Info:

The *Style guide: Social Security Tribunal of Canada decisions* is available in English only because it addresses language issues specific to English. A similar style guide is available in French: *Guide de rédaction des décisions : Tribunal de la sécurité sociale du Canada* (https://sst-tss.gc.ca/fr/notre-travail-notre-equipe/guide-redaction-decisions-tribunal-securite-sociale-du-canada).

Style guide: Social Security Tribunal of Canada decisions

On this page

Purpose

Who should use this guide

This style guide is for Social Security Tribunal of Canada (SST) members. It addresses linguistic and formatting issues.

The Department of Employment and Social Development Act says that SST members have to give reasons for their decisions in writing. How well members write decisions has a significant impact on the SST's reputation.

The style guide aims to make SST decisions:

- easy to write
- easy to understand
- consistent in how they look

Access to justice

Access to justice is the SST's top priority. Access to justice is about making justice simple, quick, and fair. Access to justice matters to the SST because the laws about benefits are very technical, but everyone has the right to know how laws affect them. And everyone should be able to know how to challenge a decision about their rights, especially if it affects their financial security.

Part of access to justice means giving decisions that focus on the reader. Your readers need to be able to understand the outcome of an appeal and how you reached your decision. This style guide will help you write for your readers.

Your readers are:

- the parties to the appeal
- the public
- the legal community

The parties

The parties are your main readers. You need to write for all the parties, but particularly for the party that lost. They are often the claimant or applicant in a benefits situation. You have to take care in explaining your reasoning process and the legal questions and in discussing their personal situation.

Several factors could affect how well a party understands your decision, including:

- their English proficiency
- their level of education
- their current life situation (financial stress, health, etc.)
- their experience of the appeal process so far

The public

Many decisions are published on the SST website. Published decisions help anyone who wants to challenge a decision or learn about decisions that touch on situations that are similar to theirs. So, keep in mind that your decision may appear online for the public.

The legal community

Understandably, you are also writing for a legal audience. Some parties may have lawyers. Also, other members, divisions, tribunals, and courts may look at your decision.

This style guide gives you the tools for addressing your diverse audience without sacrificing legal accuracy.

Plain language

Using plain language is how you write for your readers.

Plain language is about clear communication. [1] This goes beyond the words you choose. How you structure and design your decision is equally important. The wording, structure, and design all contribute to a decision's **readability**—how well people can understand a decision.

Focus on your reader. They should be able to:

- find what they need
- understand what they find
- use the information you give them

Plain language:

- improves access to justice
- leads to parties being satisfied with an appeal because they understand the decision
- minimizes complaints
- reduces the need to clarify a decision that parties don't understand

What this guide covers

This style guide explains plain language **writing strategies** and **inclusive writing**. Both are essential when writing for your readers in a legal context.

SST decisions should look the same. So, this style guide also explains our **writing conventions**, **reference guidelines**, and **formatting guidelines**.

Note: The SST's Linguistic Services will periodically review and update this style guide. This is a linguistic guide. If you have legal, procedural, or IT issues, talk to your vice-chairperson, to Legal Services, or to IT&R.

Part 1 – Writing strategies

By adopting the following strategies, you will be able to write legally sound, plain language decisions.

Clarity is the main goal. Right at the beginning, tell your readers what you have decided. This will help them follow you as you explain your reasoning behind your decision because they will already know what to expect. Along the way, you can pause to explain any unfamiliar legal wording or concepts.

Here are tried-and-tested strategies for writing plain language decisions.

Start with a solid structure

A solid structure will serve as the backbone for your decision. Organizing your ideas well will communicate them clearly.

The most recent decision templates in Atrium give you solid examples for how to structure your decision.

Follow the point-first approach at every level

Give the most important information **first**, not only at the document level (the decision as a whole), but also at the paragraph and sentence level. This is called the **point-first approach**.

You should be able to follow the progression of the decision by reading only the topic sentences (first sentences) of each paragraph. When read in order, the topic sentences should give a summary of the decision. So, stick to one main idea per paragraph. There is no harm in having short paragraphs of simply one sentence or a few sentences.

Example:

Don't write	Do write
[20] The Claimant was present at a career fair. He submitted eight employment applications to prospective employers. He was invited to three interviews and attended each of them. Therefore, I find that the Claimant made enough efforts to find a suitable job.	[20] The Claimant made enough efforts to find a suitable job. He attended a job fair. He applied for eight jobs. He also had three interviews.

Draw attention to important information

Long, dense paragraphs can be daunting. Information should be easy to find. One way to draw attention to information is to create white space. There are a few ways to do this.

Use headings

Use headings as signposts.

Headings tell your readers what is next. They should be short and easy to understand. Try to keep them to one line.

Headings should never contain findings that aren't fleshed out in the paragraphs.

Main headings give your readers the general layout of the decision. Different divisions may use different headings. Here are some e⟩

Main heading	What it introduces
Decision	What is the outcome? This section states upfront what you have decided.
Overview	What is the background? This section anchors the reader in the context without overwhelming them with too much detail.
Issues	What are the issues you have to address?
Analysis	What is your thought process behind the decision?
Conclusion	So, what is the outcome of all this again?

Subheadings and sub-subheadings should be contextually relevant. Adapt them to each decision and the readers' needs.

Use lists

You can use a list if you need to mention at least three related items or pieces of information. The white space and bullets or numbering will direct your readers to each point.

