

DEPARTMENT OF ENERGY

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LANGUAGE POLICY

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1. INTRODUCTION

The Constitution of the Republic of South Africa, 1996 provides for the equitable use of all the official languages of the country, as well as for the promotion and development of the historically marginalised indigenous languages. Apart from the 11 official languages, the Constitution also recognises other languages such as Nama, Khoi, San and Sign Languages, which must also be promoted and developed.

The Language Policy of the National Energy Regulator ('the Regulator'), which seeks to provide broad guidelines for the implementation of a system of functional multilingualism, was developed as a direct result of the imperatives of the Constitution and the Use of Official Languages Act, 2012 (Act No. 12 of 2012), which gives effect to the constitutional rights regarding language usage and development.

2. DEFINITIONS

In this policy, unless the context indicates otherwise, the following definitions shall apply.

'CEO' shall mean the Chief Executive Officer of the Regulator contemplated in section 5(3) of the Act. It shall be deemed to include such other officers or employees who have been duly authorised to represent the CEO.

'Constitution' shall mean the Constitution of the Republic of South Africa, 1996.

'Employee' shall mean an employee in terms of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), hereinafter referred to as 'BCEA'. Employees include full-time management and staff members of the Regulator, as well as a person contracted to the Regulator to carry out a particular function on behalf of the Regulator. The term 'employee' has the same meaning wherever reference is made to 'staff', 'managers' or 'officers'.

'Energy Regulator' shall mean the Chairperson and Regulator Members of the Regulator appointed by the Minister of Energy, including the CEO.

'Equitable use' shall mean the use of language which is fair, impartial and does not discriminate.

'Functional multilingualism' shall mean a choice of a particular language(s) in a particular situation, determined by the context in which language is to be used (i.e. the function, the audience and the message for which it is to be used).

'Interpreter' shall mean a person who translates the meaning of an utterance from one language, including sign language, orally into another language, and if the translation is into sign language, by means of manual communication and body language; **'interpreting'** and **'interpret'** have corresponding meanings.

'Language of record' shall mean an official language chosen for keeping records or archiving proceedings and procedures of the Regulator.

'Language rights' shall mean the rights citizens have in terms of the law to make language choices in particular circumstances.

'Management' shall mean all executive managers, the Chief Financial Officer, the Chief Human Capital Officer, senior managers and heads of department.

'Member' shall mean a Member of the Energy Regulator appointed by the Minister.

'Minister' shall mean the Minister of Energy.

'Multilingualism' shall mean the use of three or more languages by an individual or a group of people.

'The Act', shall mean the Use of Official languages Act, 2012 (Act No. 12 of 2012).

'The Regulations' shall mean the Regulations in terms of the use of Official Languages Act, 2012.

'The Regulator' shall mean the National Energy Regulator established in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004).

'Official language' shall mean a language used in government, education, business and the media.

'PanSALB' shall mean the Pan South African Language Board, established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995).

'Terminology' shall mean standardised terms established for a specific subject field.

'Translation' shall mean the communication of the meaning of written language into an equivalent meaning in another language; **'translating'** and **'translate'** have corresponding meanings.

'Working language' shall mean an official language chosen by the Regulator as the language most practicable for use during a particular communication event.

3. PURPOSE

The National Energy Regulator undertakes the functions of the National Electricity Regulator in accordance with the Electricity Act, 1987 (Act No. 41 of 1987), the functions of the Gas Regulator in accordance with the Gas Act, 2001 (Act No. 8 of 2001) and the functions of the Petroleum Pipelines Regulatory authority in accordance with the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

The purpose of the policy is to establish a language policy within the Regulator that will provide for the equitable use of the official languages of South Africa, as well as enhance the promotion of the historically marginalised indigenous languages, in the business of the Regulator.

4. POLICY STATEMENT

The Regulator, as required by the Constitution and because it considers multilingualism vital, will respect and uphold the functions of language rights of all the citizens of South Africa.

5. OBJECTIVES

The objectives of the policy are as follows:

- a. to give effect to the language rights enshrined in the Constitution through the active promotion of multilingualism;
- b. to promote the equitable use of the 11 official languages of the country in order to realise social, cultural and linguistic justice;
- c. to facilitate equitable access to the Regulator, information held by it and participation in all its processes;
- d. to support, develop and sustain multilingualism within the Regulator and in its communication and interaction with its licensees and the public;
- e. to protect language diversity and promote respect for multilingualism and unity; and
- f. to promote good language management for cost-effective and efficient administration.

