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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**FINANCIAL SERVICES BOARD**

NO. 1009

23 OCTOBER 2015

**FINANCIAL SERVICES BOARD****LANGUAGE POLICY FOR THE FINANCIAL SERVICES BOARD PUBLISHED IN  
TERMS OF SECTION 4(2)(h) OF THE USE OF OFFICIAL LANGUAGES ACT, 2012**

I, Dube Phineas Tshidi, Executive Officer of the Financial Services Board, hereby publish the attached language policy as the adopted policy of the Financial Services Board for public knowledge in terms of section 4(2) (h) of the Use of Official Languages Act, 2012.

A handwritten signature in black ink, appearing to read 'D.P. Tshidi', is written over a horizontal line.

**D P TSHIDI  
EXECUTIVE OFFICER  
FINANCIAL SERVICES BOARD**

## **FINANCIAL SERVICES BOARD**



### **LANGUAGE POLICY**

**(Approved by the FSB Board on 18 March 2015)**

## TABLE OF CONTENTS

1. DEFINITIONS.....	3
2. PREAMBLE .....	4
3. PURPOSE .....	4
4. LEGISLATIVE INSTRUMENTS .....	4
5. SCOPE AND APPLICATION.....	4
6. PURPOSE AND REGULATORY CONTEXT OF THIS POLICY .....	4
7. PRINCIPLES .....	5
8. NATURE OF THE FSB'S BUSINESS .....	5
9. ADOPTION OF OFFICIAL LANGUAGES .....	5
10. ESTABLISHMENT AND STRUCTURE OF THE LANGUAGE BUSINESS UNIT (The Unit) 7	
11. THE FUNCTIONS OF THE UNIT .....	8
12. TRAINING AND CAPACITY .....	8
13. PUBLICATION OF AND ACCESS TO THIS POLICY .....	8
14. COMPLAINTS MECHANISM .....	8
15. APPEAL PROCESS.....	9
16. POLICY REVIEW .....	9
17. APPROVAL .....	9

## 1. DEFINITIONS

In this Policy, unless the context indicates otherwise:

- 1.1 **"The Act"** means the Use of Official Languages Act, 2012 (No. 12 of 2012);
- 1.2 **"Board"** means a board of the FSB being the governing and accounting authority of the FSB;
- 1.3 **"Braille"** means a form of written language for blind people, in which characters are represented by patterns of raised dots that are felt with the fingertips;
- 1.4 **"Constitution"** means the Constitution of the Republic of South Africa, 1996;
- 1.5 **"Equitable Use"** means the use of language which is fair, impartial and even-handed;
- 1.6 **"EO"** means Executive Officer of the FSB;
- 1.7 **"FSB"** means the Financial Services Board, a juristic entity established in terms of section 2 of the Financial Services Board Act, 1990 (Act No.97 of 1990);
- 1.8 **"Interpreter"** means a person who transposes or interprets an utterance from one language into the other;
- 1.9 **"Interpreting"** in relation to oral utterance, means transposing of utterance of one language into utterance of another language, in relation to sign utterance, means the transposing of sign language signed into a spoken language and the other way around, with **"Interpret"** having a corresponding meaning;
- 1.10 **"Language of Record"** means the language chosen for keeping records or archiving the FSB records;
- 1.11 **"Language Policy"** means this policy;
- 1.12 **"Minister"** means the Minister of Arts and Culture;
- 1.13 **"Multilingualism"** means the use of three or more languages by an individual or group of a people;
- 1.14 **"PanSALB"** means the Pan South African Languages Board;
- 1.15 **"SASL"** means South African Sign Language;
- 1.16 **"Senior Language Specialist"** means an employee of the FSB who heads the Language Business Unit;
- 1.17 **"Republic"** means the Republic of South Africa;
- 1.18 **"Terminology"** means standardised terms established for specific subject field;
- 1.19 **"Translation"** means the transposing of a text from one language to the other, **"translate"** having a corresponding meaning;
- 1.20 **"The Unit"** means The Financial Services Board's Language Business Unit;

## 2. PREAMBLE

The Constitution of the Republic of South Africa (RSA) 1996 recognises 11 official languages; recognises the 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 indigenous languages. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably.

To this end, the Act has been promulgated to, communicate with members of the public, 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 Act applies to all national public entities. The FSB is a national public entity, being so listed in Schedule 3 to the Public Finance Management Act, 1999. This Policy has therefore been developed by the FSB in compliance with the provisions of the Act.