Example:

Don't write	Do write
The Claimant has to prove that he had the desire to return to the labour market as soon as a suitable job was offered, that he made efforts to find a suitable job, and that he did not set personal conditions that might have unduly limited his chances of returning to the labour market.	The Claimant has to prove three things: a. He wanted to go back to work as soon as a suitable job was available. b. He made efforts to find a suitable job. c. He didn't set personal conditions that might have unduly (or, overly) limited his chances of going back to work.

A list can be especially helpful when reporting a series of events or presenting the points from someone's testimony or arguments. A list can also help you avoid repeating speech verbs.

Example:

Don't write	Do write
In her arguments, **the Applicant pointed out that** she is elderly, so the appeal situation is unfair. **She said that** relevant documents have been lost or destroyed. **She stressed that** her memories have faded. In addition, **she shared that** she has ongoing medical conditions. **She emphasized that** the stressful appeal situation is making her medical conditions worse.	The Applicant argued that the appeal situation is unfair because: ● she is elderly ● relevant documents have been lost or destroyed ● her memories have faded ● she has ongoing medical conditions ● the stressful appeal situation is making her medical conditions worse

See Lists for a description of how to make lists.

Use bold font

Use bold font (**not** italics) to draw your readers' attention to a word or phrase.

This is especially helpful when highlighting a key word you want to explain and when drawing your readers' attention to a contrast.

Example:

Don't write	Do write
[8] Income includes any income that a claimant did or will get from an employer or any other person, whether it is in the form of money or something else. Employment includes any employment under any kind of contract of service or employment.	[8] **Income** can be anything that you got or will get from an employer or any other person. It doesn't have to be money, but it often is. [9] **Employment** is any work that you did or will do under any kind of service or work agreement.

Write how you speak

Write as if you were speaking, but adapt your writing to your readers' needs.

Contractions

You may use contractions that people use when they speak (example: can't, I'm, there's). However, use good judgement in deciding whether contractions will help your readers. Contractions could confuse your readers if they have low literacy skills.

We recommend using contractions for **common negated auxiliaries**. These types of contractions can prevent misunderstandings. For example, readers could easily skip over the "not" in "is not" and read it as an affirmative. This doesn't happen when the negation and the verb are expressed as one word, such as "isn't."

The Supreme Court of Canada uses contractions for common negated auxiliaries in its Cases in Brief (https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx).

Use:

● isn't (is not) / wasn't (was not)

● aren't (are not) / weren't (were not)

● can't (cannot) / won't (will not)

● don't (do not) / didn't (did not)

● hasn't (has not) / haven't (have not)

Avoid complex contractions because they can be harder for people with low literacy skills to understand.

Don't use:

● shouldn't (should not)

● should've (should have)

● couldn't (could not)

● could've (could have)

● wouldn't (would not)

● would've (would have)

● mustn't (must not)

Note: Don't use a contracted negated auxiliary when contrasting elements and emphasizing the negation.

Example:

The Tribunal can interpret the law, but it **cannot** change it.

Transitions

You can use **transitional markers** to create flow and cohesion between sentences and ideas.

Use transitions to:

● clarify (example: for example, in other words, that is)

● conclude or summarize (example: so, this means)

● compare and contrast (example: but, likewise, on the other hand)

● show consequence (example: because of this, for this reason, as a result)

● give further details (example: also, and, besides)

● emphasize a point (example: in fact, again, above all)

● show sequence (example: first, second, finally, afterward, meanwhile)

Use short sentences

Express only one idea in each sentence. Instead of trying to convey a complex idea in a single sentence, break it up into smaller parts and make each one the subject of its own sentence.

Keep the subject, verb, and object close together. The natural word order of an English sentence is subject–verb–object (example: The Appellant appealed the decision).

When you put modifiers, phrases, or clauses between these essential parts, you make it harder for readers to understand you.

When introducing a condition, it is best to start the sentence with "if" (or any other limiting conjunction). This helps the reader understand the relationship between the clauses.

Example:

Don't write	Do write
A claimant is not automatically entitled to EI benefits **if he or she voluntarily left an employment**.	**If a claimant voluntarily quits a job**, they aren't automatically entitled to EI benefits.

Use the active voice

Using the active voice means that the subject of the sentence comes first and performs the action that the rest of the sentence describes.

The active voice is the most straightforward way to present your ideas because it creates a clear image in the reader's mind of who is doing what.

In the passive voice, the target of the action gets promoted to the subject position.

Example:

Don't write (passive)	Do write (active)
It was decided by the committee that the Claimant would not return to his position.	**The committee decided** that the Claimant would not go back to his position.

The passive voice may be a good choice **only** when:

- we don't know who did what
- who did it isn't relevant
- we want to emphasize **what** was done rather than **who** did it (example: The Claimant was hit by a car.)

Use common words

Whenever possible, choose words that are likely to be more familiar to the reader. You are the expert of your case, and you know best what your parties will easily understand.

Generally, avoid:

- Latin-based words when appropriate

- ○ Instead, use Anglo–Saxon terms and expressions when possible.
- abstract language
  - ○ This includes idioms and cultural references (example: dead tired, ball in their court).
- legal wording
- complex medical terminology

Here are some examples:

Don't write	Do write
i.e.	that is
e.g.	for example
de novo hearing	new hearing
employment	job
lumbar pain	lower back pain
cerebrovascular accident	stroke
oncological treatment	cancer treatment
prior to	before
to obtain	to get
to attempt to / to endeavour to	to try to
to require	to need / to want / to call for
to provide / to issue	to give
to turn on	to depend on
to demonstrate	to show
to err	to make an error
to proceed	to go to the next step / to go ahead

Explain legal wording

Sometimes, it isn't possible to avoid legal wording. If you use legal wording without explaining it, your readers may not understand your decision.

