A report on:

Results of Usability Testing Research on Plain Language Draft Sections of the Employment Insurance Act

A report to:

**Department of Justice Canada and
Human Resources Development Canada**

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I. Introduction

GLPi and Vicki Schmolka are pleased to present the Department of Justice Canada and Human Resources Development Canada with the results of this usability testing study of plain language draft sections of the Employment Insurance (EI) Act. We are grateful to our clients for their commitment to this important project and to Professor Ruth Sullivan, University of Ottawa, for her intellectual and financial contribution.

Study Purpose and Issues Explored

The Department of Justice Canada and Human Resources Development Canada (HRDC) are working jointly on a new "plain language" version of the EI Act – a version with the potential to be more reader-friendly and usable. This is a profoundly important, precedent-setting initiative with implications for legislative drafters and users of legislation across the country.

The usability testing was commissioned to help provide strategic insight into plain language legislative drafting so that drafting efforts can be as effective as possible and speak to the realities and unique needs of key legislative user groups. Simply put, the purpose of the testing is to provide a solid foundation for wise decision-making to guide plain language drafting. To this end, the testing gauged how efficiently users of different versions of the EI Act found needed information, understood it, and applied it to an intended purpose. More specifically, the testing was used to:

- Gauge levels of comprehension of selected content;

- Explore the "accessibility" of the information – that is, the ease and speed with which information can be found and document navigation occurs;

- Conduct comparative assessments – between selected sections of the current and plain language versions of the EI Act, and between plain language version alternatives – to identify attendant strengths and weaknesses;

- Explore the degree to which potential changes and reader aids are considered clear, valuable, relevant and useful;

- Gauge reactions to the new proposed plain language approach; and

- Help identify areas for refinement and improvement.

A copy of the full line of testing protocols can be found in the appendix of this report.

Methodology

Usability testing consisted of two primary means of data gathering: the facilitated completion of self-administered questionnaires in a group setting and subsequent focus group discussion. In total, 146 respondents participated in the study (all fieldwork was conducted between March 21-30, 2000). As shown in the table below, participants were drawn from two distinct research populations – legislative user groups – and the testing procedures were administered in two locations.

Research Population	Number of Participants	Location
General Public (English)	53 spread across four groups	Toronto
General Public (French)	48 spread across four groups	Montreal
Informed Users (English)	21 spread across two groups	Toronto
Informed Users (French)	24 spread across two groups	Montreal

General public participants were recruited to ensure that:

- All participants had some expectation of one day needing to access employment insurance;

- All participants had limited familiarity with employment insurance rules and regulations;

- None had been self-employed for more than a year or were recent recipients – within the past year – of employment insurance benefits;

- None had read any type of legal text or statute in the past year; and

- There was a good mix of males/females, ages, education levels, occupations and incomes.

Informed user participants were recruited in roughly equal numbers for each group from three target segments: Canada Employment Centre (CEC) staff, human resources/benefits professionals, and EI Act "intermediaries" (this last group included paralegals, lawyers, representatives of employment advocacy groups, social or community assistance groups, multicultural organizations, and so forth). Participants from these groups were recruited to ensure that:

- All had been working in their current positions for at least one year;

- All are reasonably familiar with the EI Act (though not necessarily with the actual legislative document);

- All provide information to or counsel people about employment related issues; and

- In the case of human resources/benefits professionals, there was a good mix of industry sectors and companies represented.

Personnel from HRDC recruited CEC staff.

As per professional marketing research standards, recent or frequent focus group participants or people employed in market research, advertising, public relations and other related fields were not eligible to participate in the study. Furthermore, in the case of the general public, people working in community/social services, in human resources or legal services generally, or for either the Department of Justice or HRDC were not eligible to participate.

Within each test group at each location, roughly equal numbers of participants were randomly allocated one of three different versions of the same sections of the EI Act: the current Act and two different plain language drafts. One of these plain language versions makes use of the word "claimant" throughout the text – this version is referred to throughout this report as PLV-Claimant. The other plain language version uses the word "you" in place of claimant – this version is referred to throughout this report as PLV-You. Respondents were not told which version of the Act they were working with and none of the versions contained any type of descriptive titling. The three versions can also be found in the appendix of this report.

The majority of the time in each testing session was spent on having participants – with the facilitation of the group moderator – complete a self-administered questionnaire. The first part of this questionnaire required participants to work independently to find answers to questions about employment insurance. The second part had them compare different ways of writing and presenting the EI Act, and then indicate their preferences. The remainder of the testing session was dedicated to a structured discussion exploring a number of issues related to the self-administered segment of the test. Again, the specific testing protocols and questions asked can be found in the appendix of this report.

Findings in Context

This report summarizes the findings from both the self-administered questionnaires and the focus group discussion. It is critical to remember that results are based on a small-scale research initiative. As shown in the table above, the number of respondents from each research population who worked with any one of the three EI Act versions and completed the self-administered questionnaire is quite small. Results must be regarded as

indicative and directional, rather than statistically generalizable. Similarly, the focus group discussion component of the test must also be considered directional only. The results do, however, provide a number of meaningful insights into how participants think about and use the tested legislative drafts.

II. Overview of Key Findings

This overview provides a selective listing of key findings from this usability testing study. By its nature, an overview of this type must sacrifice detail – detail that may be of great interest to a given reader. Each section in the report is rich in important insights that may be of value to various organizations and individuals with an interest in plain language writing and legislative drafting in particular. If possible, please take the time to read this report in its entirety.

- Findings suggest that the plain language versions of the Act are more visually friendly than the current Act and may inspire greater user confidence. After a quick scan of the version of the Act assigned to them, all research population segments anticipated having greater difficulty finding answers in the current Act than in either plain language version. Moreover, when these scores are compared to respondents' perceptions of difficulty *prior to* scanning their assigned text, a pattern emerges. Those respondents using either of the plain language versions typically recorded a lower perceived difficulty score after reviewing the text given them. Conversely, those respondents working with the current Act typically recorded a higher perceived difficulty score after briefly scanning the assigned text.

- Respondents using either of the plain language versions were generally able to work more quickly and identify more correct answers during the administered test than those using the current Act.

  - Respondents from all of the research population segments who used either plain language version completed more questions than users of the current Act. Those working with the plain language versions completed, on average, at least one extra question (with the exception of the French informed users segment who completed somewhat fewer). Not surprisingly, regardless of which version of the Act they worked with, informed users tended to work faster than did their general public counterparts.

  - Respondents from all of the research population segments who used either plain language version had, on average, more correct answers than those using the current Act. Though the differences are not large there is a consistent pattern. Of note, those working with the PLV-Claimant document – across all research populations – had more correct responses, on average, than those working with the PLV-You document. Again, the differences are not large, but they are consistent.

- Respondents' information-seeking behaviour varied considerably between those working with the current Act and those working with either of the

two plain language versions. Those working with the current Act – which did not have a table of sections and was formatted differently than the plain language versions – almost exclusively looked for information and answers to questions by "scanning" through the text, often using side notes and subtitles as the key navigation tools. This approach was typically referred to as "extremely frustrating," "tedious," "laborieux [trying]," and "ce n'est pas un party [it isn't fun]." Those working with the plain language versions typically consulted the general table of sections as the first step in their information search, albeit with mixed success (specific issues raised about the table of sections are detailed in the body of this report). As an alternative navigation strategy, those working with the plain language versions would also scan through the text using section and sub-section headings as their chief guides. Less often, this group would look at headers at the top of each page, side notes, or the subdivision summaries.

- All respondents (particularly those from the general public) typically found the exercise of finding answers to the navigation and comprehension questions put to them quite difficult regardless of the version of the Act with which they worked. Notwithstanding this 'universal' difficulty, comparative analysis reveals that respondents from all research population segments ascribe a higher difficulty rating to finding answers from within the current Act than from either of the two plain language versions. Though the general public (either English or French) did not find it easier to locate answers within one plain language version than another, informed users (in both languages) were somewhat more likely, on average, to indicate that they found it easier to locate answers in the PLV-You document.