6. CONSTITUTIONAL AND LEGAL IMPERATIVES

6.1. The Constitution

The following are the sections of the Constitution of the Republic of South Africa, 1996 that have been taken into consideration in the drafting of the policy:

Section 6(1) declares that the official languages of South Africa are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.

Section 6(2) recognises the historically diminished use and status of the indigenous languages of South Africa, and compels the state to take practical steps and design mechanisms to elevate the status and advance the use of these languages.

Section 6(3)(a) specifies that national and provincial governments must use at least two of the official languages for the purposes of government, subject to considerations of practicality, expense, regional usage and circumstances, and the needs and preferences of the public as a whole, or in the province concerned.

Section 6(5) provides for the establishment of PanSALB to promote and develop the use of all the official languages, as well as Khoi, Nama, San and Sign Languages, and to promote

respect for all languages commonly used in communities in South Africa.

Section 9(3) protects citizens against unfair discrimination on the grounds of language.

Sections (30) and 31(1) uphold the rights of citizens to use the language of their choice.

6.2 Relevant Legislation and Policies

6.2.1 Pan South African Language Board Act, 1995

The PanSALB Act, 1995, provides, inter alia, for the recognition, implementation and furtherance of multilingualism, and the development of the historically marginalised indigenous languages. It also provides for the establishment of provincial language committees.

6.2.2 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

The objects of the Promotion of Access to Information Act are to give effect to the constitutional right of access to any information held by the state, private bodies or persons subject to justifiable limitations. Such access might not only refer to physically obtaining the information but must, as far as possible, be in the language of choice of the requester.

6.2.3 Use of Official Languages Act, 2012 (Act no 12 of 2012)

The objects of the use of Official Languages Act, 2012 are to provide for the regulation and monitoring of the use of official languages and to require the adoption of a language policy by national departments, public entities and public enterprises. The Act prescribes that at least three official languages must be identified for use.

6.2.4 Regulations in terms of the use of Official Languages Act

The Regulations prescribe the requirements for the content of the language policy as well as the process for adoption of the policy.

6.2.5 National Language Policy Framework

The National Language Policy Framework stipulates that all government structures

(national, provincial and local government), as well as institutions exercising a public power or performing a public function, are bound by it.

Government is also encouraged, where necessary, to support the private sector to develop and implement its own language policies in accordance with the above policy frameworks.

7. GUIDING PRINCIPLES

The following principles are the central tenets of the policy:

- a) respect for the language rights of citizens as enshrined in the Constitution;
- b) ensuring the equitable treatment of the 11 official languages in South Africa;
- c) promoting the use of a diversity of languages;
- d) enhancing the capacity of all the official languages to contribute to political and socio-economic development and participation;
- e) enhancing the status and roles of previously marginalised languages;
- f) maximising the capacity of language as a practical and cost-effective resource for communication;
- g) addressing the needs, aspirations and interests of diverse language communities;
- h) upholding the democratic rights of citizens to fully participate in public life, including participation in the formulation, implementation and assessment of language and communication policies;
- i) promoting access to information and regulatory services through effective communication;
- j) harnessing language to ensure a transparent and accountable regulator, responsive to the needs of citizens;
- k) sensitivity and flexibility to the language preferences, usage and proficiency of the target audience;
- l) regularly assessing the implementation and impact of language and communication policies and services and effect revisions when required; and
- m) respecting and encouraging oral communication in all 11 national official languages.

8 SCOPE OF APPLICATION

The policy applies to the Energy Regulator, management, and all employees of the Regulator and to any licensee or member of the public that interacts with the Regulator and may require communication in one of the official languages of South Africa.

