

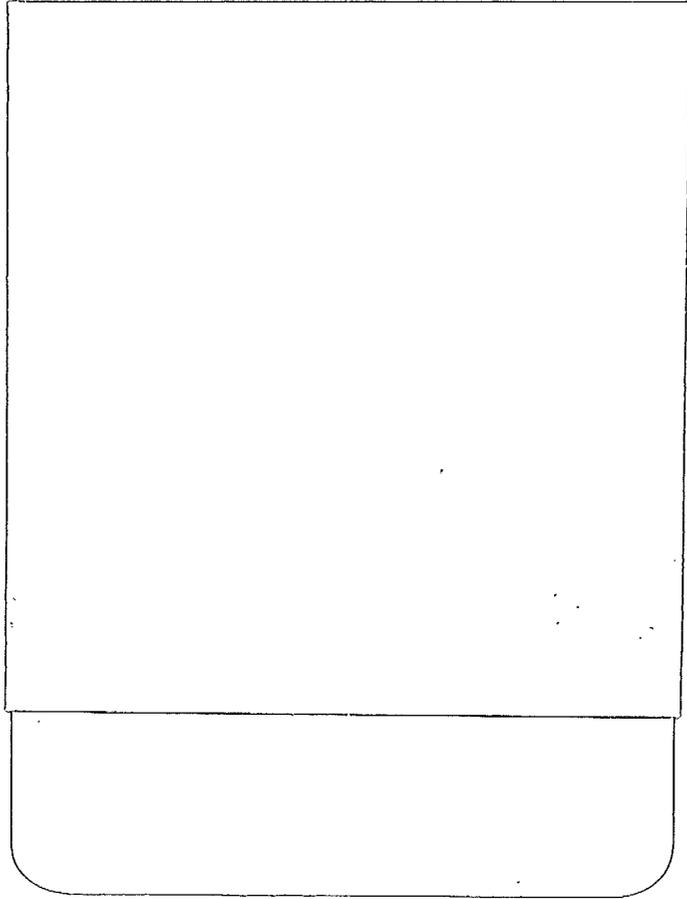


Department of Justice
Canada

Ministère de la Justice
Canada

Employment Insurance Act Plain Language Project

**Development and Special Projects Unit
(December 2001)**





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CHAPTER 1: Introduction

1. This document describes the *Employment Insurance Act Plain Language Project*. Its purpose is to tell you what you need to know to fairly assess the elements and impact of the project.

Background...

...international

2. The *Employment Insurance Act Plain Language Project* is based on the "plain language" movement, an international movement that aims to improve the communication of information, regardless of its nature.
3. It is difficult to say where this movement first saw the light of day. However, there is general agreement that it arose in four countries: the United States, Great Britain, Australia and Canada.
4. The movement has spread to several other countries, signaling the fact that the clear communication is a global concern.

...legislative

5. In the legislative field, the recognized leaders are the governments of Australia, New Zealand and Great Britain. All three have successfully completed ambitious projects to rewrite their tax laws in a more accessible style.
6. In the United States, President Clinton issued a directive on June 1, 1998 ordering the federal administration to draft its official documents, including regulations, in accordance with the principles of plain language.
7. A similar requirement can be found in the *Regulatory Process Management Standards* attached to the Government of Canada *Regulatory Policy* adopted in November 1999:

Regulatory authorities creating new regulatory requirements must tell stakeholders about the proposal in simple, clear, complete and concise language that the general public can easily understand.

New regulations must be written in plain language that regulatees can easily understand.¹

8. Finally, Part 5 of the *Federal Regulations Manual*, entitled "Developing Regulations: Main Stages and Readability", argues for making it easier to understand legislative documents and sets out the essential components of readability:
 - know who your readers are;
 - know what you want to communicate;
 - organize the regulation in a way that your readers will understand;
 - use language that your readers can understand;
 - use formatting features to help your readers;
 - test to see if you have achieved your purpose.

... *employment insurance*

9. Why the *Employment Insurance Act*? The earliest predecessor of the current Act was the *Unemployment Insurance Act* of 1940, which was limited to a few pages and dealt essentially with the benefits that could be paid if a person lost his or her employment.
10. Over the following 60 years, new programs were introduced that were better adapted to the clientele of the Act. But they were also more complex. Measures were introduced to counteract abuse and fraud. The Act changed a great deal.
11. These successive amendments — made almost annually — resulted in a kind of legislative magma that was impenetrable for most people.
12. The Act has been criticized a great deal. For at least 25 years various people, including public servants, judges, lawyers, members of interest groups and individual members of the public have criticized its complexity and the difficulty involved in interpreting it.
13. For example, in 1988, Madame Justice L'Heureux-Dubé of the Supreme Court of Canada said in *Gagnon*:

¹ See http://www.pco-bcp.gc.ca/raoics-srdc/reg-pol/reg-pol_e.htm#b.

The least that can be said is that the Act is not a model of clarity and, consequently, its interpretation is not an easy task.²

14. In 1996, a new Act – the current one – came into force. Although it was new, most of the provisions of the previous Act remained intact or were changed only slightly.
15. The priority was not to make the Act more accessible, but rather to reform substantially the criteria governing eligibility for benefits. However, the Department of Human Resources Development (HRDC) agreed to do something about increasing accessibility in the near future.

