

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF PUBLIC ENTERPRISES

NO. 1157

23 SEPTEMBER 2016

**public enterprises**Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA**LANGUAGE POLICY OF THE DEPARTMENT OF
PUBLIC ENTERPRISES (DPE)**

Mr Mogokare Richard Seleke
Director-General
Date:

DPE – Version 1

Table of Contents	Pages
1. Definitions	3
2. Introduction	3
3. Objectives	4
4. Legislative Instruments	4
5. Purpose and regulatory context of this Policy	4
6. Principles	5
7. Mandate of the DPE	6
8. Training and Capacity	6
9. Official Languages of DPE	6
10. Contextual Use of the official languages by DPE	6
11. Communication with members of the public whose language of choice is not one of the official languages of the Republic	7
12. Communication with members of the public whose language of choice is South African Sign language	7
13. Publication of and Access to this Policy	8
14. Complaints Mechanism	8
15. Review of Policy	9
16. Approval of Policy	9

1. DEFINITIONS

- a. **“Act”** means the Use of Official Languages Act, No 12 of 2012;
- b. **“Chief Information Officer”** means the Director-General of the Department of Public Enterprises;
- c. **“Complainant”** means any person who has lodged a complaint against the DPE Language Policy.
- d. **“Constitution”** means the 1996 Constitution of the Republic of South Africa;
- e. **“Deputy Minister”** means the Deputy Minister of the Department of Public Enterprises;
- f. **“DPE”** means the Department of Public Enterprises;
- g. **“DG”** means the Director-General of the Department of Public Enterprises;
- h. **“Language Unit”** means the Language Unit established in terms of the Act within DPE;
- i. **“Minister”** means the Minister of Public Enterprises;
- j. **“MTSF”** means the Medium Term Strategic Framework;
- k. **“NDP”** means National Development Plan;
- l. **“NGP”** means the New Growth Path;
- m. **“PanSALB”** means Pan South African language Board established in terms of its Act, 1995 (Act No. 59 of 1995);
- n. **“Policy”** means the Language Policy of the Department of Public Enterprises;
- o. **“Republic”** means Republic of South Africa
- p. **“SOC”** means the state-owned companies within DPE's portfolio;

2. INTRODUCTION

- 2.1 The Department of Public Enterprises' Language Policy, fulfills the prescripts of the 1996 Constitution of the Republic of South Africa, amplified in the Use of Official Languages Act, 2012 (Act No 12 of 2012). The Constitution provides for the recognition and use of eleven (11) official languages. Further, it recognises the diminished use and inferior status of indigenous languages, therefore requiring State Departments to take practical and positive measures to elevate the status and use of indigenous languages. In addition the Constitution requires all official languages to be afforded parity of esteem and equitable treatment.
- 2.2 The Act provides for, amongst other requirements, the regulation and monitoring of the use of official languages by national government for government purposes; requires the adoption of a language policy and provides for the establishment of a national language unit by the Department.
- 2.3 The Act came into operation on 2 May 2013 by Proclamation No. 10 published in Government Gazette No. 36392 of 26 April 2013. The Regulations to the Act came into effect on 5 February 2014 through Government Notice No. 10140 promulgated in Government Gazette No.37398 of 28 February 2014.

- 2.4 The PanSALB promotes and creates conditions for the development and use of all official languages, including Sign Language. In addition, it ensures respect for other languages that are not the languages of choice in relation to the official languages of the Republic.
- 2.5 The Department of Public Enterprises in its capacity as a national government Department developed and adopted this Language Policy in fulfilment of the prescripts of the Constitution and the Act.

3. OBJECTIVES

- 3.1 The objectives of the Policy are based on the section 2 (a)-(d) of the Act, namely:
- 3.1.1 to adopt, implement a language Policy and monitor its application by its entities in the use of official languages for government purposes;
 - 3.1.2 to promote parity of esteem and equitable treatment of official languages in the Republic;
 - 3.1.3 to facilitate equitable access to services and information of DPE; and
 - 3.1.4 to promote good language usage by DPE for efficient public service administration and to meet the needs of the public.