- Respondents using the current Act found it somewhat easier to use when looking for the definition of a term. The plain language versions appear somewhat easier to use in cases where information from the Act must be both found and, to some degree, interpreted.

- Respondents typically found it quite difficult to understand information once it was located regardless of the version of the Act with which they worked. Again, notwithstanding this 'universal' difficulty, comparative analysis reveals that respondents from most research population segments ascribe a higher difficulty rating to understanding information found within the current Act than from either of the two plain language versions (though the differences are not overly pronounced). Relative to one another, neither the PLV-Claimant nor the PLV-You documents emerge consistently across research segments as containing information that is easier to understand.

- The levels of difficulty respondents reported they had in both finding and understanding information in any versions of the Act is not reflected in the degree to which respondents feel confident in the 'correctness' of their answers to the comprehension and navigation questions. Given the

difficulty respondents' reported, one might have expected that they would have been less confident in the correctness of their answers. However, respondents are, on average, generally quite confident that their responses to test questions are correct (albeit falsely so in many cases given the many wrong answers recorded). There are no clearly discernible consistent differences in stated confidence levels when comparing the version of the Act used by a specific research population segment.

- Respondents believe that finding answers to questions about employment insurance in Canada's Employment Insurance Act should be simpler than their experiences in the test indicate, but they do not expect it to be very simple. Respondents recognize a certain amount of inherent complexity in obtaining information from a legal text. Interestingly, across research population segments, those who worked with the current Act are typically more likely than those working with either plain language version to have the largest gaps between experienced and expected difficulty. Those working with the current Act rate the finding of answers considerably more difficult than they believe it should be.

- Respondents from all research population segments indicate a clear preference for the way information is presented in the plain language (claimant) version across all dimensions tested (as compared to the current Act). Strong majorities (though relatively fewer English informed users) say they:
  - overall, prefer to use the plain language version to find information in the EI Act;
  - prefer the way in which English and French texts are presented in the plain language version;
  - prefer the way in which sides notes are presented in the plain language version; and
  - prefer the type size used in the plain language version and find it easier to read.

- Overall, group discussion of the relative merits of the plain language version reveals that its key strengths – when compared to the current Act – include (in no particular order) the:
  - bolded headings and subheadings, the bullet-style formatting and generally perceived better organization of content which assist navigation, delineation of topics, and ease of reading;
  - table of sections;
  - larger type size and use of more white space;
  - simpler and more user-friendly language that allows the reader to more easily identify with the content;
  - overall less intimidating visual look;
  - placing of English and French texts on different pages;

- highlighting of key words that can be found in the definitions section (though some concerns were raised about using underlining as the highlighting technique); and

- referencing of the topic (both the division and subdivision) at the top of the page.

By comparison, the current Act was criticized for:

- "looking old" and "tired";

- being poorly laid-out, using too small a type size and generally being too difficult to read;

- not having a table of sections/contents;

- sounding too legalistic and bureaucratic; and

- being too intimidating.

- Respondent comments suggest that the clarity of the content contained in the EI Act is much more important than the length of the document. Virtually all participants across the research population segments would prefer to work with a plain language version of the Act even if it is up to 30-50% longer than the current Act. Most say that the trade-off of extra length for an easier-to-read Act is well worth it.

- The small minority who prefer the current Act over the plain language version typically do so for the following reasons:

- the current Act is shorter and uses less paper;

- they prefer the column-style side-by-side presentation of English and French text;

- the current Act reads more like a "real" and an "official" law – a concern was expressed by some informed users that if the Act is rewritten in plain language the legal interpretation of the "old" Act may be undermined and gains made on behalf of claimants through judicial interpretation of the law may be lost;

- the side notes are clearer and easier to scan quickly;

- definitions are placed at the beginning of the Act; and

- the style of the current Act is familiar to many informed users.

- Though many respondents indicated their preference for the plain language "you" version (as compared to the "claimant" version) in the self-administered questionnaire portion of the test, a number of them reconsidered this choice after being exposed to the arguments in favour of "claimant" and against "you" that they heard during the discussion phase of the research. [These arguments and the varied reasons for preferring the "you" and "claimant" versions are detailed in the main body of this report.] Without giving undue weight to the discussion, it was clear that there was some erosion in the initial support for the "you" version. Still, the "you" version continued to have the support of a significant number of

respondents – particularly those from the general public – suggesting that there is no clear winner in terms of respondent preferences between the "you" and "claimant" approaches.

- On balance, though not conclusive, findings from the research in its entirety suggest that future plain language drafting of the EI Act should focus on the use of "claimant." The potential "downside" of using "you" is likely greater than the upside given how respondents worked with the two versions and their comments during the discussion. Key findings in support of using "claimant" include:
  - On average, those working with the plain language "claimant" version in the navigation and comprehension test component of the research tended to both have completed a higher number of questions and had a slightly higher number of correct answers.
  - The term "claimant" is much less likely to offend or be significantly off-putting, though some may not find "claimant" as personalized or user-friendly as "you."
  - Participants are much clearer about to whom the word "claimant" is referring. This helps remove uncertainty and ambiguity.

- The research also points to a participant preference for using questions in headings. Consideration should be given to writing section headings as questions without using the term "you."

- Considerable majorities of respondents from across all of the research population segments prefer the "bullet-style" approach over the embedded single sentence as a means of presenting multiple criteria in a section of the EI Act. Those who feel this way say they do so because they find this approach easier to understand and read.

- Most participants reading the plain language versions did not see the footnote reading: "Underlined terms are defined in section 78." A key obstacle to recognizing the intent and meaning of the underlining is the lack of convention for highlighting defined words in this manner. Once the meaning of the underlining was explained, many participants said they like this feature. However, others raised a number of concerns about underlining. Some felt that underlining makes a word seem more important than it is in the context of a written sentence or passage. Others find that underlining "interrupts" their reading ("it's distracting," "very annoying"). Still others find the repetitive nature of the underlining redundant (the same word can be underlined many times on the same page). Participants suggested a number of alternatives to underlining which are detailed in the main body of this report.

- A number of participants – particularly informed users who have grown accustomed to it – prefer the convention of placing defined terms at the beginning of an Act ("That's what I'm used to"; "Definitions should have come first"). Others are more accepting of placing the definitions section

at the end of the Act though they do want to be better alerted to its existence. Many participants agreed that a bold passage, along the lines of the following, that would be plainly evident to the reader should be placed at the beginning of the table of sections: "Defined terms are underlined throughout the text of the Act and their definitions can be found on page…"

- Overall, results from this study suggest that reading a law and answering questions about it is challenging for the general public and for informed users of legislation. However, this study shows that plain language drafting techniques – from larger type size, to a table of sections, to more user-friendly writing – can make the task of finding and understanding information in the law easier. This study also suggests that a plain language version of the law is more user-friendly, inspires user confidence, and improves the speed with which information can be found in an Act and the understanding of that information.

III. Comprehension, Navigation and General Usability: Comparative Results

This section describes the comparative results from the self-administered questionnaire segment of the research. This segment of the research explored participants' relative success in finding and/or understanding information contained in each of the three versions of the EI Act that were tested: the current Act and the two plain language versions – PLV-You and PLV-Claimant. Please see the methodology section of this report for a description of each of the plain language versions and the research methodology generally. This section also provides some additional findings that provide context for the study as a whole and the more specific comparative results generated through the self-administered questionnaires.

On balance, results suggest that the two plain language versions compare positively to the current Act across a number of dimensions. These and other findings are detailed throughout this section.

Sample Descriptors

Prior to using one of the three test versions of the Act to find and record answers to a series of questions about employment insurance, respondents were asked to provide some general information about their experiences reading a federal or provincial law, or a municipal bylaw. As Table 1 shows, about one-quarter or fewer of either the French or English general public sample segments have ever read an actual law (not counting a guide to the law or a pamphlet about it). As the Table also shows, considerable majorities of the informed users – in particular, the French informed users – have read an actual law.

