

Risk Management in English Communication

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Abstract: - A fundamental principle in translation is that each language includes unique systems of expression that often have no exact one-to-one correspondence in another language. Mandatory word order, idioms and colloquialisms from one source language are not easily translated into a target language. In short, text authored in one source language cannot be exactly reproduced in another target language without difficulty or approximation, which is to say without requiring more time and greater cost. Since translation represents the conversion of text from one linguistic system source language to another linguistic system target language, the success of the translation process relies on an appropriate conversion and conveyance of meaning, rather than on an exact, mechanical word-for-word transfer from one language into another.

Key-Words: - risk management and mitigation, difficulties of English communication in engineering, translator's profile, prerequisites in translating and interpreting scientific and technical communication

1 Introduction

Worldwide spending on language translation contracts skyrocketed from \$14.9M in 1990 to more than \$1B in 2009, with civilian agencies supporting the growth in this area. Government contracts for such services are on the rise, and the increase is not due solely to defense or security needs. Large part of the yearly increase was in the army, from spending \$260 million on language contracts in 2007 to \$834 million in 2008. Defense agencies were not alone, however, and technological communication is also a key issue. At domestic levels, laws prohibiting discrimination in public funded programs made agencies rely ever more on language contracts for translating & interpreting documents. On the other hand, larger immigrant populations create a civilian need for language services. Immigration, Customs, Internal Revenue Services, and Social Security Administrations have increased spending significantly since 2007.

2 Problem Formulation

Translators appreciate that remedial resources and process measures include additional layers of secondary or derivative risk that must itself be taken into account.

2.1 Basic prerequisites for good translations

Basic prerequisites prior to resource selection should include as a minimum:

- native language skills in the target language;
- adequate expertise in the source language;
- subject matter expertise;

Where verification and acceptance of translation vendors is based in whole or in part on risk mitigation, particular emphasis can be and must be placed on the subjective nature of the likelihood of error occurrence and the ease of error detectability and on the severity of the error, which is measurable objectively. Because of the subjective portion, mitigation should be event-based. More specifically, vendor testing or accreditation can be based on industry-specific and industry-accepted control tests.

2.2 Back-edit reviews

The back-edit review is performed by a linguist whose native language should be the same as the source text. The back-editor reviews the translation of elevated-risk, safety-related portions of the translated document against the source language, so as to ensure that these elevated-risk portions of the translated document have been properly dealt with. A back-edit review is a cognitive equivalent of a back-translation, only without another document being produced.

2.3 Forced errors

Results from the back-edit review can be used to formulate a cross-reference of hazards or *forced errors*. They are errors that are *forced* by the structure of the source language construction. For example, double negatives may force/induce translation errors if the translator translates the source text affirmatively rather than including the double negative. Recognition of a *forced area* in connection with one target-language translation is

assumed to provide indicia of similar translation or potential translation errors in connection with each of the other target languages. In short, each *forced error* is subject to review in all project materials for all translation target languages, including any materials previously delivered.

2.4 Errors triggered by specific formatting

For marketing or regulatory reasons, however, it is often a requirement that the translated material should be modified in such a way that it mirrors the original source document in overall appearance, structure, format and/or layout. These technical requirements can introduce error through required text or formatting modifications.

2.5 Communication issues needing strategies of risk assessment, mitigation & management

Any document potentially poses challenges that have to be addressed by, especially in science and technology communication, where mistranslations cost money, time, effort, and can generate hazards:

- linguistic ambiguities,
- obscured meaning,
- lack of clarity,
- linguistic complex
- subtle meanings and implications
- specialized lexis
- implicit legal conventions that may render the text difficult to transpose accurately.

Such situations/ambiguities increase the risk of linguistic error, which can additionally be caused by:

- lack of context,
- flawed writing,
- content and/or style,
- high degree of inference,
- lack of clarity.

In addition, the complexity of the subject matter may require the text to be linguistically complex and difficult to follow.

2.6 Product risk

High product risk can dramatically elevate the severity of a translation error. However, product risk can be assessed using existing, industry-specific tools and classification categories. Calculation of initial project risk takes into account the risk classifications promulgated by national, multi-national (such as the European Union), and/or international organizations. Such risk classifications, typically, are device-specific classifications. The calculation of initial project risk also takes into account the device document type and the intended use for the document.

Device document types can include:

- information for use,
- product inserts,
- training letters or memoranda,
- product recall letters,
- software user interfaces and web sites,
- regulatory submissions,
- marketing and sales data.

The calculation of project risk also accounts for hazards that are historically associated with science and technology translation activities.