Here are some strategies:

Paraphrase

Introduce the legal wording; then explain it in different terms in the following sentence or sentences. You can use transitional markers to tell your readers that you are rephrasing the legal wording for clarity.

For example, use:

- This means
- In other words
- So
- That is

Since the legal wording is left intact, you may not have to add a footnote.

Although this strategy could lengthen your decision, clarity is the focus in plain language writing.

Example:

> The law says I have to look at whether her efforts were sustained and whether they were directed toward finding a suitable job. **In other words, the Claimant has to have kept trying to find a suitable job.**

If the legal wording is more complex, explain or substitute it by using more accessible wording. Then, use a footnote to make a clear link between the accessible wording and the established legal wording. In the footnote, explain the legal wording and reference the relevant legislation or case law.

Example:

> This means that the Claimant's **application** can't be treated as though it was made earlier.[1]
>
> [...]
>
> [1] Section 10(4) of the Employment Insurance Act (EI Act) uses the term "**initial claim**" when talking about an application.

> This strategy is similar to the early English legal practice of using **legal doublets** to address audiences with different linguistic and legal backgrounds (example: will and testament, bind and obligate). In a sense, you are drawing from tradition by applying an old technique to a modern context to help make justice accessible.

Parentheses

In parentheses, give a plain language synonym for the legal wording. This works best when you need to clarify a single legal term.

Example:

For the Applicant's file to go to the next step, she needs leave (or, **permission**) to appeal.

Note: If you are unsure how to explain legal wording in plain language, talk to your vice-chairperson or to Legal Services.

Avoid unnecessary words

Keep your text light and easy to read by avoiding unnecessary words. You can do this by:

- simplifying prepositional phrases into single words
- cutting excess modifiers
- omitting redundant words

Here are some examples:

Don't write	Do write
in order to / for the purpose of	to
on the basis of	on / based on
whether or not	whether
to summarize briefly	to summarize
in respect of	regarding / for
in relation to / with regard to / with respect to	about / on / regarding / concerning
as a result of / for the reason that	because
owing to the fact that / arising from the fact that / in view of the fact that	because / since
in consideration of	considering / based on
during the course of / for the duration of	during
in the absence of	without
in the near future	soon / shortly

Don't write	Do write
in the event that	if
until such time as	until

Avoid nominalization

Readers will understand your message more clearly when you choose verbs over verb–noun phrases.

Here are some examples. We have also included a plain language alternative when possible:

Don't write	Do write
to come to the conclusion	to conclude / to find
to conduct a review	to review
to carry out an examination of	to examine / to look at
to make an attempt	to attempt / to try
to make arrangements	to arrange
to give consideration to	to consider
to make reference to / to make a reference to	to refer to
to submit an application / to file an application	to apply
to file an appeal with	to appeal to

Avoid excessive negation

Writing in the negative creates another obstacle to understanding the text. It is important to present information using positive terms when possible; using the affirmative can help with this.

Example:

Don't write	Do write
You **can't** appeal to the Tribunal if the Minister **hasn't** first issued a reconsideration decision.	The Minister **has** to issue a reconsideration decision before you **can** appeal to the Tribunal.

When a sentence contains two negations, they cancel each other out (example: **not un**available for work). This could result in a meaning that is the opposite of what you intended.

At times, there isn't a way around using two negations (example: "not disentitled" doesn't necessarily mean "entitled" in the Employment Insurance context). However, you should avoid or explain these whenever possible.

Many ordinary words have a negative meaning (example: unless, fail to, except, excluding, other than, terminate, void, insufficient, unemployed). Watch out for them when they appear after "not."

Part 2 – Inclusive writing

Gender-inclusive writing

Gender-inclusive writing means avoiding references to gender whenever possible. It is a standard across government.

The golden rule is to address people the way they have asked to be addressed.

Avoid courtesy titles

Drop gendered courtesy titles (example: Ms., Mrs., Mr.). Instead, refer to individuals by their first and last name once in the beginning of the decision to establish who the parties are. Then, refer to them by their role in the case in the rest of the decision.

Example:

Jane Doe is the **Applicant** in this case. She applied for disability benefits in November 2018.

[…]

The Applicant appealed the Minister's decision to the Tribunal's General Division.

Use gender-inclusive pronouns

Generic "you"

Use the generic "you" and its other grammatical forms (example: your, yours) to refer to an unspecified person. It replaces "one" in formal writing.

The generic "you" can be helpful because it contextualizes what you are writing. It communicates that what you are saying applies generally to anyone; that includes the claimant or applicant in the benefits situation. It can give your decision a relaxed tone.

Example:

The law explains what it means by "just cause." The law says that **you** have just cause to leave **your** job if **you** had no reasonable alternative to quitting when **you** did.

Note: Avoid the specific "you" for one party because there is more than one party in an appeal.

Singular "they"

Use the gender-neutral singular pronoun "they" and its other grammatical forms (example: their, theirs, them) when the gender of the antecedent (the word the pronoun refers to) is unknown or irrelevant.