Table 1   **Respondents Who Have Ever Read a Federal/Provincial/Municipal Law by Research Population**

General Population (English) %	General Population (French) %	Informed Users (English) %	Informed Users (French) %
17	27	76	96

The reader is cautioned to remember that the numbers reported in Table 1 are sample descriptors that reflect the study participant recruitment criteria – they are not accurate population estimates. These numbers simply help provide an understanding of the past experiences of the test participants.

Among those who have read a law in the past, many indicate at least moderate levels of difficulty in both finding information and understanding it once it was found. The mean (that is, average) difficulty score with regard to finding information is 4.03 (using a seven-point scale, where one means "not at all difficult" and seven means "extremely difficult"). The mean difficulty score with regard to understanding information once it was found is 4.30 (using the same scale). Somewhat surprisingly, the mean scores across research population segments (that is, between general public and informed user groups) do not vary widely.

As Table 2 reveals, in this research study, almost equal proportions of respondents who have read a law worked with one of each of the three tested EI Acts. This even distribution of respondents across each of the three versions provides some confidence that "experienced" law readers are not over-represented in any segment working with a specific version.

Table 2 **Respondents Who Have Ever Read a Federal/Provincial/Municipal Law by Version of Act Reviewed**

PLV – You %	PLV – Claimant %	Current Act %
43	42	40

Perceived Anticipated Difficulty Finding Answers

Prior to looking at the different versions of the EI Act given to them, respondents were told that they would be working with "text taken from Canada's Employment Insurance Act – that is, the law governing Canada's employment insurance program." They were then asked to indicate how difficult they thought it would be to use the law to find answers to questions about employment insurance. After answering this question, respondents were given one minute to flip through their assigned version of the Act and were asked, based on this "quick scan," to gauge how difficult they thought it would be to find answers to questions about employment insurance.

This exercise produced two salient findings (supported by the data shown in Table 3) both of which suggest that the plain language versions of the Act are more visually friendly than the current Act and may inspire greater user confidence. One: after a quick scan of the version of the Act assigned to

them, all research population segments anticipated having greater difficulty finding answers in the current Act than in either plain language version. Two: moreover, when these scores are compared to respondents' perceptions of difficulty prior to scanning their assigned text, a pattern emerges. Those respondents using either of the plain language versions typically recorded a lower perceived difficulty score after reviewing the text given them. Conversely, those respondents working with the current Act typically recorded a higher perceived difficulty score after briefly scanning the assigned text.

Table 3 **After Scanning the Assigned Text…Perceived Anticipated Difficulty* Finding Answers to Questions about EI by Research Population and Version of Act Reviewed**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
3.12	3.39	4.63	4.00	3.88	4.44	3.57	3.00	4.86	3.25	2.88	4.00

* Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult."

Speed and Accuracy: Overview of the Number of Completed Questions and Number of Correct Answers

Respondents were asked to complete up to seven questions that asked them to find and/or use information from the version of the EI Act given to them. Respondents were told to answer the questions in the order provided and to spend no more than 10 minutes on any one question. Given that a firm limit of 40 minutes was allocated to this part of the testing procedure, participants would have had the opportunity to complete at least four of the seven questions. Participants were asked to record the times they started and ended each question.

Overall, results from this test component reveal that respondents using either of the plain language versions were generally able to work more quickly and identify more correct answers than those using the current Act. As Table 4 shows, respondents from all of the research population segments who used either plain language version completed more questions than users of the current Act. Those working with the plain language versions completed, on average, at least one extra question – with the exception of the French informed users segment who completed somewhat fewer. This may suggest

that respondents find it easier to navigate, locate and interpret information in the plain language version compared to the current Act. Not surprisingly, regardless of which version of the Act they worked with, informed users tended to work faster than did their general public counterparts. There are no sustained significant differences in the numbers of questions completed by those using either the PLV-You or PLV-Claimant documents.

Table 4 **Average Number of Questions Completed by Research Population and Version of Act Used**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
5.33	5.53	4.31	4.80	5.50	3.63	6.71	6.86	5.14	6.25	6.00	5.88

As Table 5 shows, again, across the board, respondents from all of the research population segments who used either plain language version had, on average, more correct answers than those using the current Act. Though the differences are not large there is a consistent pattern. Of note, those working with the PLV-Claimant document – across all research populations – had more correct responses, on average, than those working with the PLV-You document. Again, the differences are not large, but they are consistent. Please note that a response was only considered correct if the respondent provided both the right answer and the right section number(s) or page number(s) where the answer was found.

Table 5 **Mean Score Re: Total Number of Correct Answers by Research Population and Version of Act Used**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
2.39	2.68	2.00	2.73	3.00	1.47	3.43	4.00	3.00	4.13	4.25	3.88

Correct Responses by Question

Table 6 below shows the percentage of correct responses to each of the first four questions asked of respondents by research population and version of the Act used. The percentages are based on those who provided an answer and do not include respondents who may have "given up," "skipped" the question or those for whom time expired. [Only the first four of the total of seven questions are described here in this analysis given that, as mentioned above, the testing procedure was designed to ensure that all respondents would have an opportunity to complete at least the first four questions. The first four questions are referred to in the tables as Q4 through to Q7 – these question numbers correspond with the numbering used in the questionnaire found in the appendix of the report. Considerably fewer respondents answered questions 8-10 effectively reducing an already small sample size and making it suspect to draw conclusions from answers to these questions. Data for questions 8-10 can be found in the "supplementary tables" also found in the appendix. However, the reader is reminded to view this data cautiously.]

Q4 asked respondents: "What are the first five words in paragraph 10(1)(a)?" This question was designed primarily to test respondents' ability to locate information (and to simulate a real world situation in which a user of the EI Act might be referred to a specific section). As Table 6 shows, with the exception of the French informed users, respondents using either of the plain language versions tended to have a higher percentage of correct responses than those using the current Act. The high scores among French informed users working with the current Act may be a reflection of this group's familiarity with the current Act given their occupations. There are no consistent differences in the percentage of correct responses between users of the two plain language versions of the Act.

Regardless of the version of the Act with which participants worked, most tended to search for paragraph (alinéa) 10(1)(a) by "flipping through the pages" and following the numerical order of the sections and subsections. Some participants using the plain language versions of the Act tried to use the table of sections but found this less than satisfactory. A more detailed discussion of the table of sections follows later in this report. A number of French respondents were unsure about the meaning of the word "alinéa" and, therefore, were unclear about what to look for and whether they had found the right answer.

Q5 asked respondents: "How does the law define 'week'?" This question explored respondents' ability to find and use the definitions section of the version of the Act with which they were working. As Table 6 shows, across all respondent segments those using the current Act have a higher percentage of correct responses than those using either of the plain language versions.

The group discussion during the last component of the study reveals a number of reasons for this. Some respondents – particularly the informed users – are familiar with the legal drafting convention of placing definitions at the beginning of a piece of legislation (as is the case with the current Act). Those using the current Act who are familiar with this convention simply applied this "prior" knowledge. Others tended to scan the side notes. Respondents working with either of the plain language versions tended to scan the table of sections looking for the word "week." As a result, many often ended up in section 53 ("What is a week of unemployment?: Definition"). Very few respondents using the plain language versions noticed the note explaining that underlined words are defined in section 78. Respondent thoughts about and suggestions for improving access to definitions are addressed more fully later in this report.

Q6 asked: "Can a person who is collecting regular employment insurance benefits continue to collect them when travelling outside Canada for a reason other than looking for work or a family health emergency?" This question tests a respondent's ability to both find and interpret information. As Table 6 shows, in almost all cases across the research population segments, those using either of the plain language versions of the act have a higher percentage of correct responses than those using the current Act. Moreover, in most cases, those using the PLV-Claimant document score higher than those using the PLV-You document.