2.7 Translations for consumers and staff in science and technology related fields

Translations for science and technology form not only part of daily of modern life as consumers, but also part of almost everybody's working and professional horizon. In order to help this activity, each government nowadays is increasingly focusing on providing a wide range of standard documents, visible in situations such as:

- purchasing machinery or substances which originated in other countries, manufactured by people who speak different languages. In this case the products should come with instructions for usage in the language of the country of destination.
- people migrating more than ever between countries in search of jobs, better careers, higher living standards (with EU migration being only one such example, close to us).
- businesses using this migration of skill and cheap labor. They face the difficulty that the generic migrant worker will speak limited amounts of the new language (upon arrival, at least) and read or write this new tongue even less, which causes potential health and safety issues if not considered and addressed timely.
- obeying contracts. Under the law, a person is deemed to have read and understood the implications and the consequent obligations stemming from a document, if he/she has signed it. However, there are numerous foreign workers still unable to comprehend the language in the respective documents. This is a larger concern to directors and business owners as they can be made personally responsible for important crimes such as *corporate manslaughter*.
- the growing *claims culture*. After an incident ill-intentioned migrant workers, motivated by the prospect of a large pay-out, may suddenly 'lose' their ability to communicate in English, making it very problematic for the employer to demonstrate otherwise, i.e. that they are reducing their language abilities on purpose.

3 Problem Solution

The need for legal document translation in science and technology can arise in a number of different situations:

- finalization of a large international business deal
- construction of new production facilities on foreign soil,
- simple relocation of employees from one company site to another, across national borders.
- litigations and disputes over business affairs taken to foreign courts.

In such cases, corporations must inform both local and national authorities and obey the laws or risk the failure of their entire business venture. Companies may need legal translations for a wide range of purposes, each of which requiring validation under multiple legal systems.

Professional legal translators are qualified experts who use their years of foreign language and law training together with their experience to produce legal translations meeting the quality standards expected in science and technology in various parts of the world. Proofreaders and project managers oversee each translation in order to maintain high quality, also offering several ancillary services, such as certification and notarization.

3.1 Translators' profile

All translators should meet a strict set of requirements in order to be considered for a position:

- to be a native speaker of the target language, and possess extensive linguistic training and background in the source language. This ensures that the legal translator for science and technology has an innate understanding of the vocabulary and structures used in the target language.
- to have at least five years of working experience within both the legal and the technological field
- to be certified by an accredited organization
- to demonstrate competence when tested.
- to protect the safety of any information designated to be confidential or sensitive in nature. The privacy policy together with the security statements assert that staff members, from specialty legal translators, to proofreaders and project managers, are forbidden from disclosing any private information to a third party without express written permission.

Translation companies and freelancers in this domain also invest significantly in the resources that have to be available to the expert legal language translators, thus guaranteeing that terminology, syntactical patterns, and nuances of law and technology within the target legal document are preserved identical to the initial features in the

original. Such professionals are provided with access to legal dictionaries, libraries, and online databases, as well as peer-reviewed journals. They use these reference materials to supplement their extensive knowledge of the field, and produce translations that are legally valid and easily comprehensible within science and technology fields in the target country.

3.2 Impact of Computer-Aided Translations

Completely automatic machine translation would be an invaluable tool, but, unfortunately, for the foreseeable future, it seems impossible to achieve. Numerous scientists doubt whether it will ever be able to totally replace the human input.

CAT stands for computer aided translation and comes in many different programs, among which the most frequently used are: Trados, Wordfast, DVX, SDLX, and Across. Actually, it is not a form of machine translation, but a management system that accelerates the actual – human – translation process. It stores previous translations and creates a rich database of terms, phrases and entire sentences or paragraphs that the CAT program will bring up automatically in your current translation project if it detects a suitable match. This way, the translator using CAT ensures consistent style and terminology when working for the same client over a period of time. It also helps the translator to save time: a perfect (100%) match, for example, means that the entire segment (phrase, sentence or paragraph) found in the database (the Translation Memory) can be incorporated into the current translation, saving the translator the trouble of having to rethink and rewrite the translation of the segment all over again. Even a less-than-perfect match can still be a time-saver, as, perhaps, only a single word may have to be changed to make it a perfect match.

Translation agencies, and some direct clients, will insist that the translator should use a specific CAT program to the exclusion of all others. This can be quite the problem for the translator as it may be impossible for him/her to acquire the CAT program in question on such short notice, which means that he or she will lose this potential client immediately. Most major CAT tools claim some level of compatibility with formats generated by competing products (e.g., working on a Trados format in DVX), but it is never a perfect solution.

From the client's perspective, it could also be a loss. The translator may have been the best one for the subject matter and type of text; choosing another translator, simply because he/she happens to possess the right and fully compatible software, may force the client into a relationship with a translator who may not be as professional or qualified as the first

one. In the worst-case scenario, the client is handed an improper translation, and using the required or desired CAT tool cannot change that.