The project

16. In June 1997, Justice Canada and HRDC concluded an agreement to produce a new version of the *Employment Insurance Act*.
17. A multidisciplinary project team was created that originally consisted of two drafters from the Legislation Section as well as a legal services adviser and three legislation and policy advisers from HRDC.³
18. The team's mandate was to make the Act more accessible and more intelligible to its users without changing its substance.
19. The main function of the legal services adviser was to ensure that the new text and the judicial interpretation of the existing Act were in harmony with each other. The task of the legislation and policy advisers was to ensure that the new version reflected the policies of the Department and the operations of the Employment Insurance Commission.
20. During the summer of 1997, we at Justice conducted research on readability and drew up a list of techniques that could be used in the project.
21. We relied a lot on some very interesting and concrete examples that Australia, Great Britain and New Zealand offered.

² *Gagnon v. CEIC*, [1988] 2 S.C.R. 29.

³ Since the fall of 2000, this team has consisted of a project manager, a legal adviser and two policy and legislation advisers at HRDC and a project manager and two drafting teams at Justice. The staff of the Canada Customs and Revenue Agency are working with one of these teams in rewriting the part of the Act for which the Agency is responsible.

22. However, with no other guide than our personal preferences, we wished to examine the criticisms that had been made of the Act before getting involved in the application of these techniques.

23. We consulted about 30 people who used the Act on a regular basis. Over two days, they expressed their concerns and the problems that, in their view, were responsible for the density of the *Employment Insurance Act* and a number of other pieces of legislation.

24. For each criticism of the Act, we found that other legislatures had developed techniques and approaches that could be used to alleviate the problems.

Objectives

25. As part of the project, HRDC set three objectives:

- to make the Act more accessible and more intelligible to its users

A statute is generally the message of the sovereign to the people. The accent has not always been placed on communication of the information it contains. There is greater concern for reflecting the government's policies clearly and not opening the door to possible disputes.

- to increase respect for the Act

To some extent, this objective follows from the first. Studies have shown that the more familiar people are with the law, the more they tend to obey it.

- to reduce the cost of enforcing the Act

A more accessible Act that is better understood and better respected would save both government and the public substantial sums of money. It is estimated that training for public servants responsible for its application could be reduced, that the number of disputes would decline significantly and that even the production of pamphlets for the public would become easier.

26. In Justice Canada, our objective is to use this pilot project to test various techniques, new layout and a simpler drafting style designed to make legislative documents more accessible and easier to use.

The approach

27. The approach we adopted was as follows:

- determine the readership of the Act;
- review the organization of the Act, the drafting style and the layout in light of the needs of this readership.

Target readership

28. The readership of the *Employment Insurance Act* is quite varied and potentially very extensive.

29. It currently consists of lawyers, public servants and other “unofficial” interpreters, that is people who out of interest alone or in order to do their work, consult the Act so that they can advise others of their rights and obligations.

30. Paradoxically, those who are directly affected by the Act – the unemployed – make up only a very small part of its readership.

31. This can be explained in part by the fact that a large number of Canadians experience serious reading problems. It will undoubtedly be very difficult, if not impossible, to make the *Employment Insurance Act* accessible to those people. But for some members of the public who are not in this situation, there is a real possibility that the information in the Act and other legislation can be conveyed to them more effectively.

32. Since one of the objects of rewriting the Act is to increase the accessibility of the *Employment Insurance Act*, we thought it important to bear these people in mind.

33. The objective is to rewrite the Act to ensure that it meets the needs of its current readers, while permitting those who are likely to be directly affected by it to understand their rights and obligations with a minimum of effort.

34. This is a significant challenge because, in addition to drafting a document designed for readers of varying abilities, we must also take into account the varied uses they make of the Act.

35. There are four recognized uses of a piece of legislation:

- reading the entire document to gain an understanding of its principles;

- reading the entire document to refresh one's memory;
- occasional consultation of specific provisions that have not been read before in order to find the answer to a particular question;
- occasional but regular consultation of the document to find the answer to a specific question.

36. In addition, several parts of the *Employment Insurance Act* are of greater interest for some types of users than others. For example, provisions dealing with the annual reports that the Employment Insurance Commission is required to submit to the minister will be of greater interest to the officials responsible for preparing them than to a person seeking benefits.

37. In contrast, provisions dealing with the conditions governing eligibility for unemployment benefits and payment of benefits will interest all readers of the Act.

38. It is important therefore to adjust the text not only in terms of the type of readers, but also on the basis of the uses they will make of it and the types of information they are seeking.

Techniques used

39. The different techniques that we used (and in many cases adapted) are designed to achieve a better organization of the ideas, a drafting style that is better adjusted to the needs of the reader and layout that permits the reader to find information more easily. We describe these techniques in greater detail in Chapters 3, 4 and 5.

40. These three aspects are equally important. They serve different purposes, but together they help make it easier to locate and to understand information and to use the document, which are the three ingredients of good communication.

Validation of techniques

41. We planned to test the rewritten document since it cannot be assumed that these different techniques will be effective in clearly communicating the information contained in the Act.

42. First we engaged documentary design specialists to ensure that the characteristics we selected for the new layout respected the basic principles of document design.

43. A user test was subsequently administered and the results enabled us to validate the use of some of the techniques and to adjust our approach in using others.
44. For example, the great majority of the participants found the arrangement of the two language versions on separate pages opposite each other clearer and more inviting. Highlighting expressions defined in the Act was also greatly appreciated. On the other hand, we decided not to use the second person plural personal pronoun ("you") and not to create tables of sections for each division of the Act since their usefulness was not established.
45. Finally, various consultations with officials from HRDC across the country have been held and others will be held with various organizations, groups and associations to obtain the comments and suggestions of users of legislation and the main participants in the legislative process.

