presence of the other language: since half the page they are reading is populated with words they may not need, they may have to scan twice as many pages than necessary, or flip pages twice as often. When focussing on one language, they must subconsciously avoid being distracted by the other column of text. This is especially difficult for bilingual readers not accustomed to this format, as what they must avoid is content that has meaning to them.

As well, due to the need for symmetry on each page, the side notes are justified differently for each language, giving better legibility to one and the other. Symmetry also puts one language on the left and the other on the right, creating an inequity of priority amongst the two languages.

To pack both languages onto each page, the text is forced into a line measure too short for optimal legibility.

When propagating copies of the law for a unilingual audience, users must photocopy or fax twice as many pages as they need.

Our solution

Fortunately, we have found a solution where ready access to both languages need not be traded off against legibility. The new design honours the equal authenticity of each version without printing both languages on the same page. Instead, the two languages always appear on facing pages, with each two-page spread having the exact same laws in both official languages. This two-page format was preferred by a wide margin by French and English users alike in the usability test.²⁰

Additionally, we no longer synchronize sections horizontally: rather we use other visual cues so it is easy to find matching English and French, without having to insert extra space between paragraphs. (A given pair of matching pages still always begins and ends on the same sentence in each language.)

The priority being given to each language is more balanced than in the present solution: French now gets treated with priority because it appears on the right-hand page which is the first place the eye looks (which is why page 3 costs more than page 2 when buying newspaper advertising!), while English gets the advantage of appearing on the left-hand page which appears first from left to right. Both languages still appear at the same time whenever a lawyer displays an Act in a court room.

Each pair of pages bears the same page number followed by a smaller lowercase *e* or *f* to indicate the English or French version of the page respectively. This innovation allows readers to continue to refer to a page consistently across both languages, while adding a useful way to quickly refer to differences between page 4e and 4f, for instance.

Accepting this one-language-a-page idea has merit for a variety of compelling reasons:

- A reader can more easily concentrate on one language, moving through the text without having to navigate occasional jumps of white space which vary in depth.
- The ability to compare information quickly in each language is actually stronger in the new design, due to the matching visual cues making it clear where each section begins.
- More information can be contained on each page, making the document easier to use and the content easier to retain.
- The document is easier to photocopy and fax.
- Optimal line length can be achieved.
- Overall, the entire page design is opened up to allow for many other effective design features, such as the space that now allows for detailed headers.
- The equal authenticity of each version is honoured by ensuring that the English and French pages contain exactly the same information.

Document features

Table of contents

The table of contents mirrors the typography of the text that it refers to in terms of colour, choice of typeface, the weight (thickness) of the type and, where possible, the font size. This approach makes the symmetry between the table of contents and the document easier to recognize, which in turn makes it easier to find what you are looking for, increasing the likelihood of the document working for the user. We decided not to put page numbers next to the section headings in the table of contents so that readers would not get confused between the numbers in the Act itself and the section headings in the document.

Use of diagrams

The concept of using diagrams to help describe laws is revolutionary, and likely the most innovative information design feature in the new design. Because the law is concerned with describing a certain kind of logical process the essence of a law can be

outlined in a diagram (i.e., a given type of behaviour is covered by a given law which mandates a given legal response). Diagrams facilitate quick understanding of how a law works in an overall sense and how different parts of a given law relate to each other.²¹

This method of interpreting the law could prove useful to a wide variety of people. Everyone, from individuals needing to know if the general provisions of a piece of legislation apply to them through to senior government officials who need to gain a quick appreciation of a particular piece of legislation, will find diagrams extremely useful.

After creating a series of diagrams we discovered that diagrams could contain references to the actual legislation numbering, allowing users to flip the page to a specific part of the legislation. This also offers exciting potential for electronic versions of the document, where people can potentially navigate the law by drilling down through the diagram to reach the associated wording. For some users, especially those who are “right-brained”, this visual approach to finding their way through the law can make the difference in whether they will take the time to engage with the law at all. It is important to note that the diagrams are secondary cues. This means that readers who prefer not to use them can do so without compromising their understanding of the text.