Q7 read: "The Employment Insurance Act says that you will not receive employment insurance benefits if you quit your job without 'just cause'. Please list three situations which the law says could be considered 'just cause' for quitting your job." As Table 6 reveals, there are few consistent patterns in the data. English general public respondents using the current Act had a high percentage of correct responses, while their French counterparts scored very poorly. Members of the general public who worked with the plain language versions scored similarly. Informed users (both English and French) working with the current Act did better than respondents working with either plain language version. However, English informed users did better with the PLV-You document, while their French counterparts did better with the PLV-Claimant document.

Table 6   **Percentage of Correct Responses to Each Question (Among Those Providing an Answer) by Research Population and Version of Act Used**

#	General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
	%	%	%	%	%	%	%	%	%	%	%	%
Q4	81	83	47	63	93	53	100	86	57	86	88	100
Q5	19	44	57	54	47	73	29	43	86	50	75	100
Q6	63	81	30	75	87	50	43	86	50	100	88	33
Q7	63	67	80	50	50	0	71	43	80	50	86	100

Time Taken to Complete Each Question

As noted above, respondents using either of the plain language versions were generally able to work more quickly and identify more correct answers than those using the current Act. Table 7 below shows the average lapsed time taken to complete each of the first four questions asked of respondents and reveals:

- No consistent significant pattern across research population segments regarding the time taken to complete question 4. This question simply asked respondents to locate information.

- That respondents from all research population segments using the current Act completed question 5 faster than did those using either of the plain language versions. Again, this is probably attributable to familiarity with locating definitions and to the fact that the definition section is at the beginning of the current Act.

- That, in most cases, respondents from all research population segments working with either of the plain language versions completed questions 6 and 7 faster than those working with the current Act. Again, these questions required respondents to locate and interpret information.

Table 7   **Average Lapsed Time (in Seconds) Taken to Complete Each Question (Among Those Providing an Answer) by Research Population and Version of Act Used**

#	General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
Q4	212	149	144	229	181	257	54	119	72	158	210	99
Q5	348	268	201	344	278	275	238	277	131	232	317	140
Q6	287	247	372	303	273	524	281	234	429	198	229	433
Q7	305	375	360	322	338	396	193	222	309	213	272	361

Information Seeking Behaviour and Navigation Tools

Respondents' information-seeking behaviour varied considerably between those working with the current Act and those working with either of the two plain language versions. Those working with the current Act – which did not have a table of sections and was formatted differently than the plain language versions – almost exclusively looked for information and answers to questions by "scanning" through the text, often using side notes and subtitles as the key navigation tools. This approach was typically referred to as "extremely frustrating," "tedious," "laborieux [trying]," and "ce n'est pas un party [it isn't fun]." Those working with the plain language versions typically consulted the general table of sections as the first step in their information search, albeit with mixed success (see below). As an alternative navigation strategy, those working with the plain language versions would also scan through the text using section and sub-section headings as their chief guides. Less often, this group would look at headers at the top of each page, side notes, or the subdivision summaries.

There were no significant differences in the information-seeking behaviours of the general public and informed users.

Table of Sections (in the Plain Language Versions)

Though considered a valuable and necessary tool by most respondents, many who worked with either of the plain language versions felt that the general table of sections found in both documents needs enhancements and

modifications. As noted above, most respondents began their information search by consulting the general table of sections. However, many found the table less than satisfactory saying they had to return to it over and over when looking for a specific piece of information. In fact, the table of sections was variously referred to as: "not organized properly," "the stupidest thing I've ever seen" and "very confusing." The following are the reasons why some participants felt this way:

- Many respondents believed (as per popular convention in a typical table of contents) that the numbers listed in the table of sections referred to page numbers not section numbers. Thus, for example, respondents would have gone to page 8 and discovered that the expected content was not to be found there because the table of sections was directing them to section 8. Many of those who mistook the section numbers for page numbers felt exasperated ("frustrates the hell out of me"). Though some participants did understand how the numbers worked or caught on to it, there was widespread support for either replacing table numbers with page numbers or adding page numbers to the table of sections.

- A number of respondents found the layout and format of the table of sections confusing. To this group, text was placed too close together ("looked like one big mass of information") and the meaning of the dotted lines was unclear.

- Some participants were overwhelmed by – and uncertain of the meaning of – the various levels of content: divisions, sub-divisions, topics, sections, and questions. One participant described these multiple levels as "impossible to read…too hard to comprehend"; another described the table of sections generally as "convoluted." Moreover, some participants were confused by or put-off by the intermediate level table of contents found throughout the plain language versions ("Table des matières, à chaque section il y a une autre Table des matières – mettez-la au début seulement [Table of Contents, for each section there was another Table of Contents, just put one at the beginning]").

- Though not a widely held view, a small number of respondents felt that the table of sections was not comprehensive enough – that the content of the Act was not fully represented in the table. Still others felt that the section headings were not accurate descriptors of the content to be found in those sections.

Levels of Difficulty *Finding* Answers to Questions

Following their attempts to answer the questions in the first component of the study, respondents were asked: "Overall, how difficult was it to find answers to the questions you just finished working on?" As Table 8 shows, respondents typically found the exercise quite difficult regardless of the

version of the Act with which they worked. Notwithstanding this 'universal' difficulty, comparative analysis reveals that respondents from all research population segments ascribe a higher difficulty rating to finding answers in the current Act than in either of the two plain language versions. Though the general public (either English or French) did not find it easier to locate answers within one plain language version than another, informed users (in both languages) were somewhat more likely, on average, to indicate that they found it easier to locate answers in the PLV-You document.

Table 8 **Mean Score* Re: Overall Difficulty Finding Answers to Questions by Research Population and Version of Act Used**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
4.94	5.00	5.94	4.87	4.81	6.07	3.57	4.43	5.00	3.38	3.75	4.88

* Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult."

The frustration respondents felt finding answers – particularly among those working with the current Act – first became evident through the non-verbal gestures made by participants during the question-answer testing exercise and then was further reinforced by participant comments in the discussion component of the test.

The fairly widespread non-verbal clues to the difficulty experienced by participants included:

- Deep sighs;

- Shaking of heads and general looks of consternation, annoyance and exasperation;

- Tugging and pulling at hair; and

- Wincing and incredulous smiles.

Though the above were evident across all research population segments, they were most frequent and pronounced among members of the general public and those working with the current Act.

Participant comments reinforce these non-verbal clues. Finding answers was variously referred to as "hard," "overwhelming," "bien difficile [very difficult]," "horrible," "douloureuse [painful]," "affreux [awful]," and "c'était

l'enfer [it was hell]." These quotes are representative of many participants' views regardless of the version of the Act with which they worked – though frustration was typically greatest among those working with the current Act. The lack of a table of sections/contents in the current Act was singled out by those working with that version as particularly problematic and as making their challenge overly daunting. As some participants from the French language groups put it: "J'aurais aimé avoir une table des matiéres ou un sommaire au début. Ce n'était pas évident. Il faut lire chaque paragraphe. [I would have liked a table of contents or a summary at the beginning. It was not obvious. I had to read every section.]"; "Pas de divisions, pas de table des matières [No separations, no table of contents]." Respondents working with the current Act were most vociferous in their assessments of the difficulty in finding information – "it was like a maze to me"; "I could barely find anything"; "I didn't know where to start"; "I was just searching and searching"; "extrêmement difficile, je savais les réponses à tout mais je ne les trouvais pas [extremely difficult, I knew the answers to everything, but I couldn't find them]"; "Pas accessible [not accessible]; "Laborieux. On n'a pas le goût de lire. Aucun intérêt à lire ça [Trying. I didn't feel like reading it. No interest in reading this]."

Table 9 shows the mean score regarding the difficulty finding answers for each question by research population and version of the Act used. Results suggest that respondents using the current Act found it easier to use when looking for the definition of a term (Q5). The plain language versions appear somewhat easier to use in cases where information from the Act must be both found and interpreted (Q6 and Q7).