Expected duration of project

46. We expect the Bill to be ready for tabling in Parliament in the spring of 2003. The document will have been completely rewritten well before that, but we intend to hold consultations in the meantime. The results of these consultations will probably require us to review various aspects of the project before submitting it to Parliament.
47. We expect later to embark on a review of the regulations made under the *Employment Insurance Act*.

Impact on other legislation

48. For Justice, the objective of the project is to test certain techniques, including a complete reorganization of the layout, in order to make all the legislation we draft more accessible.
49. At the end of this exercise, it is expected that we will convert the database of federal acts and regulations to reflect the basic elements of the project that are eventually approved by Parliament.
50. By "basic elements" we mean the layout of legislation, as presented in Appendix 2 (but without the guides, diagrams and notes). Not all legislation will require use of all the techniques adopted for the *Employment Insurance Act*.
51. In the case of new documents, the use of these techniques, like that of techniques that we intend to develop during the next few years, will be

authorized, but not mandatory. Drafters will decide in each case whether they are appropriate.

CHAPTER 2: Where do we stand on readability

What it is

52. Although a number of authors have attempted to define readability, the definition offered by Martin Cutts seems a most appropriate one:

The writing and setting out of essential information in a way that gives a co-operative, motivated person a good chance of understanding the document at first reading, and in the same sense that the writer meant it to be understood.⁴

53. This means that you adjust the level of language to the readers you are trying to reach and that you organize ideas and arrange the text in a way that makes it easier for them to locate the information they seek.

54. The legislative process usually produces documents that accurately reflect the policies adopted by the government without giving rise to disputes. However, the communication of the information contained in these documents does not always meet the reasonable expectations of their users.

55. As Justice Baudoin of the Quebec Court of Appeal recently pointed out,⁵ a statute is a fundamental act of communication between government and the public that is essential for any society. It must be readable. Two essential conditions govern this readability: the law must be accessible to all and intelligible.

56. Making readability an objective of legislative drafting emphasize the communicative qualities of legislation. It involves taking into account the readers to whom the document is addressed. This is a simple approach: thinking about the expression of law as a work of communication.

⁴ CUTTS, Martin, *The Quick Reference Plain English Guide*, Oxford University Press, 1999, p. 3.

⁵ Talk given as part of a conference on "La lisibilité des jugements et l'illisibilité des lois" [readability of judgments and unreadability of the laws], organized by the Centre de recherche en droit public of the Faculté de droit of the Université de Montréal and reported in the *Journal du Barreau*, Vol. 33, No. 4, page 5.

What it is not

57. The "plain language" movement has not always received praise. Its aims have often been misunderstood. So we also need to say what readability is not.
58. It is not about lowering the quality of language. The quality of the drafting of a text is one of the pillars of readability. Without it, clarity is impossible. The objective of plain language is to adjust the level of the text in such a way that the target readership will be able to understand the contents. Contrary to what some maintain, it is not necessary to address these readers in a style that they themselves would use. It is possible to be a poor writer, but a very good reader. A mediocre text does not inspire confidence.
59. Readability is also something more than mere conciseness. While it is true that short sentences contribute to the clarity of the whole, it is an oversimplification to say that good written communication is marked solely by conciseness. Effective communication of complex concepts sometimes requires a more descriptive text that is usually more concrete and is often longer.⁶
60. Finally, it is not a question of systematically preferring the use of simple words and excluding more precise expressions. Precision has its virtues, one of which is clarity.
61. The readability of a document will depend on how well it is drafted. Appropriate use of language is undoubtedly the favourite tool of written communication. However, readability is not just a matter of the wording of a document.
62. The organization of ideas has a major role to play in making the whole intelligible. Typography (choice of font, size of font, line width, line spacing and so on) which forms part of a now well-recognized discipline – document design – sometimes makes as big a contribution to readability as a well-honed sentence.
63. Accordingly, we have used the following three elements of readability:
- the organization of the ideas in light of the reader's needs;
 - a more dynamic drafting style;
 - a well-designed page layout.

⁶ See PRÉFONTAINE, Clémence and Jacques LECAVALIER, "Analyse de l'intelligibilité de textes prescriptifs" (1996), 25 *Revue québécoise de linguistique*, No. 1, 103.

CHAPTER 3: Organization of ideas

Introduction

64. The comments made by the main users of the *Employment Insurance Act* were clear: it is very difficult to locate the information needed to deal with a particular situation. Because there is no thematic organization, users of the Act are often forced to review several parts of the Act (there are 9 in all) to find the desired information.
65. We have reorganized the Act in order to highlight the three main components: programs, funding of programs and additional provisions. These are the three main divisions of the new document.
66. The information contained in the three divisions is organized by topic and then by increasingly more specific subjects: always moving from the general to the particular and also from frequently applied provisions to those that are used less often.
67. An effort was made to highlight the major components of the unemployment benefits process (from submission of a request to the payment of benefits) because of the logical if not chronological sequence that characterizes the process.
68. We believe that this will allow a new reader to appreciate the details of the process and the steps to be taken. It will also allow a regular user to find provisions more easily since the various steps in the process – with which they will be familiar – provide a number of signposts.

