

DRAFTING DIRECTIVE ON THE WEB ACCESSIBILITY OF VISUAL COMPONENTS OF LAWS

Justice Canada Draft - 2012-08-20

SUBJECT

The Department of Justice maintains a web-accessible database containing the official version of Canada's federal laws (the [Justice Laws Website](#)). This database is accessible free of charge through the internet in both official languages.

OBJECTIVE

With the advent of the digital age the Department has sought to ensure that the Justice Laws Website is as accessible as reasonably possible.

Starting in late 2011 and through early 2012 Justice made changes to the Justice Laws Website in order to make it more accessible to those who are sufficiently visually impaired that they are not able to readily access its contents.

CONTEXT

Screen-reader software

People who are visually impaired use screen-reader software, the best known being JAWS (Job Access With Speech). This software takes the html-coded text of the website and reads it aloud to the user.

It is important to understand how this works in practice. The software will simply read the coded text as if it was a person reading from top to bottom and from left to right and will even read out all punctuation, formatting changes¹ and all of the details of content and structure of tables and schedules. Unlike someone visually looking at the website, the software is incapable of organizing the material so as to identify what is the most important and what is not and what the relationship is between elements of the content. There are also things that the software is incapable of reading at all. These include maps, images, graphs and any textual content that

¹ Italics, bolding, underlining, etc.

has been reproduced in a regulation or statute as an image (prescribed forms being a common example).

Treasury Board Policy

In response to the decision of the Federal Court of Appeal in *Attorney General of Canada v. Jodhan*,² effective August 1, 2011, Treasury Board put in place the new Standard on Web Accessibility (SWA). The purpose of this policy is to ensure that the federal government's public-facing web sites are as accessible as possible to persons who are visually impaired. It is mandatory across the federal government and requires Justice to ensure that all of the content on the Justice Laws Website complied with the requirements of the latest version of the Web Content Accessibility Guidelines (WCAG 2.0).³

Treasury Board has specified exclusions from the requirements of this policy. These are set out in Appendix B to the SWA. As of the date of this directive there is only one exception that is relevant to our work and that is in respect of maps. It is included as Appendix A to this directive. This list of exclusions is to be reviewed and updated annually by Treasury Board.

Justice Response

Since the introduction of the SWA, Justice has been working with client departments to ensure that the existing content of the Justice Laws Website complies with it. We have done this by identifying and correcting instances of non-compliance, typically by one of two approaches.

The first is to replace the non-compliant content with an alternative that is readable by screen-reader software. A typical example is a formula that was originally placed on the website as an image. This can often be easily converted to an xml-coded text which looks the same to the eye (and for which no amendment to the legislation is required) but which screen-reader software is capable of reading.

The second approach is to add alternate text descriptions that are embedded in the html code used to present the information contained in the website. These alternate text descriptions are not seen by web browsers as a normal part of the legislative text and therefore do not present any problems of appearing to alter the statute or regulation as it was originally enacted.

² 2012 FCA 161

³This is a set of international standards for ensuring that websites are designed to maximize access by persons with disabilities (<http://www.w3.org/TR/WCAG/>).

DRAFTING POLICY

Responsibility of clients, legislative counsel and legistic revisors

Clients are responsible for providing, in both languages, draft alternate text descriptions or instructions for the description. Legislative counsel are responsible for drafting or reviewing the alternate text descriptions and ensuring that they reflect the non-compliant content. It is also up to the legislative counsel, or an assistant under their direction, to insert the text into the draft. Legistic revisors and jurilinguists are responsible for reviewing the text at the same time as the rest of the draft. Alternate text descriptions will not be reviewed by bijuralists. All drafts that use an alternate text description and any other less common features such as schedules, tables, and forms must be reviewed by the Legislative Services Branch Information Management Services team for technical correctness. For this purpose, an electronic copy of the draft should be sent to the IM/IT Manager at the same time as a draft is sent to the jurilinguists.

Avoiding non-compliant content

The best approach is to review the SWA and its exceptions and to avoid, at the drafting stage, the presentation of content in a manner that will be non-compliant unless the non-compliant presentation is clearly superior or the content simply cannot be presented in a compliant manner. For example, a formula that is included as an image should be presented in ordinary plain text. There is already a movement to avoid the use of prescribed forms and instead simply set out the information that will be required. This is not always possible as sometimes there is a need to have the form physically laid out in a particular manner.⁴

If non-compliant content cannot be avoided then, subject to any SWA exceptions, an alternate text description must accompany it. The technique for doing so using our drafting tool EPIC is provided in Appendix B to this directive.

Given that the objective is to make the Justice Laws Website accessible to the visually impaired, these alternate text descriptions must present the information in a manner that effectively conveys as much of the meaning as possible to someone who is using screen-reader software. Ideally the alternate text description should convey all of the information needed to permit that person to understand and comply with the law. There are circumstances where writing these descriptions will be easier than others. For example, a prescribed form that is contained as an image in a schedule to a regulation can usually be reduced to its actual content in the alternate text description. However, a complex map is usually very difficult to accurately describe in textual form.

⁴ e.g. forms that have to follow certain international standards.

Alternate text descriptions can consist of a short description, a long description or a hyperlink to the website of the department that is administratively responsible for the law in question. The hyperlink solution works only if the departmental website contains all of the required elements and is SWA compliant.

Typically a long description is used when the actual content of the map, image or graph can be captured in what is essentially the equivalent, by way of screen reader software, of a verbal description. A short alternate text description should be used when it is all that is needed to achieve compliance or when a long description cannot capture the essence of the image in question and compliance is not possible. It should also be used when the content merely illustrates what is otherwise already included in the legislative or regulatory text.