4. LEGISLATIVE INSTRUMENTS

- 4.1 This Policy is developed in accordance with the requirements of the Constitution and the Act, which requires that a national department and its entities must adopt a language Policy on the use of all official languages.
- 4.2 In addition to (a) above, the Policy is guided by the following legislative instruments, principles and prescripts:
- 4.2.1 Regulations prescribed in terms of section 13 of the Act;
 - 4.2.2 Promotion of Access to information Act, 2000 (Act No 2 of 2000);
 - 4.2.3 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000);
 - 4.2.4 The Batho Pele principles.

5 PURPOSE AND REGULATORY CONTEXT OF THE POLICY

- 5.1 Section 4 of the Act provides as follows:
- 5.1.1 Section 4 (1) provides that every national department, national public entity and national public enterprises must adopt a language policy on its use of official languages;
 - 5.1.2 Section 4 (2) provides that a language policy adopted in terms of subsection (1) above must:

- 5.1.2.1 identify at least three official languages that the national department, national entity or national public enterprises will use for government purposes;
- 5.1.2.2 stipulate how official languages will be used effectively in communicating with the public, official notices, government publications, and inter- and intra-government communication;
- 5.1.2.3 describe how the national department, national public entity or national public enterprises will effectively communicate with the public, whose language of choice is not one of its chosen languages or South African Sign Language;
- 5.1.2.4 describe how the public can access the language policy, and
- 5.1.2.5 provide a complaint mechanism to enable the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprises.

6 PRINCIPLES

6.1 The principles underpinning this Policy are as follows:

- 6.1.1 Commitment to the promotion of all official languages in the Republic in order to promote multilingualism, ensure language equity and the exercise of linguistic rights as prescribed by the Constitution;
- 6.1.2 Recognition of multilingualism as a resource in its own right and to encourage collaboration and partnerships in nation-building, inclusive of economic development and social cohesion;
- 6.1.3 Promotion of proficient language usage by DPE to ensure efficient public service administration that meets the needs of the public, and ensure further equitable access to the services and information of DPE;
- 6.1.4 Enhancement of a people-centred service delivery approach by recognising and addressing the interests, needs and aspirations of language groups through on-group dialogue and debate;
- 6.1.5 Recognition of the role of DPE as the key department in the implementation of government developmental objectives and to promote multilingualism in a pluralistic society.

7 MANDATE

- 7.1 DPE is mandated to drive investment, productivity and transformation through the Department's portfolio of SOC, their customers and suppliers so as to unlock growth, drive industrialisation, create jobs and develop skills.
- 7.2 SOC are strategic instruments of industrial policy and core players in the New Growth Path (NGP).
- 7.3 Further, DPE aims to provide decisive strategic direction to the SOC, so that their businesses are aligned with the national growth strategies arising out of NGP.
- 7.4 DPE ensures that SOC planning, performance, investments and activities are in line with government Medium Term Strategic Framework (MTSF) and the Minister's service delivery agreement.

8 TRAINING AND CAPACITY BUILDING

To enable the achievement of professional and efficient implementation of this Policy, the DPE Language Unit will from time to time provide information on training and capacity building.

9 OFFICIAL LANGUAGES OF DPE

All official languages of the Republic are official languages of DPE.

10 CONTEXTUAL USE OF OFFICIAL LANGUAGES BY DPE

10.1 The following factors (in no particular order) will be considered in arriving at the choice of official languages; DPE will use in each context or circumstance:

- 10.1.1 Practicality;
- 10.1.2 Balance of the needs and preferences of the public it serves;
- 10.1.3 Geographical usage;
- 10.1.4 Expense;
- 10.1.5 Regional circumstances.

10.2 The tabulation hereunder indicates how DPE will use the official languages:

TABLE 1

AREAS OF WORK	LANGUAGE
Inter- and intra-government communication	English
Communicating with the public in official written correspondence	The official languages of the Republic with due regard to the factors outlined above.
Oral communication with the public	The official languages of the Republic with due regard to the factors outlined above.
Official publications intended for public distribution (notices on DPE website, advertisements, forms, and signage of DPE occasions)	The official languages of the Republic with due regard to the factors outlined above.
Public hearings (Izimbizo) and other official proceedings	The official languages of the Republic with due regard to the factors outlined above.
Communication with the hearing or sight impaired	DPE Language Unit will facilitate Sign Language interpreting and conversion of text into Braille or alternatively audio on request.
International communication	English and/or the preferred language of the country concerned.