Table 9   **Mean Score* Re: Difficulty Finding Answer for Each Question (Among Those Attempting the Question) by Research Population and Version of Act Used**

#	General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
Q4	4.11	2.72	3.33	4.25	3.56	4.19	1.57	4.00	2.43	3.00	3.88	2.63
Q5	4.78	4.16	3.27	4.50	4.53	3.50	4.14	5.29	1.86	3.50	4.75	2.00
Q6	4.24	3.94	5.43	4.19	3.67	6.23	4.71	5.14	6.00	2.88	3.13	4.86
Q7	3.39	4.79	5.25	3.79	3.53	4.78	2.57	3.86	4.50	2.75	3.38	4.57

* Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult."

Levels of Difficulty *Understanding* Information Once it is Found

Following their attempts to answer the questions in the first component of the study, respondents were asked: "Overall, how difficult was it to understand the information once you found it?" As Table 10 shows, respondents typically found it quite difficult to understand the information regardless of the version of the Act with which they worked. Again, notwithstanding this 'universal' difficulty, comparative analysis reveals that respondents from most research population segments ascribe a higher difficulty rating to understanding information found in the current Act than in either of the two plain language versions (though the differences are not overly pronounced). Relative to one another, neither the PLV-Claimant nor the PLV-You documents emerge consistently across research segments as being easier to understand.

Table 10   **Mean Score* Re: Overall Difficulty Understanding Found Information by Research Population and Version of Act Used**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
3.72	4.74	4.94	4.33	4.06	4.27	3.71	3.71	4.14	3.14	3.63	4.38

* Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult."

The fairly high recorded levels of difficulty in understanding information in the Act are reinforced by participant comments: "I had to keep reading things over and over"; "Je ne comprends rien [I understood nothing]"; "Pas mal compliqué [Pretty complicated]"; "Utilisation des mots moins communs [Use of words that are not commonly used]"; "It's hard to know what's what"; "It's something you need a lawyer for"; "Overwhelming language that didn't make sense."

The levels of difficulty respondents reported they had in both finding and understanding information in any tested versions of the Act is not reflected in the degree to which respondents feel confident in the 'correctness' of their answers to the comprehension and navigation questions. Given the difficulty respondent's reported, one might have expected that they would have been less confident in the correctness of their answers. However, as Table 11 shows, respondents are, on average, generally quite confident that their responses to the first four test questions are correct (albeit falsely so in many cases given the many wrong answers recorded). There are no clearly discernible consistent differences in stated confidence levels when

comparing the version of the Act used by a specific research population segment.

The significant number of respondents who express a fairly high degree of confidence in a "wrong" answer is noteworthy. It may relate to test "stress" or an unwillingness to admit error, but it could also suggest that some individuals who read and interpret a law on their own may make decisions and take actions based on an incorrect understanding of the law.

Table 11 **Mean Score* Re: Confidence that Answer is Correct for Each Question (Among Those Providing an Answer) by Research Population and Version of Act Used**

#	General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
Q4	4.79	5.06	4.87	3.93	4.47	3.87	6.00	4.71	4.86	5.29	4.00	4.88
Q5	5.06	5.44	6.21	5.17	4.71	4.64	5.00	5.71	5.14	5.50	5.29	5.25
Q6	4.94	5.50	5.00	4.13	5.07	4.00	6.00	4.00	1.00	5.25	5.38	2.75
Q7	5.27	5.40	6.67	5.00	5.07	4.29	6.14	5.29	6.60	5.50	5.43	4.40

* Using a seven-point scale, where 1 means "not at all confident" and 7 means "extremely confident."

Expectations of Difficulty and Confidence in the Future

At the conclusion of the first component of the study, respondents were asked: "In your view, how difficult should it be for you to find answers to questions you may have about employment insurance in Canada's Employment Insurance Act?" As Table 12 shows, respondents believe that finding information should be simpler than their experiences in the test indicate (see Table 8), but they do not expect it to be very simple. Respondents recognize a certain amount of inherent complexity in obtaining information from a legal text.

Table 12   **Mean Score* Re: Expectations of Difficulty Finding Answers to Questions about Employment Insurance in Canada's EI Act by Research Population and Version of Act Used**

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
2.94	2.37	3.38	3.80	2.63	3.47	2.86	2.29	2.29	1.71	2.88	1.50

* Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult."

Interestingly, when respondents' mean scores regarding the difficulty they had answering questions in the test are subtracted from their expectations of difficulty regarding finding answers to questions about employment insurance in the EI Act, the greatest negative differential is found among users of the current Act. In other words, across research population segments, those who worked with the current Act are typically more likely than those working with either plain language version to have the largest gaps between experienced and expected difficulty. Those working with the current Act rate the finding of answers considerably more difficult than they believe it should be.

At the conclusion of the formal testing, respondents were also asked two additional questions: "Based on your experiences today, how confident are you that you could find answers to questions about any law if it were presented in the same style and format as the one you reviewed today?" and a similar question about their confidence in understanding the information. The results are found below in Tables 13 and 14.

As the two tables show, the general public's confidence in finding answers and understanding information does not vary significantly based on the version of the Act reviewed. However, the informed users who worked with the plain language versions are consistently more likely to be more confident about both finding answers and understanding information than are those who worked with the current Act.

Table 13
Mean Score* Re: Confidence in *Finding* Answers to any Law if Presented in Same Style/Format as Type Reviewed – by Research Population and Version of Act Used

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
3.94	3.32	3.50	3.13	3.75	3.27	4.29	3.29	2.57	4.43	4.88	3.63

* Using a seven-point scale, where 1 means "not at all confident" and 7 means "extremely confident."

Table 14
Mean Score* Re: Confidence in *Understanding* Information Contained in any Law if Presented in Same Style/Format as Type Reviewed – by Research Population and Version of Act Used

General Population (English)			General Population (French)			Informed Users (English)			Informed Users (French)		
PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act	PLV – You	PLV – Claimant	Current Act
(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)	(Mean)
4.17	3.26	3.44	3.47	4.00	3.50	4.86	3.29	3.00	4.43	4.63	2.88

* Using a seven-point scale, where 1 means "not at all confident" and 7 means "extremely confident."

Overall, results as described in this chapter of the report, suggest that finding information in an Act, and understanding the substance and nuance of a law is challenging for the general public and for informed users of legislation. However, within this context, results also suggest that a plain language version of the law is more user-friendly, inspires user confidence, and improves the speed with which readers can find information in an Act and their understanding of that information.

IV. Comparative Assessments of the Presentation of EI Act Information

This section describes respondent preferences for different ways of presenting information in the EI Act. Through a series of questions in the study booklet and written answers, respondents were asked to compare the current Act with the PLV-Claimant document, and the two plain language versions with one another. Note that, in terms of format, there was no difference between the "claimant" and "you" versions. This section also explores respondents' thoughts about a number of specific issues regarding navigation tools and information presentation.

Comparative Assessments of the Plain Language Version ("Claimant") and the Current Act

As Table 15 shows, respondents from all research population segments indicate a clear preference for the way information is presented in the plain language (claimant) version across all dimensions tested (as compared to the current Act). Strong majorities (though relatively fewer English informed users) say they:

- overall, prefer to use the plain language version to find information in the EI Act;

- prefer the way in which English and French texts are presented in the plain language version;

- prefer the way in which sides notes are presented in the plain language version; and

- prefer the type size used in the plain language version and find it easier to read.

Table 15   **Comparative Assessment of Plain Language Version ("Claimant") and Current Act for Various Components/Dimensions – Respondent Preferences**

Component/Dimension	English General Public		French General Public		English Informed Users		French Informed Users	
	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act
	%	%	%	%	%	%	%	%
Overall Preference (find information)	89	9	88	12	71	29	96	4
Presentation of English and French	91	9	85	13	76	24	92	8
Side Notes (find information)	79	21	79	21	62	38	88	12
Type Size (easier to read)	94	4	98	2	95	5	96	4
Type Size (find information)	85	9	96	4	81	19	96	4

* Please note that percentages may not add-up to 100 due to rounding and the exclusion of "no preference," "don't know," and "no opinion" responses.