9. LANGUAGE USAGE

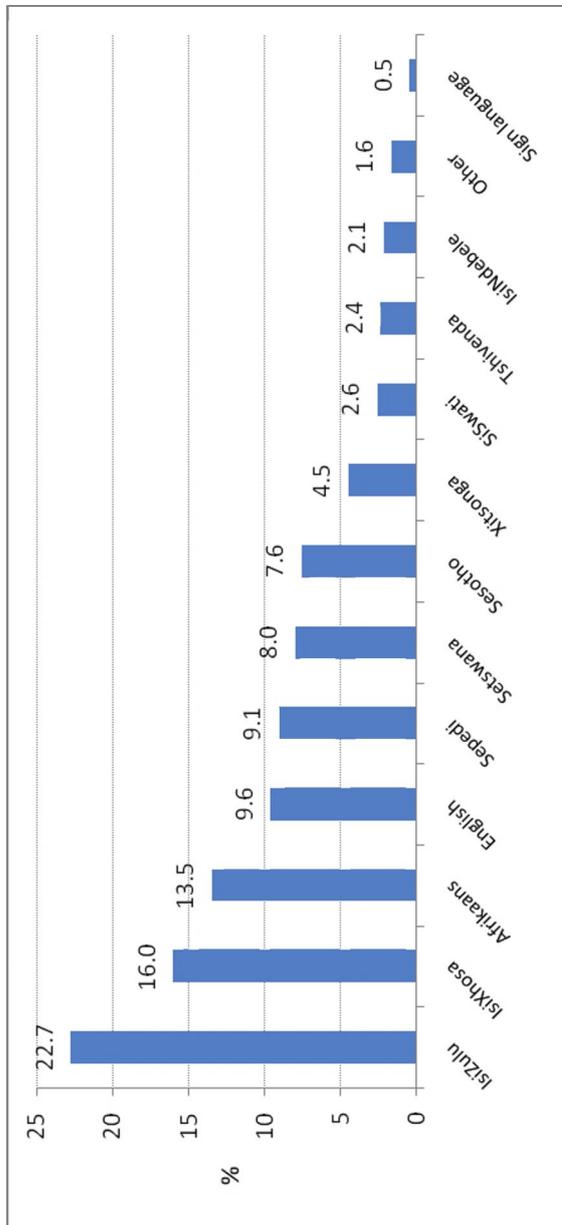
Census 2011 indicates that isiZulu is the home language spoken by more than 20% of the population at national level. It is also important to note that while English is the language most used for commerce, it occupies the fourth position for home languages at national level.

The census further indicates that Gauteng has no dominant home language, but that a multilingual situation exists in which the top five home languages are each spoken by more than 10% of the population, and together account for close to 70% of the population of the province. The tables below indicate the home language profile of South Africa as a whole according to Census 2011.

Table 1: Population by first language spoken by province (numbers)

First Language	WC	EC	NC	FS	KZN	NW	GP	MP	LP	SA
Afrikaans	2 820 643	683 410	606 225	340 490	161 876	309 867	1 502 940	289 446	140 185	6 855 082
English	1 149 049	362 502	37 842	78 782	1 337 606	120 041	1 603 464	124 646	78 692	4 892 623
IsiNdebele	15 238	14 854	6 023	10 008	111 657	43 988	380 494	403 678	104 283	1 090 223
IsiXhosa	1 403 233	5 092 152	60 187	201 145	340 832	190 601	796 841	48 993	20 275	8 154 258
IsiZulu	24 634	31 634	8 501	118 126	7 901 932	84 835	2 390 036	965 253	62 424	11 587 374
Sepedi	8 144	14 299	2 431	7 395	20 555	83 999	1 282 896	372 392	2 826 464	4 618 576
Sesotho	64 066	158 964	14 136	1 717 881	79 416	201 153	1 395 089	138 559	80 299	3 849 563
Setswana	24 534	12 607	373 086	140 228	52 229	2 191 230	1 094 599	71 713	107 021	4 067 248
Sign language	22 172	42 235	3 933	32 910	48 575	14 924	52 744	8 932	8 230	234 655
SiSwati	3 208	2 020	648	2 246	8 347	12 091	136 550	1 106 588	25 346	1 297 046
Tshivenda	4 415	3 663	1 083	2 592	4 309	16 255	272 122	12 140	892 809	1 209 388
Xitsonga	9 152	3 092	1 201	8 039	8 936	127 146	796 511	416 746	906 325	2 277 148
Other	127 117	36 893	12 385	15 935	77 519	60 872	371 575	39 639	86 322	828 258
Total	5 675 604	6 458 325	1 127 683	2 675 777	10 153 789	3 457 004	12 075 861	3 998 726	5 338 675	50 961 443

Table 2: Distribution of the population by first language spoken (percentage)



IsiZulu is the most frequently spoken language in South Africa's households, followed by IsiXhosa.

