

Plain Language: A Case Study

Plain Language

A case study at the



British Columbia
Securities Commission



BRITISH COLUMBIA SECURITIES COMMISSION



I am here today to tell you about our experience in launching a plain language initiative at the British Columbia Securities Commission. As we discovered, successfully adopting plain language is as much about people, process and as it is about the nuts and bolts of workshop instruction.

You can have an well-developed course in teaching plain language but still fail in having it adopted in an institution if you ignore the human dimension, including the internal and external challenges that go with any culture-changing initiative.

Because its work in progress we have not reached our final goal. I hope you'll agree after my presentation that we have made a good start. Clearly there is no going back.

Let me start off by explaining what the BCSC is and what we do . . .

Who is the BC Securities Commission?

- » The provincial government agency responsible for regulating securities in British Columbia
- » Our mandate is to protect investors and ensure fair and efficient capital markets
- » A staff of 220 employees with a mixture of legal, accounting, and administrative training



BRITISH COLUMBIA SECURITIES COMMISSION

What do we do?

We regulate the markets by:

- » ensuring investors have access to important investment information
- » setting qualifications and rules for those who advise or trade for investors
- » establishing rules of conduct for market participants
- » enforcing rules and standards
- » educating industry and investors



BRITISH COLUMBIA SECURITIES COMMISSION

With this mandate you can see how important it is to communicate in language that is clear and understandable.

Why did we undertake plain language training?

- » To be effective, securities regulation must be understood by all market participants, including public investors
- » Regulation had become unduly complex and too difficult to understand
- » Plain language will help market participants understand their rights and obligations
- » Made use of plain language in all BCSC documents a strategic priority



BRITISH COLUMBIA SECURITIES COMMISSION

Let me give you a little background on how we came to see plain language as a critical part of how we do our job.

A few years ago, we adopted a new approach to defining our role as the senior regulator of the British Columbia securities market. We realized that we needed to get at some of the root causes of problems we encountered in regulating the markets – problems such as people not complying with our regulations or industry’s justified complaints that regulation imposed an excessive burden on the cost of doing business. One cause we identified is that our rules and regulations had become too complex, too numerous and difficult to understand.

The solution was to cut down on the complexity and the number of regulations and to make what regulations were left clear and understandable by all. Plain language is clearly a prime part of that solution.

As part of that process, we realized we needed to move from the prescriptive approach to regulation – coming up with more and more rules to address specific problems – to an approach based on a limited set of principles. Again, plain language is part of that solution.

Part of a larger vision

- » Vision is to reduce burden of regulation on market participants
- » Plan to develop system that is clear and simple without compromising goals of investor protection and market integrity
- » Began a streamlining project to simplify and write all our rules in plain language
- » Project coordinated with national initiative to develop uniform securities legislation



BRITISH COLUMBIA SECURITIES COMMISSION

Building our plain language program

- » We wanted a plain language consultant who had the capacity to tailor a program for us and offer similar programs to other Commissions throughout Canada
- » Selected Edmonton-based Wordsmith Associates
- » Wordsmith developed two two-day workshops: one for lawyers and professional staff and one for general administration staff



BRITISH COLUMBIA SECURITIES COMMISSION

There were not a lot of firms we found who were in a position to undertake such a large initiative – training more than 200 people within a couple of months

My colleague Eric Spink, vice-chair of the Alberta Securities Commission and a long-time champion provided a preliminary list of possible firms

Chose Wordsmith because of solid track record – 22 years in the business of educating business about plain language – and their quick understanding of our issues and goals

Many of the course materials and approaches already developed previously and were easily adapted to BCSC's circumstances. About 40 of our 220 staff are lawyers and we used Christine's existing course – Improving Legal Writing – to train them. For the remainder of staff, we used Christine's equally effective but more general course.

Building our plain language program

Some fundamentals:

- » All staff must be trained to ensure buy-in and cultural change at BCSC
- » Training must include personal feedback and assessment of individual writing samples
- » Two-day workshop must include peer review of writing samples



BRITISH COLUMBIA SECURITIES COMMISSION

We made some fundamental assumptions about what we needed to succeed in making plain language part of the Commission's culture. All staff must receive training, regardless of their role or job description. Any training must include personal feedback and assessment of individual writing samples. Employees submitted samples that include a description of their job in their own words and some examples of work-related writing. Where employees were hard-pressed to provide work samples, we allowed them to choose other examples of their writing.