[NOTE: We noticed that the process of creating a flow chart diagram of some laws can result in discovering inconsistencies that were not accounted for in the legislation. Of course this is beyond the scope of our expertise. However it suggests that if rendering laws into diagrams was part of the process of drafting, the resulting legislation would in some instances be substantively improved.]

Legislation numbering

Legislation numbering refers to how portions of the law are numbered and lettered for quick reference. It is tempting to argue that a metric style system (for example, 65.1.23.3) should be introduced to rationalize how the legislation is numbered, including renumbering existing items when changes are made to an existing Act. However, after studying many options, a decision was made to retain the existing numbering system for two reasons. The first is that it is impractical to renumber an existing act when so many sources and dependent documents already refer to the present numbering. The second is that there is value in the current numbering system in that it allows readers to immediately identify what part of the Act is being referred to in context because of the different classes of labelling: numbers, letters and Roman numerals (for example, “2(a)(ii)”) and so on. Thus, if two people are discussing an Act they can simply refer to “Roman numeral 2” and both will know what level of information to which they are referring. Therefore, we have retained the existing numbering system, though we believe this area should be explored should the new design be applied to a new Act in the future.

Page features

Division of space on the page

In the new design, there are two levels of information on each page: the content and the navigation. The inner rectangle of our design grid contains the legislation in the central part of the page. The outer rectangle of the grid includes the navigational tools (the header, footer and ear) as well as the inner rectangle. In this way we make it easy for readers to unconsciously distinguish between the document level and the page level of information. This will allow them to find what they need more easily, then interpret what they have found with less distraction.

Use of white space

The new design consolidates white space, substantial area where there is no ink, bringing attention to the highest levels of information, while giving areas for the eye to rest and thus remain alert. This is also enhanced by the “bullet-style” lists, one of the improvements of the plain language approach.

Columns

The page grid (the invisible grid against which all elements on the page align in some way) includes the text broken into two vertical columns of unequal widths. The first column contains headings, high-level numbering and side notes, while the second wider column contains minor numbering and the law itself. This innovative arrangement (neither technically realistic nor culturally acceptable when the *Gazette* was designed) allows different levels of information to appear in common places, while allowing readers to scan vertically through the material to locate sections they wish to read. It also supports our approach of consolidating white space into pleasing chunks. The differing column widths allow a pleasing balance of readable line lengths and aesthetic appeal.

The column system contains our convenient organization of legislative numbering on each page. This allows the reader to move down the page quickly when searching for various levels of numbering. A column of information appears under each section number. Topic titles also have their own column. Together, this results in information that is easier to navigate and absorb, with the main content of the law isolated in its own column for those wishing to read it continuously.

Headers

The headers are wider than the content area of the page, thus separating the two and helping prioritize the navigation.

A range at the top of each page indicates which sections of the law begin and end on that page (similar to how last names appear in the white pages of a telephone directory).

Next in the header is a two-row description of exactly where the reader is in relation to the Act by indicating a part division and a subdivision. The labels are each in a lighter weight of type than the actual name, which is in bold, making it easy to focus on the information in the headers that potentially changes from page to page. These features allow you to look at an individual page and know where it fits in the Act, even if the page you are looking at has been separated from the rest of the document. It also lends itself to electronic versions that would contain hypertext links allowing you to click back up as many information levels you wish by clicking on various parts of the header.

Throughout the header, the format of each piece of information matches the table of contents, helping to reinforce the overall navigation plan of the document.

Folios (page numbering)

Our suggested solution for page numbering is innovative. The page numbers, or *folios* each contain a suffix: either *e* for English or *f* for French. This makes it immediately apparent to which language a reader is referring. It also greatly reduces the chance of confusing sections and page numbers (i.e., “section 2” versus “page 2e”).

[NOTE: Focus testing suggests that this feature may be uncomfortable for some readers. We are still considering whether to retain this feature in the final design.]