Table 3: Population by first language and province (percentage)

Language (first)	WC	EC	NC	FS	KZN	NW	GP	MP	LP	SA
Afrikaans	49.7	10.6	53.8	12.7	1.6	9.0	12.4	7.2	2.6	13.5
English	20.2	5.6	3.4	2.0	13.2	3.5	13.3	3.1	1.5	9.6
IsiNdebele	0.3	0.2	0.5	0.4	1.1	1.3	3.2	10.1	2.0	2.1
IsiXhosa	24.7	78.8	5.3	7.5	3.4	5.5	6.6	1.2	0.4	16.0
IsiZulu	0.4	0.5	0.8	4.4	77.8	2.5	10.8	24.1	1.2	22.7
Sepedi	0.1	0.2	0.2	0.3	0.2	2.4	10.6	0.3	52.0	9.1
Sesotho	1.1	2.5	1.3	64.2	0.8	5.8	11.6	3.5	1.5	7.6
Setswana	0.4	0.2	33.1	5.2	0.5	63.4	0.1	1.8	2.0	8.0
Sign language	0.4	0.7	0.3	1.2	0.5	0.4	0.4	0.2	0.2	0.5
SiSwati	0.1	0.0	0.1	0.1	0.1	0.3	1.1	27.7	0.5	2.5
Tshivenda	0.1	0.1	0.1	0.1	0.0	0.5	2.3	0.3	16.7	2.4
Xitsonga	0.2	0.0	0.1	0.3	0.1	3.7	6.6	10.4	17.0	4.5
Other	2.2	0.6	1.1	0.6	0.8	1.8	3.1	1.0	1.6	1.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

More than half of the population of Northern Cape use Afrikaans as a first language.

Just under half of the population of the Western Cape speak Afrikaans as their first language and almost a quarter speak IsiXhosa.

IsiXhosa is spoken as a first language by more than three quarters of the population in the Eastern Cape.

IsiZulu is spoken as a first language by more than three quarters of the population in KwaZulu-Natal.

More than six in ten people in North West speak Setswana.

More than six in ten people in Free State speak Sesotho.

In Limpopo, just over half the people speak Sepedi, followed by Xitsonga and Tshivenda.

10. OFFICIAL LANGUAGE USAGE

The Regulator draws a distinction between communication that is meant for business purposes directed at government departments, public entities and enterprises and business organisations, and communication for public participation initiatives directed at members of the public.

The Regulator adopts and approves that English will be the official working language for business communication.

The Regulator adopts four official languages for public participation initiatives, namely English, Afrikaans, isiZulu and Sesotho. As far as practically possible, the Regulator will make every effort to use the other official languages of the Republic of South Africa (taking into consideration both the resources available and the imperatives of the Constitution).

The Regulator will take into account regional language usage.

10.1 Language of Record

The language of written internal record in the Regulator will be English. All documents that need to be archived must, for practical administrative reasons, be available in English as the language of record.

10.2 Language of Communication

The languages used for internal and external communication will be guided by functional multilingualism, i.e. the purpose and context of the communication, the availability of resources and the target audience will determine the choice of languages.

10.2.1 Internal spoken communication

10.2.1.1 English is the working language in all internal communication.

10.2.1.2 English is the working language spoken in meetings of the Energy Regulator and its subcommittees and committees.

10.2.1.3 In general, disciplinary hearings, job interviews and performance assessments in

the Regulator will be conducted in English, provided that translation or interpreting services will be made available during disciplinary hearings on request.

10.2.2 *External spoken communication*

10.2.2.1 The Regulator adopts English as its official working language for external spoken communication for business purposes.

10.2.2.3 The Regulator further adopts and agrees to use the official languages as set out in Table 4 for public participation initiatives, such as at public hearings, stakeholder workshops and customer education programmes. The Regulator must provide for translation services from and into any of these official languages during such initiatives. The Regulator must also provide for sign language translators / interpreters for members of the public whose language of choice is South African sign language.

