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## GENERAL NOTICE

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### NOTICE 284 OF 2015

I, Muvhango Lukhaimane, Pension Funds Adjudicator hereby publish the Office of the Pension Funds Adjudicator's Draft Language Policy in terms of section 4(2)(h) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012) for public comment as set out in the Schedule hereto.

Members of the public are invited to submit written comments within 30 (thirty) days after the publication of this. Notice to the following address:

**By hand:**

4<sup>th</sup> Floor  
Riverwalk Office Park, Block A  
41 Matroosberg Road  
Ashlea Gardens, Extension 6  
Pretoria  
South Africa, 0081

**By email:** [carmen@pfa.org.za](mailto:carmen@pfa.org.za)

Any enquiries in connection with the draft policy can be directed to the above email.

**NB:** Comments received after the closing date will not be considered

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**DRAFT**

## 1. DEFINITIONS

“**Act**” means the Use of Official Languages Act 12 of 2012;

“**Board**” means the Board of Directors for the Pension Funds Adjudicator;

“**Complainant**” means any person who lodged a complaint with the Office of the Pension Funds Adjudicator as contemplated in section 30 of the Pension Fund Act, 24 of 1956;

“**Constitution**” means the Constitution of the Republic of South Africa, Act 108 of 1996;

“**Language Policy**” means this Policy;

“**OPFA**” means the Office of the Pension Funds Adjudicator;

“**Pension Funds Act**” means Pension Funds Act, 24 of 1956, as amended.

## 2. PREAMBLE

The Constitution of the Republic of South Africa (RSA) Act 108 of 1996 recognises 11 official languages; recognises the historically diminished use and status of indigenous languages and requires of the State to take practical and positive measures to elevate the status and advance the use of these languages.

The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably. To this end, the Official Use of Language Act 12 of 2012 was promulgated to, *inter alia*, provide for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of a language policy by a national department, national public entity and national public enterprise and the establishment of a language unit for a national department, national public entity and national public enterprise.

The OPFA as established in terms of section 30B of the Pension Funds Act has therefore in compliance with the Use of Official Language Act, developed the Language Policy.

## 3. PURPOSE OF THE POLICY

3.1 The purpose of the Language Policy is to outline how the OPFA will comply with the provisions of the use of Official Languages Act, 2012, and use official languages to share information about its mandate and services to complainants in particular and South African citizens in general.

## 4. NATURE AND THE MANDATE OF THE BUSINESS OF THE OPFA

4.1 The mandate of the OPFA is to ensure a procedurally fair, economical and expeditious resolution of complaints in terms of the Pension Funds Act, by: ensuring that its services are accessible to all, investigating

complaints in a procedurally fair manner, reaching a just and expeditious resolution of such complaints in accordance with the law and be innovative and proactive in thought and in action, support, encourage and provide opportunities for individual growth to its employees.

## 5. SCOPE AND APPLICATION

The provision of this policy is applicable to all employees in the OPFA and anyone executing functions on behalf of the OPFA.

## 6. USE OF OFFICIAL LANGUAGES BY THE OPFA

6.1 The Act requires the adoption of the Language Policy identifying at least 3 (three) Official Languages that the institution will use for "government purposes" which is mainly to be used when communicating with the public. The OPFA adopts all the Official Languages as defined.

6.2 Description of which languages will be used for Government Purposes, as distinguished from Business Purposes, and the manner in which such languages will be used is set out herein below.

### Business Purpose

The OPFA adopts English as a medium of communication in relation to the Business Purpose - to communicate with its various Complainants in accordance with its Mandate and in respect of internal communication within the institution.

### Government Purpose

Adoption of English as a medium of communication

The OPFA adopts English as a medium of communication in relation to the following:

#### Intergovernmental Communication

The OPFA adopts English as a medium of communication in relation to its communications with Government departments and/or Parliament through the Responsible Minister such as for example, Parliamentary matters and reports.

#### Adoption of other Official Languages

6.3 The OPFA shall use interchangeably English and/or any other Official Languages, as appropriate and determined on a case by case basis, for the following purposes:

- Communication with members of the public, both orally and written - i.e. *inter alia*, public notices and announcements, public information signs, signage identifying facilities and services;
- Communication with the media (e.g. print, radio, television, web) - depending on purpose and platform;
- Official publications and correspondence;
- Other stakeholder engagement activities; and
- At hearings and other official proceedings.

6.4 In determining which Official Language to use, the OPFA shall be guided in each instance by, *inter alia*, the following factors:

- Practicability;
- Associated costs;
- Geographic Location;
- Interests of the Clients and/or public and/or specific targeted group; and
- OPFA capacity.

6.5 Where members of the public wish to receive services in a language other than the identified Official Languages, such members will have to notify the OPFA of such request, in writing, addressed to the Pension Funds Adjudicator and using the contact details; [languages@pfa.org.za](mailto:languages@pfa.org.za). The OPFA shall, subject to the provisions of this clause, make arrangements to meet such request within a period of 30 (thirty) days of receipt of the request. Where it is not possible to adhere to the timeline, the requester shall be notified timeously.

## **7. ESTABLISHMENT OF LANGUAGE BUSINESS UNIT**

7.1 The OPFA obtained the necessary exemption from establishing the Language Unit as required by the Act.

7.2 Whereas the OPFA will not establish the Language Unit, such functions will be performed by a Senior Language Specialist. The position of a Senior Language Specialist will be advertised and filled in the new financial year.

## **8. ACCESSING THE POLICY**

The Policy shall be made available through any of the following means:

The OPFA website: [www.pfa.org.za](http://www.pfa.org.za) and

Members of the public can also access the Language Policy by requesting same through sending an email to [languages@pfa.org.za](mailto:languages@pfa.org.za)

## **9. COMPLAINTS PROCEDURE**

9.1 Any person who is dissatisfied with the use of official languages by the OPFA may lodge a complaint addressed to the OPFA, as indicated in terms of section 4(f) of the Act.

9.2 A complaint must be lodged as follows:

- In writing within three months of the complaint arising
- Any complaint lodged must state the following details: name and surname, physical and postal address, and contact information of the person lodging it.
- A complainant must provide a detailed description of the complaint.

9.3 The OPFA will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the outcome.

## 10. REVIEW AND APPROVAL OF THE POLICY

This Policy shall be reviewed annually by the Board.