Programs

69. The main objective of the Act is to provide benefits to insured persons who lose their jobs. There are three main programs:
 - Unemployment benefits: this Part contains information about the various kinds of benefits provided (regular benefits, sickness benefits, maternity benefits, parental benefits, work-sharing benefits and professional development benefits) and the steps to be taken for the Commission to be able to pay them.
 - Employment programs and services: this Part confers authority on the Commission to establish programs to help unemployed persons re-enter the work force; it also contains provisions governing the establishment of a national placement service.
 - Scheme for self-employed fishers: the provisions on this subject give the Commission authority to make regulations establishing a

specific employment insurance scheme for self-employed persons engaged in fishing.

Funding of programs

70. This division contains information about the premiums to be paid by employers and employees to fund the employment insurance programs. It also deals with other financial questions.

Additional provisions

71. This division contains information that supplements the other divisions. It has two parts:

- Enforcement: this part sets out enforcement mechanisms (for example, administrative penalties, criminal prosecutions, procedures and evidence);
- Administrative matters: this part contains information about administrative aspects of the Act (for example, establishment of boards of referees, appointment of Umpires, investigations and reports to Parliament).

Chapter 4: Drafting style

Introduction

72. The provisions were rewritten with a great care. The objective was to simplify the expression of concepts and to make it easier to locate information so that both new and regular readers of the Act would know where to find the information without having to read all the whole Act.
73. Generally, we attempted to draft the provisions so that they can be understood on first reading, which is not true of many of the existing provisions.
74. Several provisions were broken up to state more clearly the elements that they contain.

Length of sentences, choice of words and active voice

75. Particular attention was paid to the length of sentences and the choice of words. We made an effort to use the active voice whenever it seemed appropriate.

Additional marginal notes

76. A number of techniques designed to make it easier to locate information were selected. A more general note summarizing the section as a whole has been added to the traditional marginal notes in the case of sections consisting of more than one subsection.

➤ Example :

94 Second level of appeal – umpire

- (1) **Who can appeal** A decision of a board of referees may be appealed to the umpire by any of the following:
- (a) the claimant or any other person who is the subject of the decision;
 - (b) the employer of the claimant;
 - (c) an association of which the employer or claimant is a member;
 - (d) the Commission.
- Note : The umpire is appointed under section 12.
- (2) **Grounds for appeal** The only grounds for appeal are that the board of referees did one or more of the following:
- (a) failed to follow a principle of natural justice;
 - (b) acted beyond its jurisdiction;

- (c) refused to exercise its jurisdiction;
- (d) made a mistake in law in making its decision, whether or not the mistake appears on the face of the record.

Titles in the form of questions

- 77. Certain groups of provisions relating to the same subject are preceded by a title in the form of a question. The marginal notes for these provisions answers these questions to some extent.
- 78. This adds a dynamic element to a reading of the whole. The question – which is one that the reader might ask – will steer the reader toward sources of information. Consultation of the table of sections will be more productive because the reader will find at a glance both the question and the elements of an answer.

Reduction in the number of references

- 79. The number of references in the provisions has been reduced to a minimum. As far as possible, we opted for a better organization of ideas, including arranging the sections by subject, rather than using internal references that tend to limit the clarity of the provision.

Reduction in the number of defined terms

- 80. The use of defined technical terms or terms that are given a meaning that differs from their everyday meaning adds to the complexity of legislation. An effort has been made to limit them.

Indication of defined terms

- 81. One of the main criticisms of legislation relates to the difficulty of locating terms that are defined in the legislation. Generally, section 2 of a statute sets out the defined terms and the specific meaning given to them. The reader then has the task of noting these terms as he or she reads the document.
- 82. The terms defined in the new version of the Act are preceded by an asterisk (*) when they first occur in a section. The asterisk refers the reader to a footnote indicating that the definition of the term may be found in section 1 of the Act.

➤ Example :

(3) **Duration of disqualification**

The disqualification is for the number of *weeks set by the Commission but may not be more than 6 weeks.

83. The asterisk makes it easier to locate the defined terms and allows the reader to find the definition of the term more quickly.

84. Before adopting asterisks to indicate defined terms, we considered a number of approaches: **bold face**, underlining, *italics*, a list of defined terms in the margin of the document, etc. However, we chose the asterisk for the following reasons:

- An asterisk is subtle. It will not distract regular users of the Act who are familiar with the defined term and can dispense with this highlighting.
- An asterisk does not give the defined term an importance that it should not have, unlike most of the other visual indicators we considered.
- An asterisk is a well-known symbol and generally indicates a reference to additional information, which is why it is used here.

85. Some defined terms used very frequently in the Act are not preceded by an asterisk so as not to distract the reader. They are limited in number and it is easy to remember them (for example, "Commission").

Chapter 5: Layout

Introduction

86. The visual presentation of information is very important to its communication. An attractive layout can often make a difference between a document that is read and one that is not. But it is not just a matter of esthetics: some elements are better than others at enabling the mind to pinpoint, understand and remember information.
87. The layout we have adopted is generally based on the model developed by the federal government of Australia as part of its tax reform project. However, since document design is a science, if not an art, we engaged a firm of professionals to obtain advice on the creation of a layout that was geared to our needs.