Table 4: Official languages to be used for public participation initiatives

Province	Language
Gauteng	English, isiZulu, SeSotho
Western Cape	English, Afrikaans, isiXhosa
Northern Cape	English, Afrikaans, SeTswana
Eastern Cape	English, isiXhosa, Afrikaans
KwaZulu-Natal	English, isiZulu, isiXhosa
Mpumalanga	English, isiZulu, SiSwati, isiNdebele
Limpopo	English, SePedi, Tshivenda, Xitsonga
Free State	English, SeSotho, Afrikaans
North West	English, SeTswana, isiXhosa, Afrikaans

10.2.3 *Internal written communication*

10.2.3.1 To promote operational efficiency, English will be the working language of the Regulator.

10.2.3.2 The Regulator's policies, procedures, conditions of service, human resource information, health and safety information and other strategic documents will be

available in English, but translations will be made available into any of the other official languages adopted by the Regulator on request.

10.2.3.3 All the Regulator's documents that need to be archived must, for practical administrative reasons, be available in the original language and English as the language of record.

10.2.3.4 The use of plain language in internal Regulator documents must be encouraged to facilitate understanding and improve communication.

10.2.4 External written communication

10.2.4.1 The Regulator draws a distinction between written communication for official business purposes, such as letters, licences, tariff determinations, strategic documents and quarterly reports, and written communication for public participation purposes, such as notices for public hearings or stakeholder workshops.

10.2.4.2 English will be the official working language of the Regulator for its external written communication for business purposes directed at government departments, public entities and enterprises and business organisations.

10.2.4.3 Written communication for public participation purposes will simultaneously be available in all four official languages adopted by the Regulator.

10.2.4.4 Requests for access to information made in terms of the Promotion of Access to Information Act will be translated into any of the 11 official languages of South Africa on request.

10.2.4.5 Energy Regulator documents will carry a footnote stating that the document may be made available in any of the official languages adopted by the Regulator. The website of the Regulator will also carry a note that any of the information on the website may be made available in any of the official languages adopted by the Regulator on request.

10.2.4.6 All external correspondence of the Regulator must be translated into the official language in which the original communication was received, provided that an

English translation of the document is archived for record purposes if necessary.

10.2.4.7 All Energy Regulator documents that need to be archived must, for practical administrative reasons, be available in English as the language of record.

10.2.4.8 The use of plain language in external documents must be encouraged to facilitate understanding and improve communication.

11. INTERNATIONAL COMMUNICATION

The Regulator communication at international level will be in English.

12. LANGUAGE PROMOTION

The Language unit and the Communication and Stakeholder Management unit will be instrumental in guiding the Regulator in programmes that will enhance the promotion of official and other languages in line with the Constitution.

The extent to which the language promotion and development occurs will depend on budget allocations and availability of resources.

13 COMPLAINTS MECHANISM

Any person who is dissatisfied with a decision of the Regulator regarding its use of official language policy may lodge a complaint addressed to the Chief Executive Officer. A complaint must be addressed to the street address, or postal address or by fax or email.

A complaint must be in writing, be lodged within three months of the cause of the complaint arising, state the details of the complainant, and provide a full and detailed description of the complaint.

The complaint must be dealt with in accordance with the provisions of the Regulations.

14. IMPLEMENTATION STRATEGY

This policy will be phased in, so as to have enough time to build financial and human capacity for successful full-scale implementation. A phased-in approach will also make room for evaluating and monitoring the application of the policy. This will assist in ensuring that the policy is reviewed regularly and that corrective measures are taken at set intervals.

The following strategies will be employed to ensure the successful implementation of this policy:

- a) providing interpreting services at meetings, disciplinary hearings, public hearings, stakeholder workshops and other relevant forums;
- b) facilitating communication in the different languages at the Regulator offices and other venues used by the Regulator;
- c) translating information documents into the official languages of the Regulator;
- d) creating terminology that will help develop the official languages of the Regulator, especially the official African languages;
- e) ensuring that the Regulator signage appears in at least three official languages;
- f) ensuring that the Regulator website, as a public tool, reflects multilingualism.

The establishment of additional structures and the demand for access to public information in the language of choice of members of the public, as well as the use of these languages when dealing with the Regulator, will have an impact on staff development.

15 AVAILABILITY OF POLICY

The policy will be available in all the official languages adopted by the Regulator. It will be available on the website and in hard copy from the Knowledge Management Centre.

16 REVIEW

The policy will be reviewed every five years if required.

17 APPROVAL

This policy is approved by the Energy Regulator.