Example:

Don't write	Do write
Case law lists three factors a claimant has to prove to show that **he or she** is "available" in this sense.	Case law gives three things a claimant has to prove to show that **they** are "available" in this sense.

Note: When referring to entities or organizations (example: the employer, the Minister), use "it."

Use the gender-neutral singular pronoun "they" when an individual is non-binary (that is, they don't identify with the masculine or feminine gender), unless they have identified a different pronoun.

Example:

The Claimant in this case is Anna Smith. **They** applied for disability benefits on August 13, 2020.

There are other gender-neutral singular pronouns to refer to a non-binary person (example: "zie"). But "they" is by far the most common. It has been in constant use in English writing since the 1300s.

Note: If someone identifies as non-binary, ask how they would like to be addressed, if that isn't clear from their file.

Use gender-inclusive nouns

Instead of referring to gender-specific titles or roles, use a gender-neutral equivalent.

Here are some examples:

Don't write	Do write
husband / wife	spouse / partner
handyman	maintenance worker
housewife	homemaker
landlady	property owner
policeman	police officer
foreman	supervisor
cleaning lady	janitor
fisherman	fisher / fish harvester

See the Translation Bureau's gender-inclusive writing recommendations (https://www.btb.termiumplus.gc.ca/tpv2guides/guides/wrtps/index-eng.html?lang=eng&lettr=indx_catlog_g&page=9tZXuAe4oZYs.html#zz9tZXuAe4oZYs) for more in-depth guidelines and examples.

Writing about disabilities

Use person-first constructions that put the person ahead of the disability. In other words, don't define the person by their illness, disability, or experience.

For example, instead of "a diabetic" or "a wheelchair-bound person," use "a person with diabetes" or "a person who uses a wheelchair."

Avoid using language that casts disabilities as negative. For example, avoid using phrases such as "suffers from," "afflicted with," or "victim of," since such expressions cast disabilities as negative attributes.

Here are more examples:

Don't write	Do write
disabled person	person with a disability / person with disabilities
handicap	disability / impairment
developmentally disabled person	person with an intellectual disability
blind person / person who has sight loss / visually impaired	person who is blind / person with a visual impairment
deaf person / hearing impaired person	person who is deaf / person who is hard of hearing

Don't write	Do write
mentally ill person	person with a mental health disability

Some expressions, like "person with a mental health disability," are broad. If relevant, you can specify the disability (example: "the Applicant has schizophrenia"). However, note that some words like "disability" may have certain legal connotations.

See ESDC's suggestions for portraying people with disabilities (https://www.canada.ca/en/employment-social-development/programs/disability/arc/words-images.html?fbclid=IwAR3bh4UBQDODyh7wkBlNyXUailhLJskOOByBypnVzn3ornXz45FsVLN2v-w) for more in-depth guidelines and examples.

Oxford comma

Use the Oxford comma. It is the comma before "and" at the end of a list within a sentence.

Example:

The General Division made an error of law by interpreting the law without fully considering its text, context, and purpose.

Ellipses

Use ellipses (three dots …) to indicate that you have omitted text from a quote.

- Do: Put the ellipsis in square brackets if the omitted text is in the middle of the quote, or if you are omitting an entire paragraph.
- Don't: Use square brackets if the omitted text is at the end of the quote; instead, add an extra dot to signify a period, when required.
- Don't: Use ellipses at the beginning of a quote, even if the quote begins mid-sentence.

Example:

In her report, Dr. Riviera states that the Claimant has a long history of "chronic pain and insomnia […] unimproved by medication …."

Capitalization

Parties

For parties:

- **Do:** Capitalize the first letter when you are referring specifically to the individual claimant, applicant, appellant, respondent, or added party. Consider it a substitute for their name.
- **Do:** Capitalize a specific employer at the beginning when they are a party.
- **Don't**: Capitalize the first letter when you are referring to claimants, appellants, employers, etc. from other cases or in the generic sense.

Examples:

Capitalize	Don't capitalize
The **Claimant** said that he tried to go back to work.	First, a **claimant** has to ask the Commission to reconsider its decision about getting benefits.
Business Inc. is the Added Party (**Employer**). The **Employer** stated ….	The Claimant worked for her previous **employer** for three months.

Organizations

For organizations:

- **Do:** Capitalize the title of all official names of organizations, levels of government, departments, and agencies.
- **Do:** Capitalize short forms of the full title of government bodies when they stand for the full title.
- **Don't:** Capitalize generic names of organizations.

Examples:

Capitalize	Don't capitalize
He had worked for the **Toronto District School Board** since 2010.	He had worked for the **school board** since 2010.
The Claimant appealed the Minister's reconsideration decision to the **Tribunal**'s General Division.	You can appeal a decision from a federal **tribunal** to a federal **court**.
The **Government of Canada** provides EI (Employment Insurance) services through Service Canada.	The Canadian **government** issued the Claimant a new passport.

Official documents

For official documents:

- **Do:** Capitalize the names of official documents and forms when referring specifically to the document itself.
- **Don't:** Capitalize the shortened or generic names of official documents.

Example:

Capitalize	Don't capitalize
The **Arthritis Programs and Services Report** indicates that the Appellant has had knee problems for four years.	The **arthritis program report** indicates that the Appellant has had knee problems for four years.

Medication

For medication:

- **Do:** Capitalize the first letter of brand name medication (example: Advil).
- **Don't:** Capitalize the first letter of generic medication (example: ibuprofen).