Unavoidable Non-compliant Content

Legislative counsel are responsible for advising clients on how to avoid content that does not comply with the SWA.

There will be situations where the non-compliant content cannot be reduced to text, even a long text.⁵ It may be impossible to set out in text the information contained in the non-compliant content that is part of the rule being set out in the legislative or regulatory text.⁶ In these situations it may at best be possible only to describe the function of the image. In such cases, short alternate text descriptions will satisfy the SWA requirements but legislative counsel should consider advising clients that there may be some risk of court challenges based on the *Jodhan* decision and subsection 15(1) of the *Canadian Charter of Rights and Freedoms*. In the current state of the law that risk may be difficult to quantify.

⁵ A typical example of this is the images contained in Schedule 7 to the [Motor Vehicle Restraint Systems and Booster Seats Safety Regulations](#) (SOR/2010-90).

⁶ See the schedules to the [Gully Marine Protected Area Regulations](#) (SOR/2004-112) for examples.

APPENDIX A

STANDARD ON WEB ACCESSIBILITY: Edited list based on current List of Exclusions as Published by Treasury Board August 1, 2011

The following exclusions from specific requirements have been put in place for a period of time and will be updated annually as technology advances. Exclusions include:

Web content	Requirements
Complex maps (text alternatives)	WCAG 2.0 Success Criterion 1.1.1 Non-text content

Complex maps: A map that associates information with one or more locations that cannot be represented by postal addresses or proper names such as intersections, landmarks, cities, or regions. An example of a complex map is one that shows the location and intensity of precipitation detected by a RADAR network.

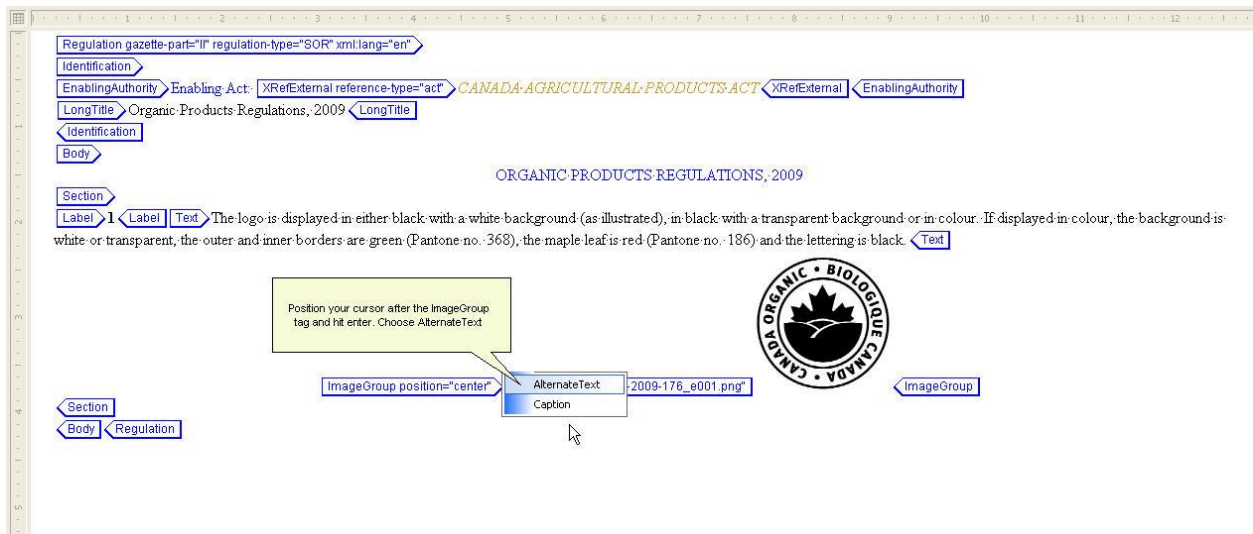
APPENDIX B

How to insert Alternate Text for images in Epic

Images in documents must now contain a description of the image. In Epic, images are inserted in an element called ImageGroup and within the ImageGroup element there is a tag called AlternateText. This is the tag that must be used to insert the alternate text for images.

As shown in the screenshot below:

1. Turn tags on in Epic
2. Position your cursor after ImageGroup tag
3. Hit enter
4. Select AternateText to insert tag in document



5. Type in alternate text
6. The alternate text appears in Epic only and will not print in the PDF

Regulation gazette-part="II" regulation-type="SOR" xml:lang="en"

Identification

EnablingAuthority Enabling Act: `<XRefExternal reference-type="act">` CANADA-AGRICULTURAL-PRODUCTS-ACT `</XRefExternal>` EnablingAuthority

LongTitle Organic Products Regulations, 2009 `<LongTitle>`

Identification

Body

Section

Label `<Label>` `<Text>` The logo with a white background (as illustrated), in black with a transparent background or in colour. If displayed in colour, the background is white or transparent, the outer and inner borders are green (Pantone no. 368), the maple leaf is red (Pantone no. 186) and the lettering is black. `<Text>`

ImageGroup position="center"

AlternateText Round logo with outer and inner borders. Between the outer and inner borders, the text CANADA ORGANIC BIOLOGIQUE CANADA is displayed in a circular format. Within the inner circular border, the top half of a maple leaf is shown above three hills. `<AlternateText>`

After inserting the AlternateText tag, type in the alternate text. Note that this text will only appear in the XML, and will not appear when printing to PDF.

ORGANIC PRODUCTS REGULATIONS, 2009

`<Image source="SOR-2009-176_e001.png">` `</ImageGroup>`

Section

Body Regulation

