
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF DEFENCE AND MILITARY VETERANS

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military veterans

Department:
Military Veterans
REPUBLIC OF SOUTH AFRICA

**Department of Military Veterans Draft
Language Policy**

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LANGUAGE PROVISIONS IN THE CONSTITUTION AND THE BILL OF RIGHTS

In terms of the Constitution, the founding provisions on language in Chapter 1 of the Constitution, section 6 (1), (2), (3) (a) and (b), (4) and (5) (a) (i) to (iii) and (b) (i) to (ii) read as follows:

- (1) The official languages of the Republic are Sepedi, Sesotho, Setswana, SiSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.
- (3) (a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.

(b) Municipalities must take into account the language usage and preferences of their residents
- (4) The national government and provincial governments, by legislation and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.
- (5) A Pan South African Language Board established by national legislation must:
 - (a) promote, and create conditions for, the development and use of-
 - (i) all official languages;
 - (ii) the Khoi and San languages; and
 - (iii) sign language; and
 - (b) promote and ensure respect for-
 - (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and
 - (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa

In terms of section 30 the constitution provides that, "everyone has the right to use the language and to participate in the cultural life of their choice, but no-one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

Section 31 (1) of the constitution provides that, "Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community –

- a) to enjoy their culture, practice their religion and use their language; and
- b) form, join and maintain cultural, religious and linguistic associations and other organs of civil society

GLOSSARY

In this document, unless otherwise indicated, the following definitions and explanations of terms apply:

- (a) **Functional Multilingualism** means an approach that takes in account the language preference, use and proficiency of a particular group, so not all the official languages need to function in every context.
- (b) **Interpreter** means a person who is able to clarify the meaning of an oral communication for another person who is not conversant with the language medium of a particular communication, either by undertaking a word-for-word translation, or by providing the gist of its content, in the presence of the client.
- (c) **Language Equity** means the impartial, fair and just treatment of all languages.
- (d) **Language Facilitator** means any appointed member or employee of the DMV who, as an over-and-above task and without necessarily having any advanced linguistic, interpreting or translation training, is deemed competent by the Language Service Centre to facilitate on an *ad hoc* basis. Such a language facilitator may be called upon (as an informal language resource) to facilitate oral or written communication between parties who do not understand one another's language. A facilitator may also facilitate the process of language learning.
- (e) **Language of Record** means the original language in which a document was produced and in which it must be recorded, filed or archived and which therefore has official, legal status.
- (f) **Linguicism** means discrimination against a person on the grounds of his or her language preferences or language background, and linguicism has a corresponding meaning.
- (g) **Link Language** means an official language that may be predominant in a district, region and / or province.
- (h) **Official Languages** mean the languages listed in Section 6(1) of the Constitution, (i.e.) Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (i) **Rotation Principle** means the principle of using four categories of languages on a rotational basis in relevant government structures, in order to ensure parity of esteem and the equitable use of the official languages, except in instances where:
 - ❖ all eleven languages have to be used; and
 - ❖ the availability of a document(s) in a particular language is essential to a stable and effective operations of government at any level. In such cases, documents should be translated into the relevant language.

The categories are

- ❖ Nguni group (isiNdebele, isiXhosa, isiZulu and siSwati);
- ❖ Sotho group (Sepedi, Sesotho and Setswana);
- ❖ Tshivenda/Xitsonga; and
- ❖ Afrikaans/English."

- (j) **Seminal Documents** means documents such as DMV policies, instructions and / or circulars that significantly impact upon all the members and employees of the DMV and, as such, must be accessible to the widest possible range of readers
- (k) **Thread Language** means English as the language used throughout the DMV in order to facilitate general communication, instructions, controls and coordination, for formulating orders and instructions on behalf of the Minister of Military Veterans and to serve as a communication medium across decentralised DMV elements.
- (l) **Translator** is a person who translates a written communication from a source language to a target language.

1. INTRODUCTION

1.1 The Department of Military Veterans (DMV) is characterised by the linguistic diversity of both its members and employees, and the community it serves. It consequently considers it to be its duty to uphold the constitutional provisions on language, to adhere to the prescripts of the national language policy and to adhere to regionally and internationally accepted language practices, insofar as such provisions, policy and practices are not detrimental to the achievement of its mission.

1.2 The DMV is thus committed to:

1.2.1 non-linguicist* practices;

1.2.2 The promotion of multilingualism amongst its members / employees and the linguistic empowerment of its members / employees, thereby contributing positively to its efficient functioning;

1.2.3 Regards linguistic diversity as an asset in its dealings with both its members and employees, and the community at large;

1.2.4 Applying, wherever possible, the principle of **functional multilingualism***; and

1.2.5 Achieving **language equity*** within its ranks.

2. AIM

The aim of this policy is to establish a practical language dispensation in the DMV by striking a balance between the constitutional imperatives and the operational needs of the DMV.