Abbreviations

Avoid abbreviations if possible. It can be difficult for readers to keep track of what a technical abbreviation means.

If your decision mentions only one piece of legislation, consider writing "the law" and explaining in a footnote that you are referring to the Canada Pension Plan, for example.

Department of Employment and Social Development Act (DESD Act).
If you can't avoid abbreviations, give the term in full the first time you use it and include the abbreviation in parentheses immediately after. There is no need for quotation marks or other words in the parentheses.

Example:

If your decision mentions a few different laws, you may be able to give them one-word shortened forms that don't include initials.

Example:

The *Employment Insurance Act* (Act) and the *Employment Insurance Regulations* (Regulations) explain the rules a claimant has to follow.

If you have to choose a more precise abbreviation to distinguish laws, choose a well-established abbreviation that gives more information for a non-legal audience. In the following examples, readers will at least know from the abbreviation that you are referring to legislation. That isn't clear from "EIA," "EIR," and "DESDA."

Examples:

For	Don't write	Do write
Employment Insurance Act	EIA (Employment Insurance Act)	EI (Employment Insurance) Act
Employment Insurance Regulations	EIR (Employment Insurance Regulations)	EI (Employment Insurance) Regulations

For	Don't write	Do write
Department of Employment and Social Development Act	<u>DESDA (Department of Employment and Social Development Act)</u>	<u>DESD (Department of Employment and Social Development)</u> Act

Once you note the abbreviation, refer only to the abbreviation in the rest of the document; don't revert to writing the full term. However, <u>treat footnotes differently</u>. People don't always read footnotes as they read the paragraph text. So for accessibility, it can be helpful to establish the abbreviation in the footnote too.

Don't give a term an abbreviation if the term appears only once in the document.

Italics

If possible, avoid italics because they can be difficult to read.

Do italicize:

- styles of cause (example: *Villani v Canada (Attorney General)*, 2001 FCA 248)
- the shortened names of cases (example: *Villani*)
- full names of statutes and regulations (example: *Department of Employment and Social Development Act, Employment Insurance Act, Canada Pension Plan, Social Security Tribunal Regulations*)
- foreign words that have not been anglicized (example: *sic, res judicata*)

Don't italicize:

- the abbreviated names of statutes and regulations (example: the Act, the CPP)
- the names of programs (example: **Canada Pension Plan** disability benefits, **Employment Insurance** benefits)
- for emphasis; <u>use bold instead</u>

Verb tenses

Present tense

Use the present tense when referring to opinions, thoughts, feelings, etc. that are still current. This includes instances when parties state their arguments.

Examples:

- The Appellant **believes** that the General Division made an error.
- The Minister **argues** that the General Division didn't make an error.

Use the present tense for the Tribunal's analysis and conclusion.

Example:

- The Tribunal **finds**, **concludes**, **notes**, **determines**, etc.

Past tense

Use the past tense when referring to written submissions and when there is a time marker.

Examples:

- **In her application**, the Applicant **failed** to say why she wanted to appeal.
- **In its written response**, the Commission **argued** that the Claimant wasn't entitled to benefits.

Use the past tense for testimony and submissions given during the hearing.

Example:

- **At the hearing**, the Respondent **explained** that there was no basis for this argument.

Past perfect

Use the past perfect to indicate that an action was completed before another event in the past. It is important to use this tense to create a logical timeline when describing events.

Example:

● When the Appellant called his doctor, he **had been** sick for a week.

Spelling

Make sure to set your default language to **English (Canada)**.

● Click on the language icon "Language" icon in Microsoft Word in the **Review** tab and select "Set Proofing Language…."

In addition to Word's spellcheck, you can check your spelling using Antidote.

Numbers

Spell out one-digit numbers and use numerals for the rest (example: 10 and above).

Examples:

● The file contained **nine** medical reports.
● The file contained **20** medical reports.

But, for consistency, one-digit numbers should be expressed as numerals if other numbers in a given sentence or passage are numerals.

Example:

● Out of the Claimant's **16** jobs, **11** were manual labour, **2** were childcare, and **3** were administrative.

When a sentence begins with a number, always spell it out or rearrange the sentence.

Avoid ordinals when possible (example: write "tenth anniversary" **not** "10th anniversary"). If you must use an ordinal, don't superscript it.

Dates

Use only cardinal numbers in dates (example: write "April 8, 2020," **not** "April 8th, 2020").

Use a comma before and after the year when citing a date in full, even if the date is used as an adjective (example: The April 8, 2020, report by Dr. Turner).

Lists

Lists give the information your readers need in an easy-to-follow way. A long paragraph can be overwhelming. If you need to mention at least three related items or pieces of information, use a list.

Use lists to express points that are more easily grasped separately than together.

Put a colon (":") at the end of the lead-in sentence or phrase. It tells your readers that a list is coming. Try to keep the lead-in sentence and the listed items on the same page.

If you need to make it clear that your list is inclusive, use wording such as "the following" in the lead-in sentence.

Example:

Don't write	**Do write**
Regarding her efforts, the Appellant says that she:	The Appellant says that she made **the following** efforts:
- updated her résumé; - applied for many jobs; **and** - checked the Job Bank website regularly.	- She updated her résumé. - She applied for many jobs. - She checked the Job Bank website regularly.

Note: Bullets should align with the text above. The indentation is normally 1.27 cm for first-level bullets and 1.9 cm for second-level bullets.

If you need to make it clear that your list is exclusive, use wording such as "at least one of the following factors."