Another assumption we made is that peer review was an essential part of the process. The second day was devoted to employees breaking up into small groups of three and four to discuss their respective writing examples. Peer review is a feature we have included in our ongoing support of plain language through what we call our plain language mentoring program. We'll talk about that later.

Workshops - Just the beginning

- » Developed the **BCSC Plain Language Style Guide** using the Wordsmith C-L-A-R-I-T-Y © formula
- » Developed a staff mentoring program
- » Wordsmith held special 'Mentors' workshop for 15 employees
- » Encouraged staff to use mentors and work in teams



BRITISH COLUMBIA SECURITIES COMMISSION

We used the Clarity principle in guiding our staff through the tenets of plain language: Conciseness, Lean language, image-evoking and specific, tight organization, you and your audience.

While the commission had its share of complex and complicated language that made the regulations more opaque, there were also some examples within the commission where the principle of plain language had taken root.

Communications Manager Michael Bernard, formerly a reporter for The Canadian Press, used the plain language habits he had picked up during 18 years at Canada's national news agency, and applied them to our news releases and annual reports.

Here's a paragraph Christine and her instructors lifted from our 1999-2000 annual report:

»“Would you buy a car without visiting a dealership, driving it or knowing what kind of warranty comes with the car? Likely not. On the other hand, many people buy investments costing more than a car without asking the right questions and understanding the risks. Sometimes they buy investments from total strangers who claim it is a “once-in-a-lifetime opportunity” or a ‘guaranteed investment.’ Buying an investment is a lot like buying a car – you need to kick the tires!”

»It is probably good practice for anyone facing the challenge of introducing plain language to an institution to build on whatever progress has been made.

Internal challenges

- » Some employees were concerned about taking time for plain language courses
- » Some failed to see the relevance of plain language to their jobs
- » Some were concerned about “dumbing” down complex and technical concepts
- » Some were insecure because of poor writing and literacy skills



BRITISH COLUMBIA SECURITIES COMMISSION

Predictably, there were challenges to reaching our goal. Internally we had our resisters. Some staff, already facing heavy workloads, openly complained about having to take two days out for plain language classes.

Staff in some departments simply saw plain language as being largely irrelevant in their jobs, particularly if they were not communicating with industry, investors, other regulators or the public at large.

We suspect some resisters may have felt they had something to hide. As you well know, estimates of those with literacy problems in North America range as high as 30 per cent of the general population. It is reasonable to believe that that some of our employees might have literacy problems. Other staff were concerned that revealing deficiencies in their writing skills could affect their career path at the commission.

Finally, some expressed concerns that their writing would be constantly under seige by the “plain language police.” They worried they would be subjected to frequent, time-consuming and potentially demoralizing checks of their writing.

Selling plain language to employees

- » Initiative supported from the top
- » Led and championed by Vice Chair
- » Stressed that using plain language effectively in all communications is an ongoing process
- » Involved staff in crafting the **BCSC Style Guide**
- » Made use of plain language part of core attributes used to assess performance and incentive pay



BRITISH COLUMBIA SECURITIES COMMISSION

Commitment in excess of \$125,000 so far

Employee response

- » Employees appreciated practical hands-on approach
- » “It was useful to have the rules (of writing) reviewed . . . It’s been a while.”

An Administrative Employee

- » “I have also been opposed to legalese . . . I enjoyed learning how to eliminate it.”

A Staff Lawyer



BRITISH COLUMBIA SECURITIES COMMISSION

I have to admit that I was surprised by the overwhelmingly positive response we got from employees at the end of the workshops given the initial resistance of some staff.

The overwhelming consensus was that the training was valuable and stimulating and that staff really appreciated the workshop exercises.

We’ve listed a couple of responses here:

I think another reason the course proved popular is that we were providing – free of charge – a skill-set that staff could use to build their careers at the commission or anywhere else they may choose to work.