Typography

88. The typography is what sets the tone for the text. When we speak loudly, the message is not merely conveyed by the words, but also by the tone, the rhythm and the intensity of the voice. Typography makes it possible to communicate these additional levels if the characters and their arrangement are chosen carefully.
89. The typographical features of the text – font, spacing, line length, justification – were chosen, not only to make it easier to read the text (especially for speed of reading and understanding), but also out of very matter-of-fact considerations. Thus, the font will help make the text readable even if it is reproduced many times (photocopies, faxes, etc.) The choice of font, spacing and line length also makes it possible to communicate a maximum amount of information on a page without compromising the readability of the whole.

Presentation of versions in the two languages

90. The current presentation of the English and French versions of legislation on a single page limits the possibilities of improving readability. (See Appendix 1).
91. Instead of placing both versions side by side on a single page, the new model presents them on facing pages. Each double page presents exactly the same provisions in both official languages. (See Appendix 2.)
92. In addition to permitting a layout that is less cluttered and thus easier to read, this approach has the following advantages:

- The new model makes it possible to achieve an optimum line length and to avoid right-hand justification. This makes the document more readable.
- The graphic design of the page as a whole makes it possible to add items of useful information. For example, the additional space can be used to insert informative headings.

Features of the document

Table of sections

93. The indents and changes in the font in the table of sections at the beginning of the Act make it easier to see how the Act is organized.

Informative headings

94. The headings enable the reader to locate information quickly, to read provisions in context and to understand better the hierarchical structure of the elements of the Act (parts, divisions, subdivisions, etc.).

Guides

95. At the beginning of the Act and each of its main divisions, a guide summarizes the effect of its provisions. This is generally a brief descriptive statement.

➤ Example:

Guide

This Division sets out

- the requirements for setting up a benefit period
- the definition of that period

96. The Guide may also include a diagram, table or any other item thought to be useful.

97. The Guide enables readers to locate information quickly and it helps them to place the provisions they are about to read in context.

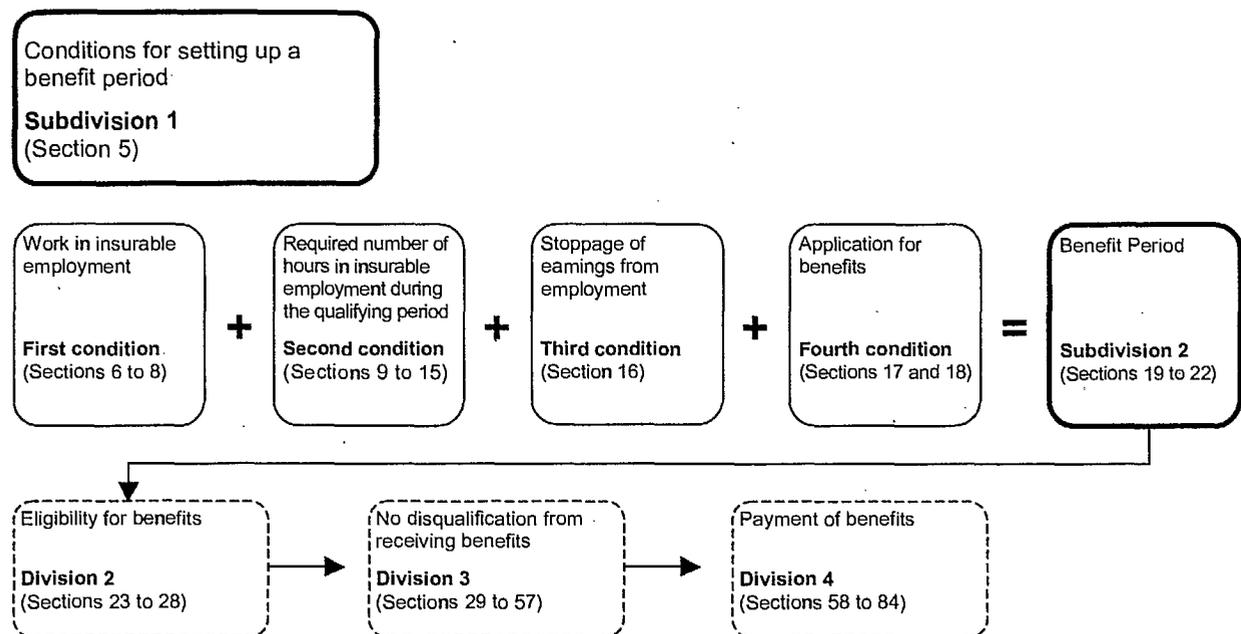
Diagrams

98. Since the Act tries to describe a logical process, its essential points may be set out in the form of a diagram. Diagrams make it possible to quickly understand the operation of a process as a whole and the relationships among the different parts.

99. After creating a number of diagrams, we realized that they could contain references to specific provisions of the Act and thus enable readers to go directly to those provisions. This creates great possibilities for the electronic version of the statute: readers may eventually move from one item to another by means of diagrams that give them access to the corresponding provisions.

➤ Example:

Diagram showing Division 1 in the process for the payment of unemployment benefits



100. The diagrams must remain subsidiary elements and readers who prefer not to use them must be able to ignore them without losing any of the essential content.

101. In most cases, the task of designing diagrams or other graphic representations should not fall to the drafters. Documentary design is an area of specialization and it is important to make use of specialists to design these items.

Notes

102. The notes are designed to guide readers in their consultation of the Act so that they can find the information they need more easily and more quickly. They generally refer to other provisions of the Act or regulations that may help readers better understand the provision under which they appear. They are not designed to explain the provision, but to create links with other relevant provisions.

➤ Example:

Note 3: Sections 42 to 49 of the *Employment Insurance Regulations* set out specific rules for work-sharing benefits.