Example:

Don't write	**Do write**
I have to determine whether the General Division:	I have to determine whether the General Division made **at least one of the following** errors:
- acted unfairly; - failed to decide an issue that it should have, or decided an issue that it should not have; - misinterpreted or misapplied the law; **or** - based its decision on an important error regarding the facts in the file.	- It acted unfairly. - It failed to decide an issue that it should have, or decided an issue that it should not have. - It misinterpreted or misapplied the law. - It based its decision on an important error regarding the facts in the file.

Give the items in a list so that they are parallel (example: all begin with a noun or verb, all are questions, etc.).

Capitalize items in a list only when the lead-in and all the items are independent clauses, meaning they can stand alone as sentences, as in the example in the "Do write" column above. End the items with the appropriate punctuation mark.

Use bulleted lists "Bullets" icon in Microsoft Word for items that don't have to be in a specific order.

Example:

Use numbered lists "Numbering" icon in Microsoft Word for items that have to be in a specific order, such as a timeline of events. Generally, we recommend using lower-case letters in numbered lists so readers don't confuse a list number with a paragraph number.

Example:

	Don't write		**Do write**

[20]   The Appellant described the circumstances of his dismissal as follows:

1. He was working at his desk.
2. He overheard a co-worker saying that her children were being bullied.
3. He told her to go back to her country then.
4. She complained to his boss, who fired him on the spot.

[20]   The Appellant described the circumstances of his dismissal as follows:

a. He was working at his desk.
b. He overheard a co-worker saying that her children were being bullied.
c. He told her to go back to her country then.
d. She complained to his boss, who fired him on the spot.

Spaces

An easy way to spot spacing issues is to select the "Show paragraph marks and other hidden formatting symbols" option at **Paragraph** under the **Home** tab.

Make sure the spacing is consistent throughout the document.

Add **only one** space between the period and the first word of the next sentence.

Non-breaking space

A non-breaking space is the same width as a word space, but it prevents the text from flowing to a new line or page. Use non-breaking spaces (Ctrl + Shift + Space) to avoid an awkward break. With the "Show paragraph marks and other hidden formatting symbols" option selected, a non-breaking space looks like the degree symbol (" ° ").

Use a non-breaking space:

- between a numeral and its unit (example: 45°kg, 6°p.m.)
- between a title and a name (example: Dr.°Singh)
- between the month and the day (example: February°15, 2020)
- after reference marks (example: section°2, para°45, paras°4 and 5)

This style guide also describes how to use the non-breaking hyphen.

Part 4 – References

Footnotes

Readers should not have to read footnotes to understand a decision. Instead, you should use footnotes to help with the overall readability of your decision.

See Explain legal wording for tips on how to make legal wording more accessible by using footnotes.

When to use footnotes

Use footnotes for citing:

- evidence
- statutes and regulations

- case law

Using footnotes will:

- help you keep short, clear sentences by not interrupting a passage with lengthy reference information
- give you a place to provide your legal references for the interested legal audience without distracting your other readers
- give you a place to explain your plain language paraphrasing of technical wording to the interested legal audience by pointing them to the relevant legislation or case law

Footnote conventions

Footnotes follow these conventions:

- Place the footnote superscript number at the **end** of a sentence in the paragraph text, following all punctuation marks.

  - Under the **References** tab, click on "Insert Footnote."
- Use a maximum of one footnote per sentence. If you need to make a few references in one sentence, consider breaking the sentence into a few sentences or including the references in a single footnote.
- Use full sentences in the footnote. Give directions or be descriptive.
- Avoid Latin abbreviations like *Ibid.* and *supra.* Some readers might not know what these mean. Instead, repeat the footnote details.

Footnote formatting

- Arial, 10-point font
- footnote superscript followed by a single space, then footnote text
- first letter capitalized
- 1.0-line spacing with 0 point before and 0 point after
- left justified (click on the "Align Left" icon in Microsoft Word icon)
- period at end
- case law decisions separated with a semi-colon (if referring to more than one in a single footnote)

Examples:

[3] See *Canada (Attorney General)* v *Somwaru*, 2010 FCA 336; and *Canada (Attorney General)* v *Kaler*, 2011 FCA 266.
[4] Section 10(4) of the *Employment Insurance Act* (EI Act) uses the term "initial claim" when talking about an application.
[5] Section 12 of the *Social Security Tribunal Regulations* sets out this rule.

Citing evidence

Appeal record

When you cite evidence from the appeal record, give directions or be descriptive; don't simply mention the page number, such as "GD3-14."

Examples:

- See GD3-6.
- See the evidence at GD3-6 in the appeal record.
- See the report at AD3-11 to AD3-14 in the appeal record.
- This point is mentioned at GD2-30 in the appeal record.

Recordings

Use the following format when you give a timestamp for a hearing recording: h:mm:ss.

Examples:

- This is from the audio recording of the November 14, 2020, hearing at 1:30:05 to 1:32:25.
- This is what I heard from the audio recording of the General Division hearing at approximately 0:25:40.

Citing statutes and regulations

References to statutes and regulations have to be clear to all the parties, even those who are unfamiliar with law.

Follow these guidelines:

- Start with "See" or other directional or descriptive wording.
- Write out "section" (or "sections") no matter what level of reference it is: section, subsection, paragraph, and subparagraph.
- Give the full name of the statute or regulation in italics the first time you use it in a footnote.
  - Add an abbreviation if it will appear again. Then, use the abbreviation in the relevant footnotes that follow.