A CAT tool is only as good as the translator using it; if the translator lacks sufficient & adequate training or talent, the translation cannot be turned into a professional document even if it is run through the most expensive CAT software. What is more, a growing number of agencies recruit translators on the sole basis of the CAT tool they own and use. CAT ownership or proficiency is *not a professional qualification*. A degree in translation or accreditation is – or actual talent, for that matter.

3.3 Legalese in science and technology

Like a foreign language in itself, science and technology legalese is incomprehensible to most people. It implies frequent and high risks. Even lawyers must study it word for word in order to understand it. Legalese wastes time and money while people are trying to discern—and then proceed to argue about—what it was supposed to have meant. Throughout this time, the client is paying the cost of the argument.

Such debatable patterns are copied from document to document by law clerks and senior partners alike, each afraid to confront the meaning for fear of making a substantive error in translation. These problems are typical of wordy clauses and additionally prevent the readers from understanding the content. Apparently, translation changes, made in order to simplify them, caused more confusion than they solved.

In a global economy, with increasing workforce migrations, it seems that the benefits of plain, clear English outweigh the risk of translation errors. Each time translators try to rewrite a bit of scientific legalese to make it more understandable, engineers or business people complain (with or without justification) that the newly translated version is inaccurate, and that some important detail or refinement was lost. However, the benefits of plain English are sufficient to overcome the risk of making a mistake in translation. Plain English is better than legalese (i.e. legal jargon) because it is easier to read, it contains a third less words, and can be comprehended in half the time. This saves time, money, and filing space for lawyers, judges, clients.

Nevertheless, the most important and relevant benefit of revising documents in plain English is that the effort almost always results in improving the substantive content of the document, not to mention the fact that it helps eliminating clutter from that legal framework. The process of revising improves the substance and leaves the lawyer more time to

consider the problematic issues.

Although device manufacturers are required to design products that are inherently safe, the use of any device involves a measure of risk. All risk that cannot be mitigated through design must be addressed in accompanying product documentation. This core risk management function of product documentation is specifically identified in the industry standard. Therefore, accuracy and precision of translated documentation are vital in effectively communicating the required safety information on overseas markets in accordance with national laws.

Any national legislation generally requires device safety and instructional information to be distributed in one of the official languages of the country. The process for generating this local language version is outsourced to a commercial translation vendor. Problematically, under the world's major device regulatory schemes, device manufacturers cannot escape liability for their outsourced processes, such as translations. In other words, manufacturers still bear the responsibility any harm or damage resulting from labeling errors. Some of this liability can be handled by purchase of insurance, or indemnification. Serious translation errors are defined the ones likely to cause harm to the user, operator, or consumer; damage to the product or to equipment used in conjunction with the product; non-conformity with regulatory requirements; damage to the marketability of the product; and/or damage to the manufacturer's reputation.

3.4 Method of managing error risk in scientific and technical language translations

It concerns science and technology but also commercial language translation of safety data and information accompanying devices. Product labeling is used to identify individual devices and to communicate safety-related instructions and performance-related details to all interested parties.

Here are the steps of a general risk managing method for analyzing, evaluating, and controlling the risk of language translation errors in connection with science and technology products and processes:

- identifying the nature and intended purpose of the document
- identify the inherent risk level of the device;
- identify the safety functions of the content that is translated;
- evaluate the inherent and process risks associated with the translation process;
- analyze risk information by applying it to the selection of resources and the design and execution of processes

- mitigate the risk of safety-related translation errors effectively
- provide an assessment of the risk to the worker/consumer posed by translation errors.

The method includes identifying the document type from a list comprising document templates relating to training, instruction for use, marketing, web site, event reporting, recalls for service/overhaul, or regulatory submissions for inspection. Furthermore, the method includes a translation risk assessment as a function of the inherent differences of the languages/the language character sets, (e.g. Latin, Cyrillic, Arabic, Asian characters). There must necessarily be a back-editor whose native language is the source language, to review the translated document so as to help overcome limitations inherent to document translation by a native speaker of the target language.

4 Conclusion

World economy must consider language translation as part of the initial employment cost of migrant workers and as part of the health and safety audit. If employers cannot be sure that all their employees can read documents related to the health and safety parts of the job, they will need to have translations available in their workforce language. Likewise, if those professionals are to be given any interactive training, interpreting will be required if language levels are not high enough. For the larger business, it might be possible to give additional health and safety training to a member of staff who can speak in these other languages, and ensure they all receive the translations and understand any training given.

Risk management in English communication takes into account the fact that English has become the *lingua franca* worldwide, in economy, on the labor market, in scientific & technological progress, in any field, from finance to medicine, not to mention the daily global village interactions people pursue irrespective of distance or culture.

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