Thumb indices

The thumb index, the labelled block of ink that reaches the outer edge of each page so that an entire part of a document can be seen when the book is closed, appears on the outer side of each page. Just like colour, thumb indices must be used as secondary navigational cues since they won't necessarily be present when the page is reproduced with technologies that do not allow printing to the edge of the paper (such as photocopying, faxing, or laser printers). This feature gives readers a high-level navigational cue when the book is not yet open and an additional way to know their location when viewing a given page.

Cross references

Cross references to the glossary are underlined. We designed this feature in support of the emphasis put on glossary use in excellent plain writing. (We haven't yet designed the glossary or finalized where it should be positioned. Some would argue that the glossary should be at the front, rather than at the back of the document.)

We chose to underline (as opposed to using a dagger or other typographic symbol which would follow the reference) to eliminate ambiguity that would be caused if the reader did not know how many consecutive words were being highlighted. The underline is also advantageous as it co-opts the growing visual standard born of the World Wide Web where underlining indicates that there is more information about a word or phrase, which is what a glossary is all about. Additionally, in electronic versions of the design these phrases would become actual hypertext links to the glossary.

[NOTE: We recognize that the thickness of underlining which appears in our design may cause distraction to a reader not interested in the glossary references. Unfortunately, the thickness is beyond our control in the current software being used to render the documents: we anticipate that future software used to produce the documents will afford a thinner, less distracting underline. We strongly considered using colour instead of underlining but rejected this since we cannot assume that every reader will see the Act in colour.]

Side notes

The new design places side notes in the left-hand column of each page. This consistent placement on the first column of each page makes the information easy to find. The *Canada Gazette* places the French side notes on the right-hand side of the page. The new design allows for French text to enjoy the same priority as the English version. The usability test showed that users greatly preferred the side notes in the new design.²²

[NOTE: Users registered their preference for the side notes in the new design because of both the plain language used and the plain design.]

Notes

In the new design, notes immediately follow what they refer to (instead of appearing at the bottom of the page) so the reader is not forced to move around the page, potentially losing their place, before determining if the note is even relevant for them. The notes are in a smaller size of type than the main text, to offer a cue that they are notes and also to allow those who do not wish to read them to easily skip them. The practice of placing notes at the page bottom is an anachronism from when typesetting technology could not easily accommodate different sizes of type within a paragraph.

Page breaks

Rather than ending some pages in the midst of a sentence, the new design ends each page with the end of a concept or idea. This aids retention of information and is also essential for facing English and French pages to begin and end at the same point. By contrast, the *Canada Gazette* breaks pages in a more haphazard and less reader-friendly manner.

Dimensional Features

Page size

The *Canada Gazette* is 9.75" x 8.125". The new design is 8.5" x 11". The new page size offers a number of advantages. Primarily, it permits more words on each page. This allows for more information to be grouped together, which enhances understanding and the speed at which a reader can absorb ideas. The new page size also offers the advantage of being a standard size used in photocopiers and printers.

Binding

We recommend a binding method that allows the book to lay flatter when open than is currently the case with how the *Canada Gazette* is published, making it easier to keep the book open and to read text that is close to the gutter (where the left and right pages meet).

Three-dimensional characteristics: paper, storage, shipping

The document should be printed on paper that is off-white (so as not to tire the eye), with a matte finish (to reduce glare that would make it harder to read), sufficiently opaque (so you cannot see through to the next page when the page is laying flat), Canadian-made with a high content of post-consumer recycled waste, while remaining as thin as possible to minimize storage space and shipping weight.

Display

If a spiral binding is used to get the document to lay flat, then a wraparound cover must be designed so that text identifying the book is still visible on the spine when stored upright on a bookshelf. Such a wraparound cover could also incorporate a convenient bookmark flap to mark one's place.

Accommodation of electronic distribution methods

The new design was developed with electronic distribution in mind, something the *Canada Gazette* design could not have anticipated. The design is flexible enough to work effectively in printed or electronic form. For example, the chosen typefaces are highly legible on cathode ray or LCD displays, as well as low-resolution laser printers, photocopiers and faxes. We have applied colour in a way that projects well and is never a primary cue. Black and white copies potentially printed from a local laser printer with wide margins remain fully functional. The 8.5" x 11" page size has been selected to accommodate laser printers, photocopiers and faxes.