## 3. PURPOSE

The purpose of this Policy is to outline how the FSB will comply with the Act, and use official languages to improve service to the members of the public at large and regulated institutions and improve compliance levels.

## 4. LEGISLATIVE INSTRUMENTS

- The Constitution;
- The Act;
- Regulations made in terms of section 13 of the Act.

## 5. SCOPE AND APPLICATION

The Policy is applicable to all FSB employees, including contractors, board members and anyone executing a function on behalf of the FSB.

## 6. PURPOSE AND REGULATORY CONTEXT OF THIS POLICY

This Policy is required by section 4 of the Act, as follows:

- 6.1. section 4(1) provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages;
- 6.2. section 4(2) provides that a language policy adopted in terms of subsection (1) must:
  - 6.2.1. identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes,
  - 6.2.2. stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter- and intra-government communication,

6.2.3. 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 its chosen official languages, or whose language of choice is South African Sign Language,

6.2.4. describe how members of the public can access the language policy, and

6.2.5. provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise;

6.2.6. be published in the Gazette as soon as reasonably practicable but within 90 days of its adoption.

## **7. PRINCIPLES**

The principles underpinning this Policy are:

7.1. commitment to the promotion of all languages in the Republic in order to ensure parity of esteem and the equitable treatment of the official languages required by our democratic dispensation;

7.2. recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;

7.3. promotion of good language management by the FSB to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the FSB;

7.4. prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the FSB;

## **8. NATURE OF THE FSB'S BUSINESS**

The FSB is an independent institution established by statute to oversee the South African Non-Banking Financial Services Industry in the public interest. As stipulated in section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), the functions of the FSB are, to:

(a) supervise and enforce compliance with laws regulating financial institutions and the provision of financial services;

(b) advise the Minister of Finance on matters concerning financial institutions and financial services, either of its own accord or at the request of the Minister; and

(c) provide, promote or otherwise support financial education, awareness and confidence regarding financial products, institutions and services.

## **9. ADOPTION OF OFFICIAL LANGUAGES**

### **9.1. Official Languages of the FSB'**

9.1.1. The Act requires the FSB to adopt a Language Policy identifying at least 3 (three) of the Official Languages of which the FSB will use for "government purposes". This

refers to languages which are mainly to be used when communicating with members of the public.

9.1.2. In identifying the three (3) official languages for government purposes, the FSB is *inter alia* enjoined to consider the promotion of the previously marginalised indigenous languages.

9.1.3. Subject to clause 9.2 of this Policy, the FSB has identified and adopted all the Official Languages of the Republic as contemplated in section 6(1) of the Constitution, as languages it will use for government purposes.

## **9.2. Use of Official Languages by the FSB**

A description of which languages will be used for business purposes as well as for communication with members of the public, and the manner in which such languages will be used, is set out herein below.

### **9.2.1. Business Purposes**

The FSB adopts English as the main medium of communication and a language of records for business purposes -

- to communicate with its various clients (regulated entities) in accordance with its mandates;
- in respect of internal communication within the FSB; and
- in relation to its communications with departments and/or Parliament through the responsible Minister.

In cases where documents meant to be produced in English only are requested in any official language other than English, the FSB will make summarised translated versions available, subject to the conditions stipulated on 9.3 below.

### **9.2.2. Government purposes**

The FSB shall use English and/or any two official languages interchangeably on a case by case basis due to practicability and associated costs issues 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 (summarised versions in case of technical documents);
- Communication with the media (e.g. print, radio, television, web) - depending on purpose and platform;
- Official publications and correspondences;
- Other stakeholder engagement activities; and
- Public hearings/consultations and other official proceedings.

### **9.2.3. Consumer education**

The FSB will, subject to clause 9.3 of this Policy, take appropriate and reasonable steps to ensure that it conducts consumer education and financial literacy sessions

in as many official languages as possible and in line with the requirements of clause 9.2.4.

**9.2.4. Provision of services in a language other than the Official Languages published**

Where a member of the public wishes to receive services in an official language other than the languages used (e.g. in a publication), such a member shall notify the FSB of such request, in writing, addressed to the Senior Language Specialist. The FSB shall, subject to the provisions of clause 9, make arrangements to meet such request within a reasonable period of not less than thirty (30) working days upon receipt of the request.

In cases of oral communication, like meetings and any other need for interpreting, a request must be made in writing and at least thirty (30) working days prior to that event.

**9.2.5. Communication with members of the public whose language of choice is the SASL**

9.2.5.1. A member of the public who wishes to communicate with the FSB in SASL must notify the Senior Language Specialist in writing.