One respondent summed up the feelings of many others by describing the current Act as reading like "a law" (a negative comment) and the plain language version reading more like an "instruction manual" (a positive comment). With reference to the plain language version, another participant said: "J'ai bien aimé ça. Très clair. Ce sera idéal. [I liked this a lot. Very clear. This would be ideal]."

The following outlines the reasons that underlie respondent preferences as indicated above.

Presentation of French and English Texts

In the current Act, English and French texts are on the same page, in two side-by-side columns. In the plain language version of the Act shown to respondents, English and French texts are on separate pages with the English on the left-hand side of the two-page spread and the French on the right. As noted above, the vast majority of respondents from all research populations prefer the plain language version method of presenting English and French texts.

Those who feel this way do so primarily because they find the alternating page format simpler to read and less confusing. A number of participants said they found the side-by-side columns visually jarring. One participant,

with reference to the preferred plain language version, said that it was: "easier to follow than columns because it is your natural instinct to read through each column like a newspaper…with the French beside the English it interrupts your thought process because you need to find where it [the text] carries on."

This is not to suggest that there was universal support for the alternating page format. In fact, some English and French participants said they found this approach almost as confusing as the side-by-side columns ("it threw me off a bit"; "I kept reading the French thinking it would be a continuation of the English"). A number of participants (both English and French) would prefer that completely separate English and French versions of the Act be prepared. Most among this group say they do not need the text in the other language and that providing it makes the document more unwieldy and wastes paper. As one participant in a French focus group put it: "Moi, je trouve qu'on on doit avoir un guide en français et en anglais – recto verso. Ça décourageait moins si c'était moins volumineux [Me, I think there should be a French guide and an English one – recto verso. It would be less discouraging if the document was smaller]." In addition, some participants – mostly in the English focus groups – were confused by the page numbering system in the plain language version. They were unclear about what the letters "e" and "f" stood for and could not understand why page numbers were duplicated throughout the text.

Among the few who prefer the side-by-side column presentation of the English and French text, most like this approach because it either allows for easy referral between and comparisons of the texts ("J'aime bien que c'est le texte francais/anglais parce que…oops, le texte n'est pas clair en français, on peut aller vérifier en anglais pour voir si ça veut dire exactement la même chose [I like having the French/English text because…oops, the text isn't clear in French, I can check the English to see if it says exactly the same thing]") or, in the case of some informed users, because it is what they are used to.

Presentation of Side Notes A majority of respondents from across each of the research population segments prefer to use the plain language version style of side notes to find information in the EI Act, though there are significant pockets of support for the side notes as presented in the current Act.

Among those who prefer the side notes in the plain language version, most do so because they find the notes clearer, easier to read and more descriptive. This group says that the more detailed side notes, the larger type size, and the way section numbers are listed make it easier to find required information, identify areas of interest and navigate through the document.

Those who prefer the side notes as presented in the current Act tend to feel that side notes in the plain language version do not "stand-out enough" – that

they are, in fact, lost in the general text. By comparison, this group feels that side notes in the current Act "really stand-out" and "jump off the page" while remaining concise and not over dominating.

Type Size

Almost all respondents indicated a preference for using the type size contained in the plain language version to find information in the EI Act. Virtually all respondents said they found the plain language version type size easier to read.

Many participants commented that the text in the current Act is too small and too dense ("I didn't like the small print"; "You can't see the words"; "I thought I was going blind"; "Les caractères trop petits sont très difficiles à lire [The small type is very difficult to read]". The larger type in the plain language version was lauded as easier to read, clearer, more legible (especially when combined with the spacing between sentences) and friendlier. Many participants said they found it easier to locate subject headings in the plain language version (though some also felt that main divisions should be bolder to help them better standout: "Pas de différence entre les titres et les sous titres [Hard to separate the titles and subtitles]").

Among the few participants who preferred the text size in the current Act, most did so because they like the idea of getting more information on a page. For some, informed users in particular, this is simply what they are used to. Others see an advantage in conserving paper or not having to turn pages as often ("Le A, ça contient plus d'information. On n'a pas beaucoup de temps. Mieux si on a moins de pages à tourner. [Version A has more information. We don't have a lot of time. Better if there are fewer pages to turn.]").

Overall, group discussion of the relative merits of the plain language version reveals that its key strengths – when compared to the current Act – include (in no particular order) the:

• bolded headings and subheadings, the bullet-style formatting and generally perceived better organization of content which assist navigation, delineation of topics, and ease of reading;

• table of sections;

• larger type size ("Grands caractères, c'est primordial. Les caractères gros simplifient les choses. [A bigger type size is essential. Bigger letters simplify things.]") and use of more white space;

• simpler and more user-friendly language that allows the reader to more easily identify with the content ("Assez accessible, dans le sens que l'information est claire et simple [Very accessible in the sense that the information is clear and simple]"; "Le langage dans le texte est plus facile à lire. Beaucoup plus clair, plus facile que les textes actuels. N'importe quelle personne peut le prendre et n'aura pas de la difficulté à obtenir leur

information. [The language of the document is much easier to read. Much clearer and easier than current laws. Anyone could read it and not have trouble getting the information they need]");

- overall less intimidating visual look: "doesn't look like a dictionary," "doesn't look as scary," "looks more refreshing," "you might actually try and look for stuff";

- placing of English and French texts on different pages;

- highlighting of key words that can be found in the definitions section (though some concerns were raised about using underlining as the highlighting technique – see below); and

- referencing of the topic (both the division and subdivision) at the top of the page.

By comparison, the current Act was criticized for:

- "looking old" and "tired";

- being poorly laid-out, using too small a type size and generally being too difficult to read;

- not having a table of sections/contents;

- sounding too legalistic and bureaucratic; and

- being too intimidating.

Respondent comments suggest that the clarity of the content contained in the EI Act is much more important than the length of the document. Virtually all participants across the research population segments would prefer to work with a plain language version of the Act even if it is up to 30-50% longer than the current Act. Most say that the trade-off of extra length for an easier-to-read Act is well worth it.

The small minority who expressed a preference for the current Act over the plain language version typically did so for the following reasons:

- the current Act is shorter and uses less paper;

- they prefer the column-style side-by-side presentation of English and French text;

- the current Act reads more like a "real" and an "official" law – a concern was expressed by some informed users that if the Act is rewritten in plain language the legal interpretation of the "old" Act may be undermined and gains made on behalf of claimants through judicial interpretation of the law may be lost;

- the side notes are clearer and easier to scan quickly;

- definitions are placed at the beginning of the Act; and

- the style of the current Act is familiar to many informed users.

Comparative Assessments of the "Claimant" and "You" Plain Language Versions

To further explore preferences for styles of plain language drafting, respondents were shown different passages from the EI Act presented in two different plain language styles and asked to choose the one they would prefer to use to find information in the Act. Table 16 below documents key findings regarding these questions.

As Table 16 shows, slim to moderate majorities of respondents across three of the research population segments prefer the plain language "you" version to the plain language "claimant" version on a number of dimensions. The main exception is the English informed user group where the pattern is reversed (see below for a description of the dimensions probed).

Table 16   **Comparative Assessments of Plain Language Versions for Various Components/Dimensions – Respondent Preferences**

Component/Dimension	English General Public		French General Public		English Informed Users		French Informed Users	
	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act	Prefer PLV – "Claimant"	Prefer Current Act
	%	%	%	%	%	%	%	%
Overall Language (find information)	36	60	23	56	57	38	38	54
Language of Heading (find information)	47	51	23	67	76	24	29	67
Style of Writing (find information)	30	68	27	60	62	38	50	46

* Please note that percentages may not add-up to 100 due to rounding and the exclusion of "no preference," "don't know," and "no opinion" responses.