3. LEGAL FRAMEWORK

- (a) The Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996).
- (b) The Pan South African Language Board Act, 1995 (Act No 59 of topic- and text-type-specifically 1995)
- (c) The Draft Language Policy and Plan for South Africa dated 5 June 2000 (Department of Arts, Culture, Science and Technology)

4. ELABORATION ON THE DMV LANGUAGE POLICY

A common communication system needs to be devised to coordinate the effective and efficient attainment of the mission, goals and objectives of the DMV in a context of language diversity and to overcome the challenge of communication in eleven official languages. Such a system can be devised by the use of a single, designated, **thread language***. This thread language shall be English.

The use of appropriate **link languages*** shall support English to facilitate communication further.

5. PROVISIO

The use of English as the departmental thread language shall not exempt the DMV, its members and employees from their constitutional responsibility to recognize, respect, foster, use and enhance the status of all the **official languages***.

6. UNDERLYING PRINCIPLES

The following principles underlie the implementation of this policy:

- a. In order to promote the efficient functioning of the DMV, the use of a thread language and appropriate link languages shall be integrated into the general functioning of the Department. The thread language for the DMV shall be English.
- b. The linguistic origin of a member or employee shall not bar or restrict his or her appointment or career progression, provided that the member or employee improves his or her competence in the thread language of the DMV. To this end English language courses shall be presented by language practitioners/Language Facilitator.
- c. International communication on the part of the government shall be in English or the preferred language of the relevant country. In the department of Military Veterans other languages such as Portuguese, Nyanja and Kiswahili will be respected.
- d. Functional multilingualism shall be practised as required.
- e. The originator or relayer of any communication shall ensure that such a communication has been understood by the recipient.

- f. In order to ensure effective communication, the onus shall be on seniors at all levels to ensure that their orders, instructions and all other communications are understood by their subordinates and by the members/employees of the community who may be the recipients of such communications.
- g. In order to ensure effective communication, the recipients at all levels shall have a responsibility to indicate to the originator or relayer of such a communication his or her understanding or lack of understanding in respect of such communication. Failure to indicate a lack of understanding cannot be used thereafter as an excuse for disobedience.
- h. Language facilitation measures (interpreting, translation, mediating, etc.) shall, at all times, support effective communication and promote respect amongst the members/employees of the various language groups, including special language needs while contributing to the efficient functioning of the Department and giving effect to this policy.
- i. For training purposes, all instructors shall be proficient in English.
- j. All members and employees who need to improve their competence in English in order to perform their tasks or duties shall be afforded opportunities for such improvement.
- k. Language facilitation measures shall be implemented whenever language problems are identified.
- l. The language policy shall apply to all members and employees of the DMV and includes the stakeholders of DMV.
- m. Adequate resources must be made available in order to give effect to this policy.

7. POLICY IMPLICATIONS

The original language in which a document is drawn up and signed shall have the status of **language of record***. If necessary, documents of record in languages other than English should have summaries in English filed along with the originals.

8. POLICIES, ORDERS AND INSTRUCTIONS.

8.1 As from the date of promulgation of this policy, all policies, orders and instructions issued by the Ministry and DMV head office shall be translated into English if they do not originate in English. It shall be the responsibility of the originator to ensure that such **seminal documents*** are translated into English. Seminal documents shall also be promulgated in English and in any other language upon request.

8.2 To promote effective communication, important documents affecting all members and employees of the DMV, such as leave policy and remuneration policy, shall be translated into the official languages by applying the **rotation principle***. When it is not possible to provide a translation of a seminal document, an executive summary of the content of such a document must be provided on the rotation principle. An English translation of a seminal document shall always be available on record if it did not originate in English.

8.3 Senior officials and officers who are employed in a supervisory capacity at these levels shall, when issuing orders and instructions (or relaying or transmitting such orders and instructions from a higher level), be guided by the principles (see par 5) contained herein. This implies that it may be necessary to translate or interpret the spirit and letter of such orders and instructions into the link language(s), by making use of the services of the language practitioners/**language facilitators**.

8.4 All members/employees of the Department of Military Veterans shall adhere to the principle that the DMV is committed to the promotion of multilingualism among its members/employees and to the linguistic empowerment of its members/employees, thereby contributing positively to its efficient functioning. All members/employees have a responsibility to promptly bring to the notice of their superiors the fact that they do not understand a policy, an order or instruction and to request assistance in this respect. Seniors shall have the duty to respond positively to such requests, failing which, subordinates shall be entitled to use the mechanisms available to them to report their grievances.

