

Say What You Mean – Plain Language And Workplace Policies



My colleagues [Christine Thomlinson](#) and [Lori-Ann Green](#) recently wrote about how an organization's respect at work policies, often written to comply with its legal obligations and to correspond with legislative requirements, may use legal and technical language which can be difficult to interpret, and may, from the perspective of those whom the policy is designed to protect, not be easy to navigate.¹ Another colleague, [Liliane Gingras](#), also recently wrote about the importance for an organization of having policies that are consistent and work harmoniously with each other, and to ensure that, for example, where a policy is worded differently than a definition in a related statute, that the potential change in meaning is intentional.²

Both elements – having policies that are accessible and understandable, and having policies that are consistent, clear, and which can be applied to the facts of a particular case – are important for any organization.

One way to improve both is through the use of plain language. The [International Plain Language Federation](#) defines plain language as follows;

A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information.

Plain language is also now an International Organization for Standardization (ISO) Standard.³ As noted in the introduction to the standard, plain language is not just about readability, but also about organization:

Plain language ensures readers can find what they need, understand it and use it. Thus, plain language focuses on how successfully readers can use the document rather than on mechanical measures such as readability formulas.

Extensive studies have shown that writing in plain language saves time or money (or both) for readers and organizations. Plain language is more effective and produces better outcomes. In addition, readers prefer plain language. For organizations, plain language is an important way to build trust with the readers.

Many organizations have taken steps to implement plain language principles in their communications. The [Canadian Centre for Occupational Health and Safety](#), a Canadian federal government institute, provides resources for the development of workplace health and safety policies, and specifically [address the advantages of using plain language](#) in drafting workplace policies.

The Council of Canadian Administrative Tribunals also published a detailed manual, "[Literacy and Access to Administrative Justice in Canada: A Guide for the Promotion of Plain Language](#)," which provides further information on the advantages of using plain language in legal proceedings.

A number of individual tribunals have implemented these measures as part of efforts to increase access to justice. For example, the Canadian Social Security Tribunal, which hears appeals of decisions under the *Employment Insurance Act*, *Canada Pension Plan*, and *Old Age Security Act*, has recently undergone a review of its processes to ensure the use of plain language as a means to ensure its services are accessible, in part because many of those appearing before the tribunal are self-represented and not legally trained. The Tribunal reviewed its communications with parties during the course of a proceeding, to ensure they are written in a way that can be easily understood. It also took steps to assist Tribunal adjudicators on writing legal decisions using plain language, including a publicly available [style guide](#) for its adjudicators to help in drafting decisions that are both easy to write and easy to understand. Though focussed on writing legal decisions in plain language, the same principles are equally applicable for anyone writing investigation reports. Just as with legal decisions, a good investigation report is one that can be easily understood by those involved.

It is also true, as noted by [Liliane Gingras](#) in her [blog](#), that if a policy uses different words than those used in related legislation, it may not be clear whether the intention was to change the meaning, or if the change in language was only done to make technical legalese easier to understand. Under statutory interpretation principles applied by courts in interpreting legislation, there has historically been a presumption that a substantive change in language implies a change in meaning. This presumption can create difficulties when changes to statutory language are made only to clarify, rather than change, the meaning of a statutory provision.⁴ When drafting policies using plain language, this issue can be addressed by clearly stating within the policy itself whether the intention of using different words is to change the meaning, or is only being done for clarity.

Adopting plain language principles in both drafting policies, as well as in writing investigation reports, can be a positive step towards ensuring that the expectations of behaviour in an organization are known, the process for addressing disrespectful behaviour is clear, and the outcome of a complaint, as set out in an investigation report, can be understood.

Footnotes

1 Christine Thomlinson, Lori-Ann Green, "[How do policies help? A journey through a typical respectful workplace policy](#)" (August 14, 2024), online: Rubin Thomlinson's *Insights* <https://rubinthomlinson.com/how-do-policies-help-a-journey-through-a-typical-respectful-workplace-policy>.

2 Liliane Gingras, "[Make it your policy to review your policy: Identifying policy issues that affect workplace investigation reports](#)" (July 11, 2024), online: Rubin Thomlinson's *Insights* <https://rubinthomlinson.com/make-it-your-policy-to-review-your-policy-identifying-policy-issues-that-affect-workplace-investigation-reports/>

3 International Organization for Standardization, *Plain language – Part 1: Governing principles and guidelines*, ISO 24495-1:2023(en) (June 2023), online: <https://www.iso.org/standard/78907.html>

4 See Alexander G Geddes, "How to Change Laws Without Changing the Law: Problems with the Presumption of Substantive Change for Plain Language Reforms," [2020 51-1 Ottawa Law Review 109](#), 2020 CanLIIDocs 581.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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