103. These notes are particularly helpful when the provision in question refers to the regulations. They can be used to explain the title of the regulations in question and the specific provision to which reference is made. Obviously this presupposes that regulations have in fact been made under the Act. Therefore, in most cases, notes referring to the regulations can be added to a statute only after the regulations have been made.

Examples

104. Examples are a good way to illustrate the application of complex provisions. They enable readers to reread the provision in a way that fleshes out its details and their interrelationship.

105. To avoid distracting the reader, examples of the application of provisions appear in the Schedule to the Act and are indicated by a footnote to the provision they illustrate.

➤ Example:

Note : See section 3 of Schedule 1 for an example of how to apply subsection (2).

Legal value of subsidiary elements

106. The inclusion of these guides, notes and examples in the statute inevitably raises the question of their legal effect. Are they part of the Act? What is their interpretative weight?

107. We have not yet made any decisions in this regard. We feel that consultation and research will be necessary before an enlightened decision can be made.

108. At first glance, the following options exist:

- Like the federal government of Australia, we could indicate directly in the Act (eventually in the *Interpretation Act* if use of these devices becomes more widespread) the role that these items may play in the interpretation of the statute.

We have already done so in a few cases, including regulations, where we inserted relatively complex examples of the application of legislative provisions.⁷

- We could also say that these items are part of the Act without indicating their interpretative weight and leave it to the courts to give them the appropriate weight.
- Finally, we could indicate that, like marginal notes, they are not part of the Act.

109. It is not clear that either option would make much difference. The courts are the ultimate interpreters of legislative documents and may not want to dispense with these items in order to interpret a provision as they consider appropriate, even if we give these items a lesser status than the legislative provisions.

110. The real issue is one of risk management. On one hand, there is a risk that the courts will use these subsidiary items to give the legislation an interpretation that is contrary to what we intended. On the other hand, those items are likely to increase the intelligibility of the text and allow readers to understand just what we had in mind when we drafted it.

⁷ See, for example, subsection 2(4) du *CCFTA Rules of Origin Regulations*:

"(4) Where an example, referred to as an "Example", is set out in these Regulations, the example is for purposes of illustrating the application of a provision, and where there is any inconsistency between the example and the provision, the provision prevails to the extent of the inconsistency."

Chapter 6: Adjustment to electronic publishing

111. The choice of the various techniques proposed was generally based on the possibilities offered by an electronic environment, including those presented by the use of hyperlinks.
112. We designed the headings recognizing that in such an environment users could move from one level of detail to another by selecting the desired title.

➤ Example:

Chapter 1 – Programs | Part 1 – Unemployment Benefits | Division 4 – Payment of
Unemployment Benefits | Subdivision 2 – Amount of Benefits |

113. When we adopted the notes following the provisions, we were thinking of the ease with which users of the electronic version could access the provisions – of the Act or the regulations – referred to and then return to where they started and continue reading the Act.
114. Similarly, it occurred to us that this technique would greatly simplify access to the definitions of the defined terms.
115. Finally, as we saw earlier, the design of some of the diagrams made us realize that it was possible to refer, again by hyperlink, to the specific provision that the diagram is designed to illustrate.
116. This said, it is also clear that the proposed format will require a number of changes in order to fit within an electronic environment.
117. Although we were concerned to select flexible elements capable of fitting within such an environment, the drafting of a document to be published electronically has its own requirements, which include the Treasury Board guidelines set out in *Government of Canada Internet Guide* and *Standardization of Internet sites: report and recommendations for the introduction of "Government On-line"*.
118. At the appropriate time, we will concentrate on adapting the techniques we propose and developing others appropriate for this type of communication. Our objective will still be to simplify access to the information contained in the legislative documents, but the means of achieving this will not necessarily be the same.

Appendix 1 : existing page layout

*Benefit Period**Période de prestations*Establishment
of benefit
period

9. When an insured person who qualifies under section 7 or 7.1 makes an initial claim for benefits, a benefit period shall be established and, once it is established, benefits are payable to the person in accordance with this Part for each week of unemployment that falls in the benefit period.

9. Lorsqu'un assuré qui remplit les conditions requises aux termes de l'article 7 ou 7.1 formule une demande initiale de prestations, on doit établir à son profit une période de prestations et des prestations lui sont dès lors payables, en conformité avec la présente partie, pour chaque semaine de chômage comprise dans la période de prestations.

Période de
prestationsBeginning of
benefit period

10. (1) A benefit period begins on the later of

(a) the Sunday of the week in which the interruption of earnings occurs, and

(b) the Sunday of the week in which the initial claim for benefits is made.

10. (1) La période de prestations débute, selon le cas :

a) le dimanche de la semaine au cours de laquelle survient l'arrêt de rémunération;

b) le dimanche de la semaine au cours de laquelle est formulée la demande initiale de prestations, si cette semaine est postérieure à celle de l'arrêt de rémunération.

Début de la
période de
prestationsLength of
benefit period

(2) The length of a benefit period is 52 weeks, except as otherwise provided in subsections (10) to (12) and section 24.

(2) Sous réserve des paragraphes (10) à (12) et de l'article 24, la durée d'une période de prestations est de cinquante-deux semaines.

Durée de la
période de
prestationsPrior benefit
period

(3) Subject to a change or cancellation of a benefit period under this section, a benefit period shall not be established for the claimant if a prior benefit period has not ended.