...Ongoing support

- » Acquired extensive plain language reference materials - basic references on each of five floors
- » Developed internal plain language website (intranet) as staff resource
- » Posted **BCSC Plain Language Style Guide** on public website and encouraged industry to use it when dealing with the BCSC



BRITISH COLUMBIA SECURITIES COMMISSION

The development of the Plain Language guide was necessary for several reasons:

It was essential to develop some plain language ground rules for all to share. We formed a committee with representatives from all areas of the commission to create the guide and with Christine's assistance began putting it together.

We actively solicited and received input from staff throughout the commission, a process that in itself gave employees some ownership of the plain language initiative. It also showed employees first hand the challenges of adopting plain language; that it demanded judgment and common sense not arbitrary adoption of one method or another.

Identifying areas of concern is an enormous undertaking and we needed many hands to do that job.

We divided the guide into sections that matched the process everyone goes through in using plain language; you must plan your text, design it and write it. As well, we provided a catalogue of support tools for all staff and several samples of language and layout for staff to use.

Plain language revisited

- » Audit plain language use at BCSC one year later
- » Use audit as basis for “half-day refresher courses” in November
- » Support for plain language mentors (Mentor’s corner and discussion threads on staff web)



BRITISH COLUMBIA SECURITIES COMMISSION

We are about to launch an audit of plain language use at the commission to evaluate our progress in adopting plain language in our various forms and practices. We will then take the results of that audit and use them to develop a half-day refresher course that all staff will take in November.

We are continuing to develop our Plain Language mentors, including establishing discussion threads on our staff web that they can use to share experiences and develop ideas about helping employees to use plain language in their work.

External challenges

- » No regulator is an island . . .
- » Must work with the constraints of the legal system
- » Must work with colleagues and other market participants across Canada



BRITISH COLUMBIA SECURITIES COMMISSION

There were, and still are, external challenges to successfully adopting of plain language principles and practices at the commission.

1. The Commission does not exist in a vacuum. We must work with other BC government agencies, including many who have not adopted plain language principles. Dealing with them requires us to be patient and understanding, without relinquishing our plain language goal.
2. We must also work within a legal system, a system where as you know traditions die hard. By way of example, one of our senior legal staff filed a document with the BC Court of Appeal, with the “where-ases” and other legal jargon removed. The court returned the document with instructions to resubmit it in “proper form”, with the where-as restored.
3. Another challenge is that we must work on committees with other securities regulators across Canada, in jointly drafting and adopting new national instruments. Needless to say, not all share our passion for plain language. Then there is the political reality that committee members ultimately were answerable to their own commissions, not to their committee colleagues and have to govern themselves accordingly. This challenge is a continuing one, although we had been heartened by the response from colleagues who share our views on the value of plain language.

Interestingly, some of our legal staff were doubtful that we could succeed if BCSC staff were trained in plain language and committee members from other jurisdictions were not. What in fact has happened is that . . .

BC and beyond – The next frontier

- » Getting buy-in from other securities regulators
- » The Ontario, Alberta, and Manitoba Securities Commissions have already joined the campaign
- » The Goal: plain language throughout the Canadian regulatory system and securities industry



BRITISH COLUMBIA SECURITIES COMMISSION

One of the things about plain language is that once you start, there is no stopping it. . .

The structure of securities regulation in Canada is such that securities are regulated provincially but capital markets are national and international in scope. As provincial regulators we have we are moving closer and closer to harmonizing our regulations with other jur

Questions?

www.bcsc.bc.ca

Presented by: Joyce C. Maykut, QC
Vice Chair
British Columbia Securities Commission
p: 604.899.6556
e: jmaykut@bcsc.bc.ca



BRITISH COLUMBIA SECURITIES COMMISSION



Business and Finance: Progress at the British Columbia
Securities Commission and the Office of the Auditor
General of Alberta

Joyce Maykut

www.bcsc.bc.ca

Joyce Maykut, Q.C., Vice-Chair of the British Columbia Securities Commission (BCSC), championed the introduction of plain language instruction and a mentoring program for the Commission's 200 employees. She encouraged other securities commissions across Canada to join BCSC in adopting plain language for the benefit of the securities industry and investors. We are proud to welcome Joyce and BCSC as conference sponsors.