9. RECRUITMENT

9.1 The language medium for recruitment processes in the Department of Military Veterans is English.

9.2 Vacancy advertising, application forms, communication during interview proceedings, employee Risk assessment, offer letters and contract of employment will be communicated in English.

10. PROMOTION AND APPOINTMENT

10.1 The linguistic origin of a member or employee shall not be a barrier to or place a restriction on his or her appointment or career progression, provided that a member or employee is proficient in the thread language at the required level.

10.2 The functional requirements for certain posts may demand a degree of English language proficiency. As a member or employee advances in his or her career, a greater degree of proficiency in English will thus be required.

10.3 Every effort shall be made to assess a member's or employee's ability to communicate effectively in his or her prospective working environment and to fit the post language profile, should such profile exist. Should any language problems or lack of language proficiency be identified in this respect, members/employees shall be afforded every opportunity to remedy such problems or lack of proficiency.

11. DEPARTMENTAL CORRESPONDENCE

11.1 **Between Two Individuals.** Any official language may be used in correspondence between two individuals. If the matter under discussion involves other parties in addition to the two individuals communicating, preference shall be given to drafting such correspondence in English.

11.2 **Correspondence to More than One Addressee.** Correspondence to more than one addressee shall, unless otherwise stipulated, be drafted in English. If, however, a link language ensures effective communication at decentralised level, such a language may be used.

11.3 **File References, Address Blocks, Signature Blocks and Distribution Lists.** To accommodate registry personnel, the file reference, address block, signature block and distribution list of all correspondence shall be in English, irrespective of the language used in the body of the document.

12. LANGUAGE RIGHTS OF DMV MEMBERS AND EMPLOYEES

The following measures shall apply:

- a. Members and employees shall be entitled to use their official language of choice when, for example
 - i. making written statements;
 - ii. submitting affidavits;
 - iii. communicating, orally or in writing, with their seniors about personal, health and social problems or administrative enquiries;
 - iv. replying to remarks in their merit assessments, confidential reports, etc.

13. LANGUAGE IN THE WORKPLACE

All members and employees of the Department shall:

- (a) be sensitive to the needs of one another, in terms of their language of preference, in order to achieve effective communication;
- (b) ensure that language emphasizes cohesion and does not divide members/employees; and
- (c) display respect for other language groups by ensuring that effective communication takes place during meetings and presentations (i.e. that all that is presented/said is understood by all).

14. MULTILINGUALISM AND THE ACQUISITION OF LANGUAGES

Multilingualism is particularly important as a factor that promotes cohesion and *esprit de corps* within the Department and as a necessity for regional and international communication. Members and employees shall be encouraged to learn languages other than their mother tongue and English. HRD shall provide the opportunities for such language learning.

15. CORPORATE COMMUNICATION

Corporate communication is the vital link between the individual and the Department, and between the Department and the community. It is important that this function should acknowledge and reflect the linguistic diversity of both the Department and the community at large.

- (a) The publication of articles in all the official languages in corporate communication publications shall be encouraged.
- (b) DMV press releases and electronic media interviews by senior officials and officers of the Department should, in addition to English, also be in the other official languages, with consideration being given to the **rotation principle***.
- (c) Use shall be made of the provincial official languages on ceremonial occasions (for aspects such as prayers, announcements, programmes and invitations), as well as during cultural activities such as concerts, galas, shows and exhibitions. Speeches by dignitaries should, whenever possible, be multilingual.
- (d) Information boards and warnings (indicating danger, restricted access, prohibition, etc.) shall be in English.

16. NON-COMPLIANCE

Non-compliance with this policy or any applicable regulatory requirement through any deliberate or negligent act or omission, including allowing any personnel, either expressly or impliedly, not to comply with this policy or any applicable regulatory requirements, will be considered serious and will be dealt with in terms of the DMV's disciplinary policies and procedures.

17. POLICY EFFECTIVE DATE

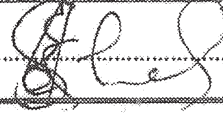
The policy comes into effect on the date when its approval is communicated to DMV staff via e-mail, however, if the communication is made on the last day of the week the policy, will start to operate on the first day of the following week if that day will not be a public holiday.

18. POLICY MANAGEMENT AND REVIEW

This policy shall be managed and reviewed in accordance with the DMV Policy Management Framework and Policy Management Standard Operating Procedure.

19. APPROVAL

The signatory hereof, is duly authorized in terms of the Department of Military Veterans Delegation of Authority and Approval Framework to approve this policy.

Signature:	
Name and Surname:	E. S. SOKHELA
Capacity:	ACTING DIRECTOR GENERAL
Date:	26 of FEB 2016