For the questions asked about "overall language" and "language of heading" there are two key differences between the two versions that respondents were shown. The "you" version uses this word to replace the traditional legal reference to "claimant." In addition, the "you" version poses section

headings as questions (for example: How do you apply for benefits?); the "claimant" version uses section headings that are statements (for example: How to apply for benefits). For the question about "overall language," respondents were not alerted to these differences prior to being asked to choose between the two versions. They were simply asked: "In terms of the overall language, which version would you prefer to use to find information in the Employment Insurance Act?" The question about "language of heading" prompted respondents to consider that the section heading in one version was posed as a question and the other as a statement.

For the question about "style of writing," respondents were shown two different plain language passages. The only difference between the two was that one version used the word "you" and the other used the word "claimant". The question about "style of writing" prompted the reader to consider this key difference.

Those who prefer the "you" version in terms of either overall language, language of heading, or style of writing do so for a number of reasons:

• Many say they like the more "personal" reference ("It refers to me as the person applying [for EI]"; "It speaks directly to you"; "More individualized"; "Directed at me"; "More directed to the people who need the service"; "'Vous', ça s'adresse un peu plus à moi ['You', it speaks a bit more to me]"; "Je préfère 'vous'. On se plaint toujours qu'on est fiché par numéro. 'Vous' donne l'impression qu'on s'adresse à quelqu'un. [I prefer 'you'. We're always complaining about being just a number. 'You' gives the impression of being spoken to as a person.]"). A number of participants find 'you' more "user friendly" and less intimidating. The word 'claimant' was often criticized as being too "cold" and imposing, unfamiliar, too "lawyerish," "too official and bureaucratic," "very legal and clinical," and "trop juridique de dire [too legal to use]."

• Some participants favour 'you' because it is a shorter word ("you is three letters, claimant is eight letters") that is clearer and easier to understand ("simpler," "better for people with low literacy," "Vous, c'est simple et direct [You is simple and direct]").

• Some participants prefer that section titles be posed as questions. A number of respondents say they would likely only ever use the Act to find answers to questions and that they might be better able to find information if section headings are written using language similar to their formulated questions ("Une question est plus facile à comprendre [A question is easier to understand]"; "Quand je cherche de quoi là-dedans, c'est parce que j'ai une question et j'ai plus de chance que ma question se trouve dans le style des questions que je me pose [When I am looking for something in this, it's because I have a question and I have more of a chance that I'll find my question if the title is in the form of a question]"; "Parce que quand je fais

une demande je vais m'interroger – qu'est-ce qu'il faut que je fasse? Si c'est écrit de même manière, la manière que je pense – une question – je cherche une réponse à ma question [Because when I have a problem, I am going to ask myself – what must I do? If it's written in the same way I think, as a question, I can look for the answer to my question]").

Those who prefer the "claimant" version in terms of either overall language, language of heading, or style of writing also do so for a number of reasons:

- Many feel that the reference to claimant is less ambiguous and easier to understand – some participants say it is not clear who the "you" refers to: is it the reader, who may not be the actual or potential EI claimant, or someone else? ("'Vous' peut causer des ambiguité. Si on fait quelque chose pour une amie, 'demandeur' est plus clair. ['You' can be amibiguous. If you're doing something for a friend, 'claimant' is clearer.]"; "Demandeur, c'est plus précis. 'Vous', c'est tout le monde. [Claimant is more precise. 'You' could be anyone.]"; "I may be reading this for someone else"; "When you're reading the law, it's not necessarily for yourself"). The word claimant is lauded for its "universal quality" (it can be referencing someone other than the reader of the Act), its directness and minimization of misunderstanding.

- Some participants prefer the word "claimant" because they believe simply that it stands out more in the text than does the word "you".

- A number of participants, particularly informed users from both the English and French groups, feel that the word "claimant" is a more proper sounding and precise legal term that embodies an appropriate level of formality ("More formal and concise"; "More professional than 'you'"; "Legally, [claimant] seems more powerful"). As one informed user put it: "I may be old-fashioned…but I think legislation should be more formal." Another informed user (a lawyer) remarked that it would be very odd to be in front of a judge and have to read from the "you" plain language version of the Act: "I refer your honour to section X that says: 'you'…"

- Even among those who prefer the word "you," many participants agree that "claimant" is a more objective and neutral term – it does not single the reader out nor feel as personal or "threatening." In fact, the word "you" was often criticized as being patronizing and accusatory in tone ("Personalizing kind of bothered me…I may not want to be on unemployment…it's a little bit in your face"; "Moins accusateur de dire 'demandeur' [It's less accusing to use 'claimant]"; "It's demeaning"; "You is accusatory…you're unemployed"; "You has a patronizing tone and suggestion to it"; "I don't like the way 'you' makes me feel").

- There was some confusion about the meaning of the singular plural "they" in the English plain language text. Though most participants understand that 'they' refers to the claimant (as one participant put it: "Who else could

it mean?") some think 'they' means "all claimants as a group" or the people deciding on the claim. Even among those who understand the intent of the singular plural, some participants are simply bothered by (or in rarer instances offended by) the imprecise language and "questionable" grammatical style.

- A number of participants prefer section titles that are written as statements rather than questions. This group believes that statements are easier to understand and/or more in keeping with the desired formality of legal text.

Though many respondents indicated their preference for the "you" version in the self-administered questionnaire portion of the test, a number of them reconsidered this choice after being exposed to some of the arguments in favour of "claimant" and against "you" that they heard during the discussion phase of the research. Without giving undue weight to the discussion, it was clear that there was some erosion in the initial support for the "you" version. Still, the "you" version continued to have the support of a significant number of respondents – particularly those from the general public – suggesting that there is no clear winner in terms of respondent preferences between the "you" and "claimant" approaches.

On balance, though not conclusive, findings from the research in its entirety suggest that future plain language drafting of the EI Act should focus on the use of "claimant." The potential "downside" of using "you" is likely greater than the upside given how respondents worked with the two versions and their comments during the discussion.

Key findings in support of using "claimant" include:

- On average, those working with the plain language "claimant" version in the navigation and comprehension test component of the research tended to both have completed a higher number of questions and had a slightly higher number of correct answers.

- The term "claimant" is much less likely to offend or be significantly off-putting, though some may not find "claimant" as personalized or user-friendly as "you."

- Participants are much clearer about to whom the word "claimant" is referring. This helps remove uncertainty and ambiguity.

The research also points to a participant preference for using questions in headings ("Une question, c'est moins impersonnel, moins juridique [Questions are less impersonal, less legal])." Consideration should be given to writing section headings as questions without using the term "you."

Paragraphing/Bulleting

Respondents were shown two versions of essentially the same passage from the EI Act. One version contained the information within the body of a single sentence as follows: "You are eligible for maternity benefits if you are pregnant and you have 700 hours or more of <u>insurable employment</u> in your qualifying period." The other version divided the same sentence into a lead followed by two bullet points as follows (please see the appendix for copies showing the precise formatting of the text):

> "You are eligible for maternity benefits if
> (a) you are pregnant; and
> (b) you have 700 hours or more of <u>insurable employment</u> in your qualifying period."

As Table 17 shows, considerable majorities of respondents from across all of the research population segments prefer the "bullet-style" approach. Those who feel this way say they do so because they find this approach easier to understand and read ("there is no question that both criteria must be fulfilled," "you get the information at a glance"). Moreover, a number of respondents say that "breaking up the text" allows the reader to place greater emphasis on the two criteria. Of interest, those who prefer the single sentence approach also do so for reasons associated with simplicity and ease of understanding. In fact, some respondents from among this group say that separating the text into two bulleted, distinct points is less precise and could lead to readers interpreting the bullets as "either/or." Others say they simply do not like the visual look of the "fragmented" bulleted style.

Table 17   **Comparative Assessments of Plain Language Versions for Paragraphing Style – Respondent Preferences**

Component/Dimension	English General Public		French General Public		English Informed Users		French Informed Users	
	Format (Sentence)	Format (Bullet Style)	Format (Sentence)	Format (Bullet Style)	Format (Sentence)	Format (Bullet Style)	Format (Sentence)	Format (Bullet Style)
	%	%	%	%	%	%	%	%
Formatting (clearer and easier to use)	21	77	27	69	5	95	29	71

* Please note that percentages may not add-up to 100 due to rounding and the exclusion of "no preference," "don't know," and "no opinion" responses.