(3) Sous réserve de la modification ou de l'annulation d'une période de prestations en vertu des autres dispositions du présent article, il n'est pas établi de période de prestations au profit du prestataire si une période de prestations antérieure n'a pas pris fin.

Période de
prestations
antérieureLate initial
claims

(4) An initial claim for benefits made after the day when the claimant was first qualified to make the claim shall be regarded as having been made on an earlier day if the claimant shows that the claimant qualified to receive benefits on the earlier day and that there was good cause for the delay throughout the period beginning on the earlier day and ending on the day when the initial claim was made.

(4) Lorsque le prestataire présente une demande initiale de prestations après le premier jour où il remplissait les conditions requises pour la présenter, la demande doit être considérée comme ayant été présentée à une date antérieure si le prestataire démontre qu'à cette date antérieure il remplissait les conditions requises pour recevoir des prestations et qu'il avait, durant toute la période écoulée entre cette date antérieure et la date à laquelle il présente sa demande, un motif valable justifiant son retard.

Demande
initiale
tardiveOther late
claims

(5) A claim for benefits, other than an initial claim for benefits, made after the time prescribed for making the claim shall be regarded as having been made on an earlier day if the claimant shows that there was good cause for the delay throughout the period beginning on the earlier day and ending on the day when the claim was made.

(5) Lorsque le prestataire présente une demande de prestations, autre qu'une demande initiale, après le délai-prévu par règlement pour la présenter, la demande doit être considérée comme ayant été présentée à une date antérieure si celui-ci démontre qu'il avait, durant toute la période écoulée entre cette date antérieure et la date à laquelle il présente sa demande, un motif valable justifiant son retard.

Autres
demandes
tardives

Appendix 2 : proposed page layout

DRAFT

Division 1

First Step: Setting up a Benefit Period

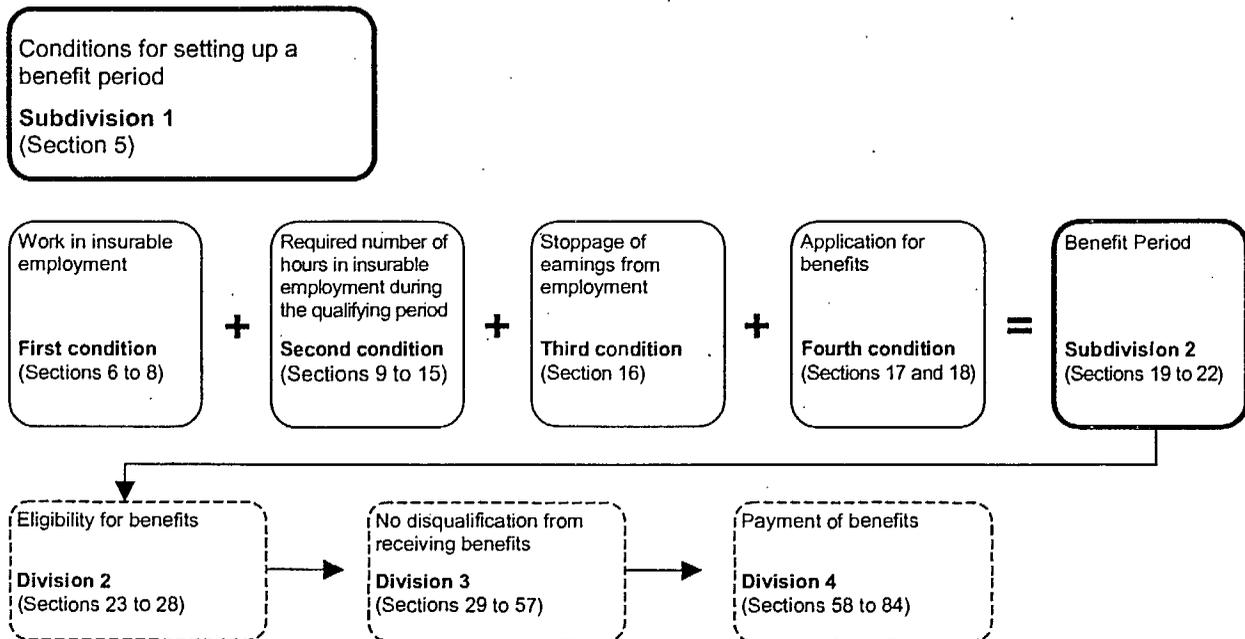
PROGRAMS

Guide

This Division sets out

- the requirements for setting up a benefit period
- the definition of that period

Diagram showing Division 1 in the process for the payment of unemployment benefits