9.2.5.2. The communication referred to in clause 9.2.5.1 must reach the Senior Language Specialist at least twenty (20) working days before the date on which the service is required to enable the FSB to arrange for appropriate interpretation.

**9.3. Factors to be considered when choosing official languages to be used in each context**

In determining which official languages to use, the FSB shall be guided in each instance by, inter alia, the following factors:

- 9.3.1. Practicability;
- 9.3.2. Associated costs;
- 9.3.3. Geographic location;
- 9.3.4. Interests of the public and/or specific targeted group; and
- 9.3.5. FSB capacity.

**10. ESTABLISHMENT AND STRUCTURE OF THE LANGUAGE BUSINESS UNIT (The Unit)**

- 10.1. As required by section 7 of the Act, the FSB has established a language business unit and shall ensure that the unit is provided with human resources, administrative resources and other resources necessary.
- 10.2. The Unit shall be headed by a Senior Language Specialist, and also have such other staff members as may be appointed by the FSB from time to time.

## 11. THE FUNCTIONS OF THE UNIT

The functions of the Unit are to:

- advise the EO on the development, adoption and implementation of this Policy;
- monitor and assess the use of official languages by the FSB;
- monitor and assess compliance with this Policy;
- compile and submit a report to the Minister and to the PanSALB in terms of section 9 of the Act;
- promote parity of esteem and equitable treatment of the official languages of the Republic;
- facilitate equitable access to the services and information of the FSB;
- promote good language management;
- translate, interpret, edit and develop terminology;
- facilitate the outsourcing of services like translation and interpreting, when there is a need; and
- perform any other functions that the EO may instruct as prescribed by the Minister of Arts and Culture.

## 12. TRAINING AND CAPACITY

In order to achieve the professional and efficient implementation of this Policy, the Unit will advise on training and capacity building.

## 13. PUBLICATION OF AND ACCESS TO THIS POLICY

13.1. This Policy will be published in all official languages of the Republic.

13.2. It will be available on the FSB's website (<https://www.fsb.co.za>).

13.3. It will be available in Braille or alternatively in audio on the FSB's website (<https://www.fsb.co.za>).

13.4. A summary of this policy will be displayed at the FSB office in such a manner and place that it can be read by the public.

13.5. In addition, printed versions will be available in all official languages at the FSB's premises.

## 14. COMPLAINTS MECHANISM

14.1. Any person who is dissatisfied with a decision of the FSB regarding its use of official languages may lodge a complaint in writing directing it to the EO.

14.2. A complaint must be lodged:

14.2.1. in writing,

14.2.2. within three months of the complaint arising.

14.2.3. state the name, address, and contact information of the person lodging the complaint.

14.2.4. provide a full and detailed description of the complaint.

14.2.5. The EO may request a complainant to supply any additional information necessary to consider the complaint and to attend a meeting for the purpose of making an oral enquiry into the complaint.

14.2.6. The EO will consider the complaint and make a decision, not later than three (3) months after the complaint was lodged, and inform the complainant of the decision.

## 15. APPEAL PROCESS

15.1. A complainant dissatisfied with a decision of the EO as contemplated in clause 14.2.6 of this Policy may lodge an appeal with the Board of the FSB, being the accounting authority of the FSB.

15.2. An appeal submitted to the Board must be addressed to the Chairperson of the Board, be lodged within a period of one (1) month of the decision of the EO.

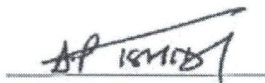
15.3. The provisions of clauses 14.2.1, 14.2.3, 14.2.4 and 14.2.6 of this Policy shall apply *mutatis mutandis* to an appeal lodged in terms of clause 15.1 of this Policy.

## 16. POLICY REVIEW

The Policy will be reviewed annually.

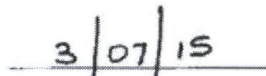
## 17. APPROVAL

This is the final Language policy of the Financial Services Board approved on 18 March 2015.

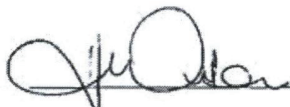


Adv. Tshidi

Executive Officer

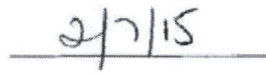


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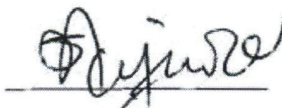


Ms H Wilton

Chairperson of the Risk Committee

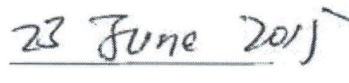


Date



Mr A Sithole

Chairperson of the Board



Date