Examples:

- See section 30(1) of the Employment Insurance Regulations (Regulations).
- This is based on sections 19 and 44(2.1) of the Canada Pension Plan.
- Section 69 of the Canada Pension Plan sets out this rule.

Citing case law

References to case law also have to be clear to all the parties.

Follow these guidelines:

- Start with "See" or other directional or descriptive wording.
- Give the full name of the style of cause in italics.
  - Don't put a period immediately after the "v" between the parties' names.
  - If you need to mention the case in the paragraph text, write the shortened form (example: "in a case called Hastings"). Give the full form in the footnote.
- Include the neutral citation, if one is available.

Examples:

- See *Ferreira* v *Canada (Attorney General)*, 2013 FCA 81.

- The Federal Court of Appeal explains this decision-making approach in *Klabouch* v *Canada (Attorney General)*, 2008 FCA 33.
- See *Canada (Attorney General)* v *Falardeau*, A-396-85; and *Lemay* v *Canada Employment Insurance Commission*, A-662-97.
- See *Faucher* v *Canada Employment and Immigration Commission*, A-56-96 and A-57-96.

Part 5 – Formatting

Decision templates

The SST uses formatting that helps with readability. Before you start writing your decision, make sure you use the most recent decision template. Use the templates in Atrium so that your decisions are consistent with other SST decisions in how they look and read.

Using Atrium decision templates has benefits:

- They have the right formatting built in.
- They often set out the legal tests.
- Some are already in plain language.

Avoid using an old decision as a template.

Word "Styles"

Templates have Microsoft Word "Styles" (not macros) built in for your different formatting needs. You should be able to click on the Style you want. The Styles bar is under the Home tab. It usually looks like this:

The sections below describe the formatting features of a decision template. We will point to Styles where they are available in templates.

Margins

- **Title page:** Narrow – 1.27 cm
- **Body of text:** Normal – 2.54 cm

Page numbering

- centred at top of page, with no hyphens or special symbols (example, simply: 2)
- no page number on cover page
- decision starting on page 2

Font type and size for paragraph text

- Arial, 12-point font

Line spacing

- 12-point spacing after each paragraph
- 1.5-line spacing within and between paragraphs

Click on the "Line and Paragraph Spacing" icon

or the corner arrow

in the "Paragraph Settings" group on the Microsoft Word ribbon for line spacing options.

Main headings

Use the built-in headings in the decision templates. The Style is called "Heading."

Example:

Decision

Formatting specifications:

- Arial, 16-point font
- bold
- 1.0-line spacing with 0 point before and 12 point after
- only first letter of first word capitalized
- not underlined (underlining for hyperlinks only)
- not numbered (numbers only for paragraphs)
- keep-text-together options selected

Subheadings

Use the built-in subheadings in the decision templates. The Style is called "Subheading."

Example:

Capable of and available for work

Formatting specifications:

- Arial, 14-point font
- bold
- 1.0-line spacing with 0 point before and 12 point after
- only first letter of first word capitalized
- not underlined (underlining for hyperlinks only)
- not numbered (numbers only for paragraphs)
- keep-text-together options selected

Sub-subheadings

Use the built-in sub-subheadings in the decision templates. The Style is called "Sub-subheading."

Example:

– Wanting to go back to work

Formatting specifications:

- non-bold en dash ("–") at beginning (hold down Ctrl and type "–" key on number pad or hold down Alt and type "0150" on number pad)
- Arial, 12-point font
- bold text
- 1.0-line spacing with 0 point before and 12 point after
- only first letter of first word capitalized
- not underlined (underlining for hyperlinks only)
- not numbered (numbers only for paragraphs)
- keep-text-together options selected

Paragraphs

You must write within numbered paragraphs.

Use the built-in paragraph format in the decision template. The Style is called "Default."

Example:

[1]   I am allowing the appeal.

Formatting specifications:

- Arial, 12-point font
- 1.5-line spacing with 0 point before and 12 point after
- left justified (click on the "Align Left" icon in Microsoft Word icon)
- paragraphs numbered sequentially in square brackets, starting from 1
- paragraph numbers aligned with headings

Footnotes

- Arial, 10-point font
- 1.0-line spacing with 0 point before and 0 point after
- left justified (click on the "Align Left" icon in Microsoft Word icon)
- not indented

Quotations

Short quotes (fewer than five lines)

Embed the quote directly into the paragraph.

Example: The Claimant didn't agree with the employer that she was "**not a good fit.**"

If "that" comes before a quote within a sentence, don't capitalize the first word of the quote (unless it is part of a proper noun). Also, the first letter of the word should be in square brackets if it is written differently than in the original text.

Example:

He wrote **that "[t]**he patient has anxiety issues that keep her from working."

Place punctuation inside the quotation marks.

Example:

To have "just cause," you have to prove that you had no reasonable alternative to leaving.

Long quotes (five lines or longer)

Try to avoid long quotes. There is usually no need to copy and paste legislation or case law word for word because you will need to explain the technical wording anyway. Try paraphrasing the quoted text in plain language and referencing the source material in a footnote. See Explain legal wording for strategies.