11 COMMUNICATION WITH THE PUBLIC WHOSE LANGUAGE OF CHOICE IS NOT ONE OF THE OFFICIAL LANGUAGES OF THE REPUBLIC

11.1 The public whose language of choice is not one of the official languages of the Republic can communicate with DPE, and they must notify DPE timeously and in writing.

11.2 The DPE Language Unit will arrange for appropriate translation or interpreting services within fifteen (15) working days from the date of the notice by the public.

12 COMMUNICATION WITH THE PUBLIC WHOSE LANGUAGE OF CHOICE IS SOUTH AFRICAN SIGN LANGUAGE

12.1 The public whose language of choice is South African sign language can communicate with DPE, and it must notify DPE timeously and in writing.

12.2 The DPE Language Unit will arrange for appropriate translation or interpretation within fifteen (15) working days from the date of the notice by the public.

13 PUBLICATION OF AND ACCESS TO THIS POLICY

- 13.1 This Policy will be published in all designated official languages of the Republic.
- 13.2 It will be available on DPE's website – <https://www.dpe.gov.za>.
- 13.3 It will also be available in Braille on request or alternatively in audio on DPE's website – <https://www.dpe.gov.za>.

14 OPERATING COMPLAINTS MECHANISM/PROCEDURE

- 14.1 Unless required by circumstances other than those provided for in this Policy in Table 1 above or unless this Policy is reviewed, this Policy will apply at all times for purposes of usage of official languages for government business;
- 14.2 Any person who is dissatisfied with a decision of the Department regarding the use of official languages, such a person may lodge a complaint in writing to the Chief Information Officer/DG.
- 14.3 The complaint must be lodged at:
Chief Information Officer/DG
Department of Public Enterprises
Private Bag X15
Hatfield
Fax: (+2712) 431 1040
Email: DG'soffice@dpe.gov.za
- 14.4 Any complaint must be lodged:
 - 14.4.1 In writing; and
 - 14.4.2 within three (3) months of the dissatisfaction emanating.
- 14.5 The complaint must provide the following information:
 - 14.5.1 Full names and surname;
 - 14.5.2 Residential Address;
 - 14.5.3 Contact details;
 - 14.5.4 Full Description of the complaint.
- 14.6 Chief Information Officer, after considering the complaint will address a letter of decision and its reasons to the person who complained.
- 14.7 When the person complained is dissatisfied with the decision of Chief Information Officer regarding use of official languages, an appeal may be lodged with the Minister within one (1) month from date of Chief Information Officer's letter of decision.

14.8 The appeal must entail in addition to the particulars at clause 14.6 above, the particular points being appealed, and the decision letter of the Chief Information Officer. The appeal must be lodged at:

Minister of Public Enterprises
 1090 Arcadia Street
 Information Building
 Hatfield
 Fax: +27 (0) 12 431 1039
 Email: ministry.registry@dpe.gov.za

The Minister upon receipt of the appeal will consider and respond in no later than 3 month from the date of lodgment of the appeal.

15 REVIEW OF THIS POLICY

This Policy will be reviewed when necessary or at least once within a period of three (3) years.

16 POLICY APPROVAL

This Policy will be adopted and used only after it has been approved by the DG of DPE.

16.1.1 Document Information

16.1.2 Document Control

POLICY REFERENCE INFORMATION	
Document Name	Language Policy of DPE
Document Number	LAN – 0000
Document Version	1.0
Status	Approved / Not Approved
Review Cycle	3 years
Due Date for Next Review	February 2019
Replaces	N/A
Document Owner	Chief Operations Officer
Approval Authority	Director-General
Policy Custodian	Chief Director: Internal Communication
Effective Date	Immediately upon Approval
Total Number of Pages	9