Hypertext linking

Many document features, such as the headers, cross-references, and diagrams have been designed with the potential for powerful hypertext navigation in mind. This makes the document easy to follow in both printed and electronic formats.

Database issues

The document was designed with an eye to the future. It is reasonable to expect that all federal laws will eventually be housed in a common relational database. To accommodate this, each information element has been organized in a rigorous way. There are no exceptions. Each type of information is classified and assigned a predetermined place. Dynamic layout could therefore potentially be generated by software that renders our design driven from a database containing all the text, diagrams and internal and external hypertext links.

Accessibility issues

Blindness, glaucoma, cataracts, and diabetic retinopathy affect millions who could benefit from more accessible design.²³ But vision loss is only one of many factors that influence how people interact with electronic media. Colour blindness and partial or low vision also limit the range of colours, images, and contrasts that a person can see. Subtle or low-contrast background and text colours can impair those users from reading the text. Other relevant access limitations include learning disorders, physical impairments and limited mobility. While it's a tall order to produce design that provides access to every single user, plain design takes a giant step in the direction of universal accessibility.

The document was organized so that the data elements within it will be more easily interpreted by scanning algorithms which seek to determine reading order for devices such as voice-synthesized blind readers or Braille displays. Blind readers are machines that help blind people by streaming information through a scanner and then

deciding what order the information should be relayed through a computer's speakers. Braille displays can take that same stream of information and displays in a sequence of rows of raised pins using the Braille alphabet. In contrast, the existing two-column two-language format of the *Canada Gazette* would elude most if not all such technology available today.

Colour-blind users will be able to ignore the colour in the document without losing access to all the meaning: colour is used to enhance the document but it never serves as a primary cue for readers.

Accommodation of production technology

The plain design document takes a very practical stance toward production issues. Aesthetic issues were carefully considered in terms of their impact on how the document would be reproduced. In the long run, page by page, it will require less time to compose the new design than the existing design used in the *Canada Gazette*, due to the new approach to handling the pagination and synchronization of both official languages. This is primarily due to printing the English and French on facing pages.

In addition, the decision to incorporate the page notes within the body of the text makes it easy to manage the documents editorially, while electronically-assisted proofreading and spell checking will likely be easier in the new layout as well.

Anticipation of SGML

Standard Generalized Markup Language (SGML) is an international standard for the definition of device-independent, system-independent methods of representing texts in electronic form. (By markup language we mean a set of markup conventions used together for encoding texts. A markup language must specify what markup is allowed, what markup is required, how markup is to be distinguished from text, and what the markup means.) Many communications and publishing experts expect SGML to become the new standard for publishing documents. It will allow for full flexibility when it comes to the choice of computer software for writing and laying out text.²⁶

The new design anticipates the potential of being represented in SGML. However, there is not yet an SGML-compatible production tool that offers the quality of typographic control we desired. We thus chose to render the sample document in QuarkXpress, the current graphic arts standard for high quality page composition. However, we are hopeful that, by the time the Act is republished in this new format, SGML-compatible tools will have reached the level of sophistication required for a fully SGML-compatible solution. With this hope in mind, the design grid has been developed with a bias toward elements that can be described in SGML.

Benefits

External benefits

Ultimately, the new design will improve the public's understanding of the *Employment Insurance Act* and the public's desire to consider engaging with the Act, without compromising its accuracy or legal utility. This is the project's primary goal. There are, however, a number of important secondary benefits.

In general, plain design is of benefit for the public and groups that have contact with government because it reduces the time and energy people spend in contact with government departments and agencies. Effective design sends a message at two levels: it is more effective, and it also looks more effective. This second, subtler effect sends a strong message that the government genuinely wants the reader to comprehend the Act, enhancing the government's credibility and increasing the likelihood that people will feel confident that reading the legislation is a worthwhile exercise.²⁷ This in turn increases the likelihood that they will be receptive to the messages conveyed through the legislation's plain design and writing.