To further probe preferences for different paragraphing styles, respondents were given two plain language versions of a small part of the EI Act. Version A read as follows (please see the appendix for copies showing the precise formatting of the text):

> Disqualification for participating in a labour dispute
>
> Your disqualification for losing your employment because of a labour dispute is suspended if
>
> (a) the Commission would be obliged to pay you training, sickness, maternity, or parental benefits if you weren't disqualified; and
>
> (b) you prove that, before the work stoppage, you expected to be absent from work for the reason that obliges the Commission to pay the benefits, and you had made arrangements for your absence

Version B was identical to the above with the exception that (b) was written as follows:

> (b) you prove that, before the work stoppage,
>
> > (i) you expected to be absent from work for the reason that obliges the Commission to pay the benefits, and
> > (ii) you had made arrangements for your absence.

Versions A and B were randomly distributed to respondents in each of the research population segments. Respondents were then asked to find the answer to the following question:

"Carol, along with 115 other workers in her office, has been on strike for two months. When the strike began, Carol was 7 months pregnant. The law says that people cannot collect employment insurance benefits when they stop working because of a strike situation. As it happens, the strike is still going on when Carol's baby is born. If there were no strike, Carol would be entitled to maternity benefits. Using the text you have been given, what must Carol show to get maternity benefits?"

Table 18 below reveals a number of interesting findings regarding answers to this question. The first is how few respondents actually identified the correct answer which required writing out both that before the work stoppage Carol expected to be absent from work and had made arrangements for this absence. Rarely did more than one-half of the respondents within a research population segment get the answer right (remember, respondents did not have to find the information to formulate their answers – it was given to them – they only had to interpret it). Of particular note is the small number

of English informed users who got the answer correct. This, as alluded to earlier, suggests the complexity of interpreting legal text (whether presented in plain language or not).

As Table 18 also shows, with the exception of the English general public (who did better with version B), respondents from the different research population segments were not significantly more likely to arrive at the correct answer using either of the versions provided to them. Moreover, (again, with the exception of the English general public), respondents with the correct answers were not significantly more likely to report that it was less difficult to find the answer using either version of the text. Those respondents working with Version B and who had the correct answer tended to be slightly more confident that their answers were correct than those using Version A.

In sum, the data regarding the two paragraphing styles tested are inconclusive though somewhat suggestive that an approach with text sub-bullets may be marginally clearer and easier to understand.

Table 18   **Percentage of Correct and Incorrect Responses Using Two Different Plain Language Format Options**

	English General Public		French General Public		English Informed Users		French Informed Users	
Correct	Version A 30%	Version B 65%	Version A 39%	Version B 44%	Version A 18%	Version B 10%	Version A 50%	Version B 58%
	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*
	Difficulty 3.3	Difficulty 1.8	Difficulty 2.4	Difficulty 2.8	Difficulty 1.5	Difficulty 2.0	Difficulty 2.3	Difficulty 2.1
	Confidence 4.4	Confidence 5.1	Confidence 4.6	Confidence 4.6	Confidence 6.5	Confidence 7.0	Confidence 3.8	Confidence 5.4
Incorrect	Version A 70%	Version A 35%	Version A 61%	Version A 56%	Version A 82%	Version A 90%	Version A 50%	Version A 42%
	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*	(Mean)*
	Difficulty 2.0	Difficulty 3.8	Difficulty 3.7	Difficulty 3.2	Difficulty 2.7	Difficulty 2.2	Difficulty 4.0	Difficulty 3.8
	Confidence 5.0	Confidence 3.0	Confidence 4.4	Confidence 4.9	Confidence 5.4	Confidence 5.6	Confidence 4.4	Confidence 4.2

* "How difficult was it to find the answer?" (Using a seven-point scale, where 1 means "not at all difficult" and 7 means "extremely difficult"); "How confident are you that the answer you provided above is the correct one?" (Using a seven-point scale, where 1 means "not at all confident" and 7 means "extremely confident")

Definitions

Underlining

As noted earlier in this report, most participants reading the plain language versions did not see the footnote reading: "<u>Underlined terms</u> are defined in section 78" (in fact, many participants asked, unprompted, "Why are some words underlined?"). Some participants thought that underlining was simply a means of highlighting important terms or those that should be emphasized when read ("Quand je souligne quelque chose, c'est parce que c'est important [When I underline something it is because it is important]"). Most, therefore, were unaware of the connection between the underlining in the plain language versions and where to find the section with definitions in those texts.

Once the meaning of the underlining was explained, many participants said they like this feature ("retire l'attention [it attracts attention]"). However, others raised a number of concerns about underlining. Some felt that underlining makes a word seem more important than it is in the context of a written sentence or passage. Others find that underlining "interrupts" their reading ("it's distracting," "very annoying"). Still others find the repetitive nature of the underlining redundant (the same word can be underlined many times on the same page). Some among this last group would prefer that a word only be underlined the first time it is used in a section or on a page (though they recognize the weakness of this approach given that a reader may not start at the beginning of a section or top of a page).

A key obstacle to recognizing the intent and meaning of the underlining is the lack of convention for highlighting defined words in this manner ("underlining is not traditional…I've never seen that before"). Participants suggested a number of alternatives to underlining:

- Use of an asterisk or a footnote number. Many participants say they are used to this convention and either an asterisk or a footnote would draw their eye to the bottom of the page where they could deduce the meaning of the designation. However, this technique is problematic in that it would be unclear whether an asterisk or footnote was referring to a single word or a string of words (unless the word/entire passage was somehow highlighted – through use of italics, bolding, etc.). Further to this last point, some participants would prefer to simply italicize all defined words (however, others say this will not help given that italics alone will not prompt them to look at the bottom of the page).

- Some would use colour to delineate defined words. Aside from being expensive, many participants countered by saying that colour would make the text too distracting.

- Some participants would continue to use underlining to highlight defined words, but would place the definitions of those terms right in the margins

of the text as close as possible to where the word is found ("then we won't have to flip back and forth all of the time"). If a word were found more than once on a page, the definition would be included only once.

Placement of the Definitions Section

A number of participants – particularly informed users who have grown accustomed to it – prefer the convention of placing defined terms at the beginning of an Act ("That's what I'm used to"; "Definitions should have come first"). Others are more accepting of placing the definitions section at the end of the Act though they do want to be better alerted to its existence. Many participants agreed that a bold passage, along the lines of the following, that would be plainly evident to the reader should be placed at the beginning of the table of sections for this purpose: "Defined terms are underlined throughout the text of the Act and their definitions can be found on page…"

Other Navigation and Comprehension Tools

As noted earlier, the table of sections and side notes are viewed as critical navigation tools. Though not the focus of the testing procedure, some participants did comment on other navigation and comprehension tools – both those used in the plain language versions of the Act and one that was missing.

Index of Key Words

A number of participants believe the EI Act should include an index of key words. This index – placed at either the front or back of the Act – would list many more than the defined terms and would include an associated section reference or page number. Participants believe such an index would significantly enhance their ability to navigate through the Act and find what they are looking for.

Cross-References in Notes

Though there was neither much mention nor discussion of cross-references, respondents' few comments suggest a mixed reaction to them. Some participants responded well to the cross-references and appreciated the degree to which they helped "move" the reader between related text. Others, however, found the cross-references distracting and as leading to increased uncertainty about their interpretation of a given passage from within the Act. Still others did not like the cross-references because of the added "burden" they place on the reader ("I don't like going to two or three sections to find an answer").

Examples and Diagrams

Among the few respondents who had or took the opportunity to review some of the examples and diagrams contained in the text, most said they found them somewhat useful. However, this endorsement was not universal. As one participant put it: "Diagrammes. Du papier de trop, inutile. [The diagrams. A waste of paper, useless.]." In principle, many say that examples are almost always of value.