

Unclassified

English - Or. English

25 May 2023

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Working Party No. 2 on Competition and Regulation

**Assessing and Communicating the Benefits of Competition Interventions – Note by
Canada**

12 June 2023

This document reproduces a written contribution from Canada submitted for Item 6 of the 75th meeting of Working Party 2 on 12 June 2023.

More documents related to this discussion can be found at
<https://www.oecd.org/competition/assessing-and-communicating-the-benefits-of-competition-interventions.htm>

Federica MAIORANO
Email : Federica.MAIORANO@oecd.org

JT03519715

Canada

The Importance of Clear, Accessible Communication

1. Introduction

1. At Canada’s Competition Bureau, we are changing how we communicate. We are using plain language more and more. Although our work can be technical, the way we describe it doesn’t have to be. We are building skills and systems to help share the benefits of competition in a way that everyone can understand.

2. This paper focuses on how we communicate during competition interventions, and how we discuss competition more generally. We describe how we measure and communicate the benefits of competition, how communication fits into our regular planning and reporting cycle, and our plain language initiative.

3. We also discuss the results of changes in how we communicate. In a country where there has been less discussion about competition policy compared to others, we are seeing higher engagement:

- We see more media coverage and high-profile opinion on competition issues.
- There is more public engagement about the [future of competition policy and enforcement](#).
- We receive 25% more public complaints now compared to pre-pandemic levels.
- We answered 239% more media questions this year than the year prior.

2. Why it Matters

4. Clear, accessible communication is crucial for a competition agency’s effectiveness. Some of these areas include:

2.1. Promoting competition

5. Canada needs more competition. An ongoing priority for the Bureau is to build a culture of competition in Canada. When a competition culture is healthy, everyone—from consumers to businesses to government officials—understands the power and tremendous value of competition. And then everyone works hard to see it thrive in all sectors of the economy. We can build on this culture when people can take in, and act on, a message.

2.2. Creating a culture of compliance

6. People and businesses need clear information about how to comply with our laws. When information is clear, people have what they need to help guide their decisions.

2.3. Enhancing inclusion and engagement

7. Language can include and exclude. Internally, integrating new employees is easier when we use common, clear and accessible language. This applies to learning policies and

procedures, but also to creating an inclusive environment where people can bring the most they can to their work daily. Language can create “in-groups” and “out-groups”, where people’s day-to-day comfort and confidence can be affected by how well they can “talk the talk.” We may miss great ideas because people don’t present them with the right words, or use the right jargon.

8. Outside the Bureau, when we advocate or investigate, we need to explain what we’re doing and what information we’re seeking. If we communicate clearly, people are more likely to bring us complaints. If we can be clearer with market participants, we may end up with better information, evidence, and collaboration because people feel more comfortable to engage with us. And we recognize how people access information – on small screens, and not on paper. Short sentences, bulleted lists, and other best practices help people engage with our ideas through the medium of their choice.

2.4. Improving efficiency

9. The Bureau has limited resources and opportunities to make a difference. The more clear our messages, the better they can be received. This helps create more impactful communications products, including our requests for information, warnings about scams, or appearances before the courts. There are also efficiencies to be gained internally. When messages are clear, approval and translation is quicker. Communicating clearly is an investment with a potentially high yield.

3. Defining the Challenges

10. One of our main challenges is that our work is not well understood. Survey data shows that Canadians understand and value the benefits of competition but they do not always connect this in a meaningful way to our work.

11. We believe that part of the issue is the way we communicate. Our writing is often complex, and full of legal and economic jargon.

3.1. Insights from surveys

12. In 2022, a group of researchers surveyed Canadians about the state of competition in the country. They used questions from a European survey to allow a comparison. Here are some findings¹:

- Canadians recognize the benefits of competition for the economy in general, and for consumers in particular, to the same extent as Europeans.
- Canadians see more problems related to a lack of competition in economic sectors than do Europeans.
- Despite the fact that they understand and experience competition issues, Canadians are clearly less knowledgeable about the institutions regulating competition than are Europeans.

13. In terms of institutions, the findings included:

¹ https://cpp.hec.ca/en/wp-content/uploads/sites/2/2023/05/PP-2022-05_VA.pdf

- 65% of the Canadians surveyed would not know where or who to turn to report a major problem in terms of competition, as compared with an average of 56% for the European group.
- Only 21% of the Canadians surveyed know where or who to turn to if they were to identify a major problem in terms of competition, whereas the average is 42% in the European group.
- Within the past 12 months, 70% of the Canadians surveyed said they had not heard or read anything about competition cases, as compared with an average of 57% for the European group.
- Of the Canadian and European respondents who said they had heard or read something about competition cases, their main sources of information were newspapers and magazines or television.
- 29% of the Canadians surveyed have already heard of a competition-related decision by a competition authority against a company, as compared with an average of 49% for the European group.

