

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

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OFFICIAL LANGUAGE POLICY
of the
DEPARTMENT OF COOPERATIVE GOVERNANCE

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1. Definitions

In this policy, unless the context indicates otherwise -

"Act" means the Use of Official Languages Act, 2012 (Act No. 12 of 2012);

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"DCoG" means the national department of Cooperative Governance;

"CoGTA" means the Ministry for Cooperative Governance and Traditional Affairs;

"DG" means the Director-General of the Department of Cooperative Governance (DCoG);

"ILU" means the Interim Language Unit of the Department of Cooperative Governance as contemplated in paragraph 6 of this Policy;

"Minister" means the Minister for Cooperative Governance and Traditional Affairs;

"PanSALB" means the Pan South African Language Board established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);

"Policy" means the Official Language Policy of DCoG; and

"Regulations" means the Use of Official Languages Regulations, 2013, as published under Government Notice No. R. 150 in Government Gazette No. 37398 dated 28 February 2014.

2. Legislative framework

2.1 This Policy is informed by the following laws:

- (a) The Constitution of the Republic of South Africa, 1996;
- (b) The Use of Official Languages Act, 2012 (Act No. 12 of 2012); and
- (c) Regulations in terms of section 13 of the Use of Official Languages Act, 2012

2.2 Section 4(1) of the Act determines that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.

2.3 In terms of section 4(2) of the Act a language policy adopted in terms of subsection (1) must, *inter alia*, -

- (a) identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;
- (b) stipulate how official languages will be used in effectively communicating with the public, for purposes of official notices and government publications, and for purposes of inter and intra-government communications;
- (c) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is not one of the official languages as stipulated in the Constitution, or who communicates by means of sign language;
- (d) describe how members of the public can access the language policy; and
- (e) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by the relevant department.

3. Purpose

3.1 The purpose of this Policy is to give effect to –

- (a) sections 6 and 9 of the Constitution;
- (b) the Act and the Regulations;
- (c) Batho Pele principles; and
- (d) the mandate of the DCoG with specific reference to the promotion of social cohesion and public participation in local government affairs.

3.2 The Policy intends to promote multilingualism and to remove language barriers.

4. Principles

4.1 The Policy is based on the following principles:

- (a) The promotion of all official languages as referred to in section 6(1) of the Constitution;
- (b) the promotion of multilingualism as a tool to promote nation building and social cohesion;
- (c) the promotion of effective language management to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of DCoG; and
- (d) a community-based approach in terms of which DCoG is to be guided by the language(s) spoken by the specific client or clients to whom service is to be rendered.

4.2 The use of any language for the purposes of exploitation, domination and discrimination within DCoG or towards any client is prohibited.

5. DCoG focus areas

Department of Cooperative Governance

The department's mandate is primarily derived from Chapters 3, 5, 6, 7, and 9 of the Constitution of the Republic of South Africa, 1996.

DCOG's primary mandate is to:

1. Develop and monitor the implementation of national policy and legislation seeking to transform and strengthen key institutions and mechanisms of governance to fulfill their developmental role.
2. Develop, promote and monitor mechanisms, systems and structures to enable integrated service delivery and implementation within government.
3. Promote sustainable development by providing support to and exercising oversight over provincial and local government.

6. DCoG Language Unit

- 6.1 The organisational structure of DCoG at present does not provide for a Language Unit. Therefore, until such time that a DCoG Language Unit is officially established, the functions of the Language Unit as contemplated in section 8 of the Act, as well as the responsibilities referred to in section 9(2) of the Act, will be performed by an Interim Language Unit (ILU) comprising of the incumbents of the following posts within the DCoG:

(a) Chief Director: Communications (as chairperson of the Interim Language Unit);
and

(b) Director: Monitoring and Evaluation.

- 6.2 The functions and responsibilities of the ILU will be to -

- (a) advise the DG on the implementation and further improvement of this Policy;
- (b) monitor and assess the use of official languages by the DCoG;

- (c) monitor and assess compliance with this Policy by the DCoG;
- (d) compile and submit a report in accordance with section 9(2) of the Act for consideration by the Minister and once approved, to submit such report to the Minister responsible for language matters and to PanSALB;
- (e) promote parity of esteem and equitable treatment of the official languages referred to in section 6 of the Constitution;
- (f) facilitate equitable access to the services and information of the DCoG;
- (g) promote good language management; and
- (h) perform any other related functions as may be assigned to the Unit by the Minister or DG.