Internal benefits

Plain design is good for government departments and agencies because it allows for enhanced client service and better communication with Canadian citizens. By making contact between government and citizens more effective, resources are freed up to deal with other important matters. The more the public can understand the Act without help from government, the more efficiently government can allocate resources.

Avoiding misinterpretation of the Act is also a key benefit of the plain design approach. Obviously, a proper understanding of the Act works in the public interest. But it also allows the government to avoid costly and time-consuming legal or administrative wrangles with citizens who have misinterpreted the Act.

Conclusion

Adopting the new design for the *Employment Insurance Act* will bring the law closer to all Canadians. The new design clarifies and demystifies the Act without compromising accuracy in any way. In fact, rigorous usability testing, involving both expert and non-expert subjects, shows that the new design is overwhelmingly preferred to the current legislative format. These reasons alone justify adopting the new design.

A closer look at the ancillary benefits associated with the new design only add to the case for adopting it. The new design will increase efficiency in government and foster better communication between government and the general public. The new design is also more accessible to disabled readers. Looking to the future, the new design is suitable for electronic media such as those used on the World Wide Web.

With these ambitious goals in mind, the new design was also developed so that it can have broad applications across all Canadian legislation and regulations. Adopting the new design will spark a revolutionary shift in the way legislation and regulations are written throughout Canada.

End Notes

1. All factual references to the *Canada Gazette* were drawn from an article by Martha Foote, “*The Canada Gazette*”, (1995), available through Canada’s Parliamentary Internet at: <http://www.parl.gc.ca>.
2. The U.S. Government’s Plain Language Action Network Web site at: <http://www.plainlanguage.gov>.
3. Joseph Kimble, *The Scribes Journal of Legal Writing* (Washington, DC: The Plain Language Action Network, 1996-97), 2.
4. Office of Investor Education and Assistance, *A Plain English Handbook* (Washington, DC: U.S. Securities and Exchange Commission, 1997).
5. Ronald Finke, Thomas Ward and Steven Smith, *Creative Cognition: Theory, research and Applications* (Bradford Publishing: Boulder, CO, 1996), 10.
6. Erik Spiekermann, “Erik Spiekermann on information design: what is it? Who needs it?” available on MetaDesign’s Web site at: <http://www.metadesign.com>, (1995).
7. All factual references to the *Canada Gazette* were drawn from the Government of Canada, *Canada Gazette*, (Ottawa, ON: The Queen’s Printer, 2000).
8. All factual references to the Electronic Document Act were drawn from a document prepared by Library of Parliament staffer John Craig, “Bill C-6, Personal Information Protection and Electronic Documents Act”, (2000), available through Canada’s Parliamentary Internet at: <http://www.parl.gc.ca>.
9. From a report prepared for Justice Canada and Human Resources Development Canada by GLPi and Vicki Schmolka, “A Report on the Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act”, (2000), 8.
10. *Ibid.*, 31.
11. Renee Schwager, “Writing User Friendly Documents” (Washington: The Plain Language Action Network, 1999), 17.
12. The references to typefaces are drawn from the author’s professional experience and Erik Spiekermann and E.M. Ginger, in their book *Stop Stealing Sheep & find out how type works* (Mountain View, California: Adobe Press, 1993).
13. *Ibid.*, 101.
14. *Ibid.*, 43.
15. The reference to Century Oldstyle can be found on the Adobe Systems Incorporated Web site at: http://www.adobe.com/type/browser/F/P_022/F_CENO-10005000.html.
16. *Op. cit.*, 61.
17. “A Report on the Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act”, 31.

18. Ibid., 31.
19. John Grossman (ed), *The Chicago Manual of Style: 14th edition*, (Chicago, IL: University of Chicago Press, 1993), 769.
20. Op. cit., 31.
21. Barbara Child, *Drafting Legal Documents: Materials and Problems*, (St. Paul, MN: West Publishing, 1988), 221.
22. Op. cit., 31.
23. References to accessibility issues and technological developments to enhance accessibility, referred to in this section, were drawn from an article by Maxine Williams, "Access Ability: The art, science, and benefits of designing accessible Web sites", (Summer 1999), available through Adobe Systems Incorporated Web site at: <http://www.adobe.com/products/adobemag/archive/99smmw1.html>.
24. C. M. Sperberg-McQueen and Lou Burnard (eds), "A Gentle Introduction to SGML", available through the University of Illinois at Chicago Web site at: <http://www-tei.uic.edu/orgs/tei/sgml/teip3sg/index.html#TOC>.
25. "A Report on the Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act", 5.

