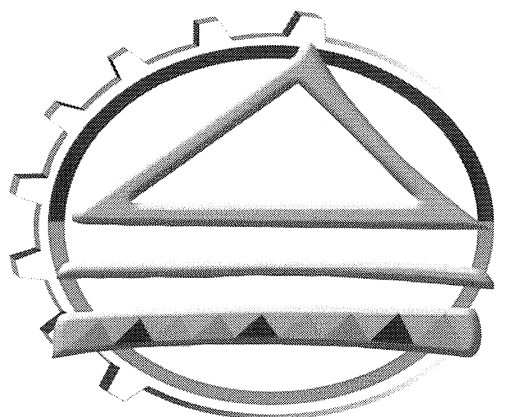


**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. 198****13 March 2015****CCMA**

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

POLICY ON LANGUAGE**CALL FOR COMMENTS ON THE DRAFT CCMA POLICY ON LANGUAGE**

In terms of the Use of Official Languages Act No.12, 2012, the CCMA is required to regulate and monitor the use of official languages for government purposes within the CCMA. This is a call for public comments on the proposed policy.

Please forward comments on the proposed Policy in writing by the close of business on 13 April 2015 to:

Ms. Meagan Strydom at MeaganS@ccma.org.za

Policy on Language

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1. OBJECTIVE OF THIS POLICY

- 1.1 To regulate and monitor the use of official languages for government purposes within/in the CCMA.
- 1.2 To promote parity of esteem and equitable treatment of official languages of the Republic of South Africa in the CCMA.
- 1.3 To facilitate equitable access to CCMA services and information.
- 1.4 To promote good language management in the CCMA, for efficient public service administration and to meet the needs of our users.

2. PURPOSE

- 2.1 It is incumbent on the CCMA to ensure that its services are accessible to all users, and in that regard language is fundamental to meaningful communication. In keeping with this, the CCMA aims to:
 - 2.1.1 Inform, educate and hear cases in the home languages of the users;
 - 2.1.2 Promote multilingualism in South Africa
- 2.2 This policy informs the use of language in all aspects of communication of the organisation, i.e. hearings, trainings public and internal communication.

3. SCOPE

- 3.1 The provisions in this policy apply to all CCMA Employees and Independent contractors.

4. DEFINITIONS AND TERMS

“**Functional multilingualism**” as the expression is used in this policy, it is an approach that relies on language preference, language use and language proficiency of users and employees. It implies identifying relevant demographic, economic and attitudinal factors in language planning and policy development;

“**Functional multilingual policy**” carries the same meaning as ‘functional multilingualism’ above;

“**Official languages**” are the languages referred to in section 6 (1) of the Constitution of the Republic of South Africa, 1996;

“**Primary language**” is the language first acquired and most used in the home during a user's childhood.

“**Language rights infringement**” is any action that contravenes Section 6 of the Constitution and the Use of Official Languages Act of 2012.

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“Employer” means the Commission for Conciliation, Mediation and Arbitration (CCMA);

“Employees” includes (a) all employees, be they management or staff level, who work for the CCMA and who receive, or are entitled to receive, any remuneration and it excludes independent contractors; and (b) any other person who in any manner assists in carrying on or conducting the business of the CCMA. ”.

“Independent Contractor” means all part-time Commissioners and Interpreters.

5. ASSOCIATED POLICIES

5.1 The Policy on Language must be read in conjunction with the Use of Official Languages Act of 2012.

6. APPLICATION OF POLICY

6.1 The CCMA:

6.1.1 Acknowledges that there are eleven official languages of South Africa and ensures that, together with South African Sign Language, they enjoy parity of esteem and equality of treatment;

6.1.2 Respects the founding values of human dignity, the achievement of equality, the advancement of human rights and freedom, non-racialism and non-sexism as proclaimed in the Constitution.

6.1.3 In its languages of public communication, in creating an enabling environment, the Organisation endeavours to use the official languages of the province concerned.

6.1.4 Recognises the constitutional provision pertaining to the right to receive education in the official language(s) of choice, taking into consideration equity, practicability, and the need to redress the results of past racial discriminatory laws and practices.

6.1.5 Realises that language is not only about communication, but also about identity and respect.

6.1.6 Undertakes to support the Language Policy and its implementation in terms of finance, technology and human resources.

6.2 Language usage for official CCMA Communication

6.2.1 The CCMA will use English, isiZulu and Afrikaans as the three (3) identified languages for official business communication.

6.2.2 Communication as stipulated in the Act will be made available in these three (3) languages.

6.3 South African Languages not identified as CCMA official business language(s) will be dealt with in the following manner:

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6.3.1 Languages of public communication

- Oral communication
 - In oral communication with the public, Employees and Independent Contractors should make every attempt to accommodate the language preference of the user.
 - Employees and Independent Contractors must refer telephone enquiries to other Employees and Independent Contractors who are able to answer in the callers' language of choice, where feasible. Employees and Independent Contractors must make optimal use of multilingual automatic answering services.
- Written communication
 - In its languages of public communication, in creating an enabling environment, the Organisation endeavours to use the official languages of the province concerned.
 - Addressees answer correspondence in the language in which it is addressed to the CCMA, where feasible.
 - Official brochures, reports, etc. must make maximum use of, reader-friendly language and effective design to accommodate the target audience and the language community for which a given document is intended.
 - The Organisation's publications must consider their target readers and adapt their language policy accordingly.
 - The Organisation must ultimately develop the capacity to use all official languages and not neglect minority South African languages or South African Sign Language.

6.4 Hearing Cases

- 6.4.1 The Organisation will provide for cases to be heard in the preferred language understood by all the parties involved. The Organisation must determine these in advance in order to allow for the arrangement for professional interpreting and translation services if and when necessary.
- 6.4.2 Interpreters are available to parties pre-hearing, during the hearing and post hearings, in the parties preferred language.

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7. ADMINISTRATION OF THE LANGUAGE POLICY

7.1 Monitoring and Evaluation

- 7.1.1 The implementation of the policy is the responsibility of the Executive Committee (EXCO) and will be effected through vigorous advocacy, promotional and other activities.
- 7.1.2 The Implementation Plan will be tailored according to available resources and the strategic priorities identified by EXCO. This policy is not static and while it is being implemented, it will be reviewed on a regular basis and any changes will be made after due consultation.
- 7.1.3 EXCO must evaluate the effectiveness of the implementation of this policy.
- 7.1.4 EXCO must monitor the implementation of this policy to ensure that intended outcomes are being met and assist in alleviating obstacles that may hinder efforts.

7.2 Complaints process

- 7.2.1 Complaints will be dealt with appropriately, consistently and expeditiously.
- 7.2.2 Language rights infringement must be addressed in writing to the Office of the Director or recorded on the CCMA complaints hotline
- 7.2.3 A complainant who is not satisfied with a decision handed down by the Director may lodge an appeal in writing with the Governance Social and Ethics Committee (GSEC) of the CCMA.

7.3 Public Accessibility to the CCMA Language Policy:

- 7.3.1 The CCMA Language Policy will be made available :
 - On the CCMA Website.
 - Users can request the policy from all CCMA offices.

8. VARIATIONS

- 8.1 Unless reduced to writing and authorised by the Chairperson of the Governing Body, variations to this Policy will have no effect.

9. EFFECTIVE DATE

- 9.1 This policy comes into effect on the date of approval by the Governing Body.

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10. APPROVAL OF THE POLICY

10.1 The signatory hereof, being duly authorized, determine and issue the contents as the Policy on Language for the Commission for Conciliation, Mediation, and Arbitration.

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Chairperson: Governing Body

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Date