6.3 The ILU furthermore has to assess the language skills of DCoG officials and make recommendations to the DG in respect of training and capacity building.

7. Use of official languages by the DCoG

7.1 DCoG has, subject to paragraphs 7.2 and 7.3, adopted all official languages referred to in section 6 of the Constitution for the purposes of this Policy.

7.2 The following factors will be taken into account in arriving at the choice of the official language to be used in a particular case:

- (a) The language preference(s) of the specific client(s);
- (b) the language(s) most spoken in a particular area (thus regional circumstances);
- (c) the practicality of providing a service in a particular language; and
- (d) any possible expenditure to be incurred in order to provide a service in a particular language, thus balancing the cost with the need and preferences of the specific client(s).

7.3 As a general guideline, the DCoG intends to use official languages as follows:

PURPOSE	LANGUAGE(S)
Within the DCoG	English
Inter-governmental communication	English
Official written correspondence when communicating with members of the public	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Oral communication with members of the public	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Official publications intended for public distribution (including notices on the DCoG website, advertisements, forms, signage on buildings).	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Public hearings and other official proceedings.	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Communicating with sight or hearing impaired clients.	The ILU has to arrange for sign language interpreters and where necessary, for the conversion of text into Braille or audio format if so requested by the client.
International communication	English

7.4 The official records of meetings held at and by DCoG will be kept in English.

8. Communication with persons whose language of choice is not an official language of the Republic

- 8.1** A member of the public who wishes to communicate with DCoG in a language that is not one of the official languages of the Republic must, in the case of written communication, provide DCoG with an English translation of the relevant correspondence, and in the case of oral communication, provide his or her own interpreter.

9. Communication with persons whose language of choice is South African Sign Language

9.1 A member of the public who wishes to communicate with DCoG in South African Sign Language must notify DCoG in writing.

9.2 The ILU has to arrange for appropriate interpreting services within a reasonable timeframe but not later than 15 working days from the date of receipt of the request.

10. Publication of policies, legislation and other documents

10.1 Taking into account the factors referred to in paragraph 7.2 above, DCoG undertakes to –

(a) publish any draft policy, legislation or other document on which comments are sought, in English; and

(b) publish any such approved or finalised document, in at least three of the official languages.

10.2 This Policy, once approved, will be published in all the official languages of the Republic.

10.3 The Policy and any subsequent revised versions thereof, will be made available on the CoGTA website which can be accessed at <http://www.cogta.gov.za>.

10.4 Upon the receipt of a special request, the ILU will arrange for the Policy to be made available in Braille or in audio format.

10.5 The Policy must be displayed at all DCoG offices in such a manner and place that it can be read by the public.

11. Complaints mechanism

11.1 Any person who is dissatisfied with a decision of DCoG regarding its use of official languages may lodge a complaint in writing to the DG. Such a complaint must be lodged within three months from the date of the incident giving rise to the complaint.

11.2 A complaint must be lodged in the format as may be determined by the DG or the ILU and must at least –

- (a) state the full names, identification number, physical and postal address, and any other relevant contact information (such as an e-mail address) of the complainant;
- (b) contain a detailed description of the incident that led to the complaint; and
- (c) as far as possible, be accompanied by relevant evidence.

11.3 The DG must refer the complaint to the ILU for investigation and the said Unit must finalise any such investigation within the timeframe determined by the DG which timeframe may not be more than 30 working days from the date of receipt of the complaint.

11.4 The ILU may request a complainant to supply any additional information which may be necessary to consider the complaint. If it is necessary to meet with a complainant, the ILU must do so in the most cost-effective manner which may include the use of modern social media applications provided the privacy of the complainant is protected.

11.5 The ILU must prepare a report on their investigation and submit it to the DG together with any relevant documentation and their recommendations.

11.6 The DG must, within 10 working days from the date of receipt of the ILU report, take a decision and inform the complainant of his or her decision. A copy of the DG response must be provided to the ILU.

11.7 If the complainant is dissatisfied with the decision of the DG, he or she may, within 30 working days from the date of the DG's response referred to in paragraph 12.6, lodge an appeal with the Minister in writing.

12. Review of Policy

This Policy may be reviewed whenever necessary but must be reviewed at least every five years.

13. Approval of Policy

I, David Van Rooyen, Minister for Cooperative Governance and Traditional Affairs, hereby approves the Official Language Policy of the Department of Cooperative Governance.



Signature

19-01-2016

Date