Example:

	Don't write	Do write

Don't write

The Regulations require me to consider whether the Claimant's efforts were reasonable and customary. Section 9.001 of the Regulations reads:

9.001 For the purposes of subsection 50(8) of the Act, the criteria for determining whether the efforts that the claimant is making to obtain suitable employment constitute reasonable and customary efforts are the following:

Do write

The law sets out criteria for me to consider when deciding whether the Claimant's efforts were reasonable and customary.[3] I have to look at whether her efforts were sustained and whether they were directed toward finding a suitable job. In other words, the Claimant has to have kept trying to find a suitable job.

[...]

[3] See section 9.001 of the Employment Insurance Regulations.

However, if a long quote is unavoidable:

- set the quote apart from the rest of the paragraph
- use 1.0-line spacing "Line and Paragraph Spacing" icon in Microsoft Word
- 12-point spacing after the quoted text
- indent the quote 2 cm on each side
- left justify the quote "Align Left" icon in Microsoft Word
- put the first letter of the first word in square brackets if it is written differently than in the original text

Example:

[20]   According to the Commission agent, the Appellant gave the following answer:

I had started to look before quitting. I hadn't secured a job. I thought I would have a better chance if I quit and dedicated myself full-time to find full-time work. I had no real prospects or offers at the time I quit. In fact, I wasn't having any luck.

Finally, the job at Business Inc. came up. I was told it would only be temporary and I would be filling the position of someone on leave. But, I had been without work and without prospects for a while, so I took that job.[3]

[3] See Supplementary Record of Claim dated October 3, 2019, at GD3-30.

Keeping text together

Sometimes a heading, sentence, or word appears on its own at the end of a page or on a new page. (If you are using the templates, the different levels of headings will have the keep-text-together setting built in.)

To keep text together:

- select the dangling heading or text

- right-click and select "Paragraph…" **or** click on the corner arrow in Showing where to find the "Paragraph Settings" icon in the Microsoft Word menu
- go to the "Line and Page Breaks" tab
- select
  - "Widow/Orphan control," "Keep with next," and "Keep lines together" for **headings, lead-in sentences for lists**, and **the last paragraph of the decision***
  - "Widow/Orphan control" and "Keep lines together" for **sentences** and **words**

* This keeps the last paragraph with the member's signature and division information.

Non-breaking hyphen

A non-breaking hyphen (Ctrl + Shift + Hyphen) is called the "hard hyphen." It keeps a hyphenated word together as a whole on the same line. Use it when a hyphenated word (example: re-read) or file name (GD-XX-XX) gets broken at the end of a line.

This style guide also describes how to use the non-breaking space.

Part 6 – Checklist for decisions

Proofreading

Always re-read your decision to:

- catch mistakes
- make sure you haven't forgotten anything
- check that your ideas are clear and organized well
- After you finish your first draft, wait at least a few hours before you proofread your decision. This helps you look at your decision with fresh eyes.

Final check

To check	
Template used is the most recent; <u>font and formatting</u> are correct	☐
File number and names of parties are correct; <u>preferred pronouns</u> used	☐
<u>Point-first approach</u> followed at every level; topic sentences give a summary	☐
Short sentences and short paragraphs used	☐
Long sentences broken down; <u>lists</u> used where possible	☐
<u>Common words</u> used; legal wording explained	☐
<u>Double negatives</u> rephrased	☐

To check

<u>Footnotes</u> used when referring to the appeal record, statutes and regulations, and case law	☐
Dates, amounts of money, and other numbers are correct	☐
Abbreviations avoided or used consistently	☐

Part 7 – Additional resources

For a more in-depth review of the topics covered in this guide, we recommend you consult the following reference tools. Note that some tools address writing for certain contexts that may not apply to your situation.

Terminology and writing guidelines

The Canadian Style (https://www.btb.termiumplus.gc.ca/tpv2guides/guides/tcdnstyl/index-eng.html?lang=eng)

Canada.ca Content Style Guide (https://www.canada.ca/en/treasury-board-secretariat/services/government-communications/canada-content-style-guide.html) (focus on web-publishing)

Termium (https://www.btb.termiumplus.gc.ca/)

Suggestions for the portrayal of people with disabilities – General guidelines (ESDC) (https://www.canada.ca/en/employment-social-development/programs/disability/arc/words-images.html)

Tips for gender-inclusive writing (Termium) (https://www.btb.termiumplus.gc.ca/tpv2guides/guides/wrtps/index-eng.html?lang=eng&lettr=indx_catlog_g&page=9tZXuAe4oZYs.html#an5)

Canadian Oxford Dictionary (https://www.oxfordreference.com/view/10.1093/acref/9780195418163.001.0001/acref-9780195418163)

Language Portal of Canada (https://www.noslangues-ourlanguages.gc.ca/en)

Referencing guidelines

Canadian Guide to Uniform Legal Citation ("McGill Guide") – latest edition (no online version available)

Canadian Guide to Uniform Legal Citation ("McGill Guide") Queen's University summary (https://guides.library.queensu.ca/legalcitation-mcgill-9th/introduction)

Canadian Guide to Uniform Legal Citation ("McGill Guide") University of Alberta summary (https://guides.library.ualberta.ca/ld.php?content_id=34487617)

Canadian Guide to Uniform Legal Citation ("McGill Guide") Carleton University summary (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf)

Did you find what you were looking for?
Please provide more details

Any information you share here will be anonymous. You won't get a reply. If you want a reply, please <u>contact us (/node/135/)</u> directly.

Maximum 300 characters

Footnotes

1. The SST (Social Security Tribunal) has adopted the definition of plain language from the International Plain Language Federation (https://www.iplfederation.org/). It says that "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."