14. This gap is not new. Results from public opinion research we commissioned in 2020 show that the Bureau's work and resources are not well understood. Consumers and Small and Medium-Sized Enterprises (SMEs) were asked how the Bureau is doing at educating the public on how to recognize anti-competitive behaviour. Some of the findings include:

- 21% of SMEs think we did poorly or very poorly, with a further 48% who are unsure or did not respond [69% did not answer positively].
- 24% of consumers think we did poorly or very poorly, with a further 44% who are unsure or did not respond [68% did not answer positively].

3.2. Expert report: the “content audit”

15. We also recently commissioned a “content audit” from a third-party communication firm. The audit confirmed that we are missing opportunities to reach key audiences with our messages.

16. These experts took a close look at a number of our written materials including emails, shortform pieces like statements, and longform materials like reports, and guidelines. Overall, they found our writing is authoritative and thorough, yet largely inaccessible to the average Canadian reader. They wrote, “Your writing seems to be more for internal audiences than external, for lawyers more than the public.” The experts said the tone of our writing is formal and negative (largely because of our enforcement context), and we break many plain language principles.

17. While the experts identified many challenges, one area of excellence stood out: the Bureau's use of social media.

3.3. Challenges with our internal culture

18. There were a number of internal beliefs and attitudes that made changing our approach more difficult, particularly in our law enforcement context. Some of these beliefs included that:

- Our content will be less accurate or less intellectually valid, and that clear communication has an inverse relationship to these goals.

- Plain language is only useful when we communicate with the public as a whole.
- We are already great writers and communicators.
- It is impossible to explain our work in a way that most people will understand.
- It is impossible to issue bulletins or guidelines in plain language.
- The main audience for our work are competition lawyers and economists.

3.4. By the numbers

19. Using software, we can measure writing objectively using indexes such as Flesch Reading Ease and the Flesch-Kincaid Grade Level. These tools allow anyone to measure readability. Flesch Reading ease scores text between 1 and 100. The higher the score, the easier it is to read.

20. Flesch-Kincaid Grade Levels evaluate the approximate reading grade level of a text. Or, how many years of formal education a person would need to understand the content. A high grade level indicates text that is more difficult and time consuming to read. A common grade level target for the public is grade 8.

21. Some of our most commonly-accessed documents rate very high in terms of grade level. For example:

- Our former Compliance guidance had an overall grade of 16.4.
 - Many paragraphs measured over Grade 22, which equates to completing a **doctoral** level of education in Canada.
- Our former Transparency Bulletin, which is aimed at a broad audience, had an overall grade of 18.6.

4. A Shift to Plain Language

22. Armed with this information, the Bureau began shifting toward a plain language first approach. This strategy aligns with many of the Bureau's priorities and desired outcomes, including:

- Creating a "culture of competition" in Canada.
- Becoming a more accessible and inclusive organization.

23. Organizations with clear writing styles are perceived to be more transparent and credible. Plain language also has a positive impact on reputation. It builds trust and understanding. In fact, the Government of Canada recently passed a law requiring federal organizations to lower barriers to accessibility. Using plain language allows everyone, both inside and outside the Bureau, to understand the work we do, why we are doing it, and why it matters to them.

4.1. Enabling change

24. The Bureau's Public Affairs team has been the driver of our plain language initiative. It has three main objectives:

1. Establishing an Editorial Board to provide guidance on how the Bureau communicates information.

2. Developing a Writing Style Guide focused on communicating in plain, accessible language for our various audiences.
3. Providing plain language training for all employees.

4.2. The Editorial Board

25. The Editorial Board is a committee of plain language ambassadors at the Bureau. They represent all areas and levels of the organization, and offer a diversity of voices and perspectives. The board's role includes developing a writing style guide for staff focused on communicating in plain, accessible language.

4.3. Style Guide

26. An external expert is helping us craft the Bureau's style guide. It will lay out the rules that govern the voice of the organization. For example: Should we use the active or passive voice? What tone should be used based on the material and method of communication? A style guide also helps establish consistency. The guide will provide employees with the tools to write cohesive products. As a result, readers will know what to expect from our writing.

27. We expect to share the guide with all employees later in 2023 in both of Canada's official languages – English and French.

4.4. Training

28. The Bureau's Learning Unit regularly promotes tools and resources to employees to improve their plain language skills. They have offered seven rounds of training from external experts in both English and French. About one in four employees have taken the training.