Section 1

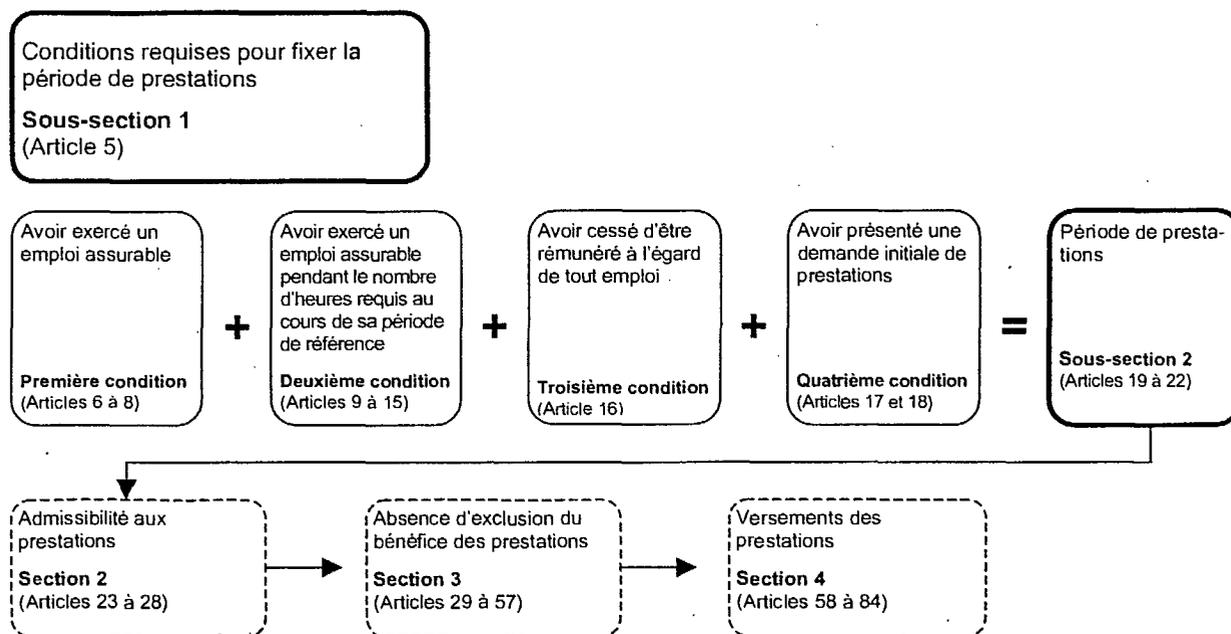
Première étape : fixation de la période de prestations

Guide

Cette section prévoit :

- les conditions requises pour fixer la période de prestations;
- la définition de la période de prestations.

Diagramme illustrant la section 1 dans le processus menant au versement des prestations de chômage



DRAFT**Subdivision 1****Conditions for Setting up a Benefit Period****What are the conditions?****5 The claimant must meet 4 conditions**

- (1) Setting up a benefit period The Commission must set up a *benefit period if the claimant proves that they meet each of the following 4 conditions:
- (a) they have worked in insurable employment;
 - (b) they have worked the required number of hours in insurable employment during their qualifying period;
 - (c) they have stopped receiving earnings from employment;
 - (d) they have made an application for benefits as required under section 17.

Note 1: See sections 9 to 11 to find out what the qualifying period is.

Note 2: See sections 12 to 15 to find out how many hours a claimant must have worked.

- (2) Exception - previous benefit period The Commission may not set up a benefit period for a claimant unless their previous benefit period has ended or has been cancelled.

Note: Section 20 sets out when a benefit period ends; section 22 sets out when one is cancelled.

- (3) Exception - benefits from Canada and the United States The Commission may not set up a benefit period for a claimant if the Commission and the competent authority in the United States determine that the claimant must first use up or end their right to receive unemployment benefits from the United States, as provided by Article VI of the *Agreement Between Canada and the United States Respecting Unemployment Insurance*, signed in March 1942.

First Condition – Insurable Employment**What is insurable employment?****6 Definition**

Insurable employment is any of the following:

- (a) employment in Canada under a contract of employment or apprenticeship, whether the employee is paid by the employer or another person;
- (b) employment described in paragraph (a) where the employer is the Government of Canada;
- (c) employment in Canada of an individual as the project sponsor or co-ordinator under an employment program referred to in section 118;

Sous-section 1

Conditions requises pour fixer la période de prestations

Quelles sont les conditions?

5 Quatre conditions à remplir par le demandeur

- (1) Fixation de la période de prestations
- La Commission fixe une *période de prestations si le demandeur prouve qu'il remplit les conditions suivantes :
- il a exercé un emploi assurable;
 - il a exercé un tel emploi pendant le nombre d'heures requis au cours de sa période de référence;
 - il a cessé d'être rémunéré à l'égard de tout emploi;
 - il a présenté une demande initiale de prestations selon l'article 17.

Note 1 : La notion de période de référence est prévue aux articles 9 à 11.

Note 2 : Le nombre d'heures requis au cours de la période de référence est prévu aux articles 12 à 15.

- (2) Exception : période de prestations antérieure
- La Commission ne peut toutefois fixer la période avant la fin ou l'annulation de toute période de prestations antérieure.
- Note : L'article 20 prévoit quand une période de prestations prend fin; l'article 22 prévoit quand elle est annulée.
- (3) Exception : prestations provenant du Canada et des États-Unis
- Il en est de même si, au titre de l'article VI de l'*Accord entre le Canada et les États-Unis d'Amérique concernant l'assurance-chômage* signé en mars 1942, la Commission décide avec l'autorité compétente américaine que le demandeur doit d'abord épuiser ses droits de recevoir des prestations de chômage des États-Unis ou y mettre fin.

Première condition : emploi assurable

Qu'est-ce qu'un emploi assurable?

6 Définition

Est un emploi assurable :

- l'emploi exercé au Canada aux termes d'un contrat de travail et dont la rémunération provient de l'employeur ou d'une autre personne;
- l'emploi du genre visé à l'alinéa a) exercé au Canada au service du gouvernement du Canada;
- l'emploi d'un individu exercé au Canada à titre de promoteur ou de coordonnateur d'un programme d'emploi visé à l'article 118;

*Les termes marqués d'un astérisque sont définis à l'article 1.