Bibliography

Child, Barbara, *Drafting Legal Documents: Materials and Problems*, (St. Paul, MN: West Publishing, 1988)

Craig, John, “Bill C-6, Personal Information Protection and Electronic Documents Act”, (<http://www.parl.gc.ca> , 2000)

Finke, Ronald, Thomas Ward and Steven Smith, *Creative Cognition: Theory, Research and Applications* (Bradford Publishing: Boulder, CO, 1996)

Foote, Martha, “*The Canada Gazette*” (<http://www.parl.gc.ca> , 1995)

GLPi and Vicki Schmolka, “A Report on the Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act” (Ottawa, ON: Justice Canada and Human Resources Development Canada, 2000)

Government of Canada, *The Canada Gazette* (Ottawa, ON: The Queen’s Printer, 2000).

Grossman, John (ed), *The Chicago Manual of Style: 14th edition*, (Chicago, IL: University of Chicago Press, 1993)

Kimble, Joseph, *The Scribes Journal of Legal Writing* (Washington, DC: The Plain Language Action Network, 1996-97)

Maher, Chrissie, *How to Write Reports in Plain English* (New Mills, U.K.: Plain English Campaign, 1999)

McAlhone, Beryl and David Stuart, *A Smile in the Mind: Witty thinking in graphic design*, (London, U.K.: Phaidon Press, 1998)

Murawski, Thomas, *Writing Readable Regulations* (Durham, NC: Carolina Academic Press, 1999)

Office of Investor Education and Assistance, *A Plain English Handbook* (Washington, DC: U.S. Securities and Exchange Commission, 1997)

Plain Language Action Network (<http://www.plainlanguage.gov>)

Schwager, Renee, “Writing User Friendly Documents” (Washington: The Plain Language Action Network, 1999)

Sperberg-McQueen, C. M. and Lou Burnard (eds), “A Gentle Introduction to SGML” (<http://www.tei.uic.edu/orgs/tei/sgml/teip3sg/index.html#TOC>).

Spiekermann, Erik and E.M. Ginge, *Stop Stealing Sheep & find out how type works* (Mountain View, California: Adobe Press, 1993).

Spiekermann, Erik, “Erik Spiekermann on information design: What is it? Who needs it?” (<http://www.metadesign.com>, 1995)

Williams, Maxine, “Access Ability: The art, science, and benefits of designing accessible Web sites” (<http://www.adobe.com/products/adobemag/archive/99smmw1.html> , 1999)

Acknowledgements

The author gratefully acknowledges the assistance of these people in the development of the new design and this paper:

The visionary pilot project team at Human Resources Development Canada and Justice Canada.

The Honourable Mr. Justice W.J. Vancise

Ruth Baldwin

Cynthia Hoffos, MGDC

Derek McKee

Library of Parliament staff

The dedicated team at Herrera Berman Communications Inc., including Matthew Bonsall, Chris Dean, Eric Dupuis, Betty Dymment, and Deborah Woodman.

Appendix A

Sample page of current EI Act

jours de seance ultérieurs de l'une ou l'autre chambre.

Enforcement

Exécution

Information or complaint

125. (1) An information or complaint under this Act, other than Part IV, may be laid or made by a member of the Royal Canadian Mounted Police or by a person acting for the Commission and, if an information or complaint appears to have been laid or made under this Act, other than Part IV, it is deemed to have been laid or made by a person acting for the Commission and shall not be called into question for lack of authority of the informant or complainant except by the Commission or by a person acting for it or for Her Majesty.