4.5. Progress to date

29. The Commissioner has led by example. He established the use of plain language as an organizational goal. He has championed accessibility through his own messages to employees and holds people accountable to a higher standard of accessibility. And employees across our organization have become more engaged in achieving this goal as a result.

30. We've applied new ways of thinking and used new tools to make many of our more recent public materials more accessible. Some examples include:

- Our Planning and Reporting team increased its focus on communicating our goals and outcomes to Canadians in plain language.
- The Bureau's market study team has drafted the most plain language report the Bureau has ever produced, on a topic of national interest: competition in Canada's grocery sector.
- The Bureau's International team began reworking surveys, submissions, speeches and scripts for an international audience.
- Our Compliance team executed a full rework of the Bureau's compliance guidance, which is written in accessible language and organized to improve user experience.

4.6. The side-by-side approach

31. One of our most effective, yet simple approaches, is to conduct a side-by-side (or before and after) view of treated texts. Internal working groups have used this approach to propose significant revisions to materials such as our Transparency Bulletin. Using this approach, they were able to overcome internal resistance to change. Side-by-side comparisons provide tangible and statistical examples of difficult to read content and clearly show a benefit to adopting best practices to make content accessible.

32. An example from our Transparency Bulletin can be seen in the following table:

Table 1. Transparency Bulletin

<i>Transparency Bulletin</i>	
<i>Original</i>	<i>Plain Language</i>
<p>The Bureau endeavours to follow the processes described in this Bulletin. However, the Bulletin is not a binding statement of how investigations are carried out, or of when and how the Bureau communicates with any particular Party or other stakeholder in any particular case.</p> <p>Certain factors may require the Bureau to take a different approach regarding its substantive communications with Parties and other stakeholders during an investigation. Such factors may include the specific facts of a case, situations of ongoing harm, situations that require immediate action, the nature of the information available, the nature of the investigation, and other relevant circumstances.</p> <p>Reading Ease: 17 Grade Level: 17.1 Passive Sentences: 25%</p>	<p>This Bulletin is only a guide. It is not a binding statement of how we carry out investigations or when and how we communicate. We aim to follow the processes in this Bulletin, however we may need to change how we communicate as a result of the facts of a case, including:</p> <ul style="list-style-type: none"> • whether there is ongoing harm; • whether immediate enforcement action is required; • the kind of information we have; and, • the nature of the investigation. <p>Reading Ease: 56.9</p> <ul style="list-style-type: none"> • Increase of 39.9 points. <p>Grade Level: 7.7</p> <ul style="list-style-type: none"> • Reduction of 9.4 grade levels. <p>Passive Sentences: 0% Plain Language Principles Used:</p> <ul style="list-style-type: none"> • Use short and simple sentences. • Present a series of more than 2 ideas or words as a vertical list • Use pronouns like we and our.

33. Overall, the rewrite of the Transparency Bulletin:

- Reduced the Grade Level of the overall document by 6.6.
- Reduced the “span” of the Grade Levels within the document from 10.4 to 27.9, to 7.1 to 18.6.
- Reduced the number of paragraphs over the Grade 12 level from 46/47 paragraphs to 18/47 paragraphs.

34. This “side-by-side” approach has been used to adapt a number of documents into more plain language. It has also been helpful for dispelling myths about plain language.

4.7. Speeches and Social Media

35. We have emphasized the use of plain language in speeches. Most notably, the Commissioner clearly laid out the case for more competition in Canada in a key speech in plain language. When tested for readability, this speech had a reading ease double that of previous speeches and a much-reduced average grade level. We believe that is a reason why it is one of the Commissioner’s most-quoted speeches in the Canadian media.

36. The Bureau is also doubling down on its efforts on social media. This includes running experiments on Twitter to make engaging content that is relevant to current events. A recent example includes using Star Wars Day (May 4th) to promoting the Bureau’s recent recommendations to the Government consultation on competition policy reform. This tweet received much more engagement than typical Bureau posts.

Figure 1. Example of tweet



5. Continuing to Tackle Challenges

37. Despite how far we have come, some challenges persist, and most of them are cultural. Ongoing challenges include:

- Overcoming negative personal beliefs and attitudes about plain language.
- Considering our audiences, and remembering we are not writing just for the competition law bar anymore.
- Tackling plain language myths, including the idea that plain language is less precise.
- Drafting in plain language first, rather than “translating” at the end.
- Building skills across the organization through training and practice.

38. Writing in plain language is a learned skill. The Bureau is developing that skill and its approach to communication every day. And we will continue to evaluate our progress, including by re-doing our 2020 public opinion research assessing awareness of the Bureau and its work. This will allow us to see the impact of the communications approaches we have introduced since the original survey, including plain language. And we are happy to collaborate with other agencies that are interested and active in plain language.