125. (1) Une dénonciation ou plainte prévue par la présente loi, à l'exception de la partie IV, peut être déposée ou formulée par un membre de la Gendarmerie royale du Canada ou toute personne agissant pour le compte de la Commission. Lorsqu'une dénonciation ou plainte est présentée comme ayant été déposée ou formulée en vertu de la présente loi, à l'exception de la partie IV, elle est réputée l'avoir été par une personne agissant pour le compte de la Commission et ne peut être contestée pour défaut de compétence du dénonciateur ou du plaignant que par la Commission ou une personne agissant pour elle ou pour Sa Majesté.

Dénonciation ou plainte

Two or more offences

(2) An information or complaint about an offence under this Act, other than Part IV, may be for one or more offences and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act, other than Part IV, is objectionable or insufficient because it relates to two or more offences.

(2). Toute dénonciation ou plainte concernant des infractions prévues par la présente loi, à l'exception de la partie IV, peut viser une ou plusieurs infractions. Les dénonciations, plaintes, mandats, déclarations de culpabilité ou autres procédures dans une poursuite prévue par la présente loi, à l'exception de la partie IV, ne sont ni susceptibles d'opposition ni insuffisants du fait que deux infractions ou plus y sont visées.

Deux infractions ou plus

Territorial jurisdiction

(3) An information or complaint about an offence under this Act, other than Part IV, may be heard, tried or determined by any provincial court judge, as defined in section 2 of the Criminal Code, if the accused is resident, carrying on business, found, apprehended or in custody within the judge's territorial jurisdiction although the matter of the information or complaint did not arise within that jurisdiction.

(3) Le juge de la cour provinciale, au sens de l'article 2 du Code criminel dans le ressort duquel l'accusé reside, exerce ses activités, ou est trouvé, appréhendé ou détenu connaît de toute plainte ou dénonciation en matière d'infraction à la présente loi, à l'exception de la partie IV, indépendamment du lieu de perpétration.

Ressort

Limitation of prosecutions

(4) A prosecution for an offence under this Act, other than Part IV, may be commenced at any time within five years after the Commission became aware of the subject-matter of the prosecution.

(4) Les poursuites visant une infraction à la présente loi, à l'exception de la partie IV, se prescrivent par cinq ans à compter du moment où la Commission prend connaissance de la perpétration.

Prescription

Certificate

(5) A document appearing to have been issued by the Commission, certifying the day on which it became aware of the subject-matter of the prosecution, is admissible in evidence and shall be considered conclusive proof of that fact without proof of the signature or the official character of the person appearing to have signed the document and without any other proof.

(5) Le document présenté comme étant délivré par la Commission et attestant la date où elle a pris connaissance de la perpétration est admissible en preuve et fait foi de façon concluante de ce fait sans qu'il soit nécessaire de prouver l'authenticité de la signature qui y est apposée ou la qualité officielle du signataire.

Certificat de la Commission

Appendix B

Sample of new design, focus-tested version

Topic 1 – Hours of insurable employment required during qualifying period

What is your qualifying period?

3 Qualifying period

- (1) Definition Subject to sections 4 and 5, your qualifying period is the 52-week period before
- (a) the week in which your earnings stop; or
 - (b) the week in which you make your application for benefits, if that week is later.
- (2) Back-dating of application The Commission must back-date your application for benefits if you do all of the following:
- (a) you ask that it be dated as if it were made on an earlier date;
 - (b) you submit your application after the day on which you met the requirements referred to in paragraphs 2(1) (a) to (c);
 - (c) you prove that you would have met those requirements on the earlier date;
 - (d) you prove that there was a good reason, that continued from the earlier date until the day on which you submitted your application, for not applying for benefits before.

4 Reducing qualifying period

- (1) If previous benefit period in qualifying period If the Commission has set up a benefit period for you that begins during your qualifying period, your qualifying period is reduced so that it begins on the first day of that benefit period.

Note: See sections 12 to 15 for more on benefit periods.

- (2) No extension of qualifying period If your qualifying period has been reduced, it cannot be extended under section 5.

5 Extending qualifying period

- (1) If you were prevented from working in insurable employment The Commission must extend your qualifying period by the number of weeks in that period during which you prove that you did not work in insurable employment for any of the following reasons:

