

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NON-GOVERNMENTAL ORGANIZATION
NOTICE 117 OF 2016

19 February 2016

INVITATION TO COMMENT ON THE DRAFT OFFICIAL LANGUAGE POLICY OF TRANSNET SOC LTD

Transnet SOC Ltd is committed to promoting multilingualism and use of marginalised languages in line with the Use of Official Languages Act 2012 (Act No. 12 of 2012). The Act was promulgated to provide for the regulation and monitoring of the use of the official languages by national government.

Transnet has developed a draft language policy providing guidelines for the use of languages at Transnet.

Transnet intends to adopt the Policy in terms of section 4(1) of the above mentioned Act. The company hereby invites all interested parties to provide written comments on its draft policy as published under this notice.

The closing date for comments is 30 calendar days from the date of publication of this notice in the Gazette.

Comments must be submitted in writing to Mboniso Sigonyela, GM: Corporate and Public Affairs, at the following address:

P.O. Box 72501, Parkview, 2122, or by e-mail to mboniso.sigonyela@transnet.net

Yours sincerely,

A handwritten signature in black ink, appearing to read "Linda Mabaso", written over a horizontal line.

Linda Mabaso

Chairperson of Transnet's Board of Directors

Date: 19/02/2016

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Group Company Secretary: ANC Ceba

TRANSNET**Transnet Group****Language Policy**

Policy Reference Number	TG/CPA9/7P
Version Number	4.0
Effective Date	01 November 2015
Review Date	01 November 2015
Policy Owner	General Manager: CPA
Signature	
Policy Sponsor	Group Chief Executive
Signature	
Date Approved	18 February 2016



Group Communications

Stakeholders

Name	Designation	Approval Signature	Date	E-Mail	Contact Number
Compulsory Stakeholder Involvement					
Subject Matter Experts					
Risk Management	Disebo Moephuli Chief Risk Officer		14/04/2015		
Compliance	Indira Reddy GM: Group Compliance		10/04/2015		
Legal Services	Molebogeng Lenkwane Acting GM: Group Legal		10/04/15		
Other Stakeholder Involvement					
Human Capital(Incl. Labour Consultation)	Sue Albertyn GM: Group Employee Relations		14/04/2015		
Group Taxation	Helen Walsh GM: Group Taxation		13/04/2015		
"Other"(Please specify)					

Recommended by Policy Owner and Policy Sponsor:

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I hereby acknowledge that a search has been conducted and that the Policy is not duplicated or in conflict with any other Transnet Policies.

Name	Designation	Approval Signature	Date	E-Mail	Contact Number
Policy Owner	Mboniso Sigonyela		06 April 2015		
Policy Sponsor	Siyabonga Gama		27 October 2015		

Final Approval

Board of Directors

Name of Committee :

18 February 2016

Date Approved :

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Summary of Version Control

Version Number	Effective Date	Summary of Changes
01	04 May 2015	HR Council advised as follows: <ul style="list-style-type: none"> • Reword the purpose to capture clearly what the purpose is • Clause 6.3 include Group Executives • Clause 6.5 substitutes ER staff with supervisor. • Definitions to include "employee. The HR Council recommended that the policy proceed to HR Exco.
02	17 June 2015	HR Exco pointed out that 5.9.5 did not cater for Afrikaans and sign language. That clause 5.13 be transferred to Roles and Responsibilities.
03	24 July 2015	Exco recommended that South Sotho language be added on sub clause 5.9.3 and then submit the Language Policy for Board approval.
04	22 October 2015	REMSEC meeting noted the Language Policy.
05	18 February 2016	Board of Directors approved the Language Policy.



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1. BACKGROUND

- 1.1 The Constitution of the Republic of South Africa (108 of 1996) (the Constitution) provides for 11 official languages and notes that indigenous languages have diminished in status and use. Transnet is committed to promoting parity of esteem of all official languages while achieving its operational objectives.
- 1.2 In terms of the Use of Official Languages Act (Act No. 12 of 2012) (the Act), all public entities are required to develop a language policy and establish a Language Unit which complies with the requirements of the Act and regulations published in terms of the Act.
- 1.3 Transnet SOC Limited (Transnet) is a national public entity as defined in Section 1 of the Public Finance Management Act (1 of 1999) (the PFMA) and listed in Schedule 2 of the PFMA. As such, Transnet is obliged to develop a language policy and establish a Language Unit. Transnet provides bulk freight transport and logistics services throughout all regions and provinces of South Africa through its five operating divisions: Transnet Freight Rail, Transnet Engineering, Transnet Pipelines, Transnet Port Terminals and Transnet National Ports Authority.
- 1.4 In determining the official languages to be used in this policy, Transnet has considered:
- a) The factors stipulated in section 6(3) of the Constitution;
 - b) The operational needs of the business;
 - c) Language usage of members of the public that access the services of Transnet having regard to:
 - i. their language needs;
 - ii. language statistics established by the 2011 census published by the Statistician-General;
 - iii. research conducted on behalf of Transnet in 2014
 - d) Expenses associated with adopting official languages for government purposes; and
 - e) Practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status.

2. PURPOSE

The purpose of this policy is to:

- 2.1 Give effect to the spirit and letter of the Constitution and the Use of Official Languages Act of giving parity of esteem to the official languages, while also regulating and outlining the use of these languages within Transnet.



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3. DEFINITIONS

- 3.1 "Accounting authority" means the Board of Directors of Transnet.
- 3.2 "Act" means the Use of Official Languages Act (12 of 2012).
- 3.3 "Complainant" means any person who lodges a complaint in terms of this policy.
- 3.4 "Constitution" means the Constitution of the Republic of South Africa (108 of 1996).
- 3.5 "Department" means the National Department of Arts and Culture.
- 3.6 "Employee" means anyone who has entered into or works under contract of service or apprenticeship or learnership with Transnet, which includes casual, seasonal and temporary workers, provided that the person works for remuneration whether in cash or in kind.
- 3.7 "Functional multilingualism" means the choice of a language in a specific situation and according to the context (i.e. the functions, audience and message for which it is used).
- 3.8 "Government purposes" means the provision of written reports to government at national level which are required by law specific to Transnet by virtue of its status as a public entity.
- 3.9 "Internal communication" means oral or written communication intended for employees and by employees of Transnet and/or their representatives, whether or not their representatives are employed by Transnet.
- 3.10 "Interpretation" means transposing of an utterance from one language to another in spoken form and "interpret" has the same meaning.
- 3.11 "Minister" means the Minister responsible for language matters.
- 3.12 "Multilingualism" means the use of three or more languages.
- 3.13 "Official languages" means the eleven (11) languages designated as official languages in Section 6 of the Constitution. These languages are: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- 3.14 "Operational purposes" means oral or written instructions or communication within Transnet for the purpose of achieving its operational objectives.
- 3.15 "Pan SALB" means the Pan South African Language Board established in terms of the Pan South African Language Board Act (59 of 1995).
- 3.16 "Parity of esteem" means to hold in equal status and regard.
- 3.17 "Regulations" mean the regulations published in terms of the Act (Government Gazette No 37398, 28 February 2014).
- 3.18 "Translation" means transposing the written word from one language to another and "translate" has the same meaning.
- 3.19 "Transnet" means Transnet SOC Limited.
- 3.20 "Language Unit" means the Transnet Language Unit established in terms of this policy.

4. SCOPE

- 4.1 This policy applies to all employees of Transnet.
- 4.2 This policy applies to all oral and written communication generated by Transnet and within Transnet as well as sign language and braille.
- 4.3 Any person or organisation having dealings with Transnet may lodge a complaint in regard to the use of languages in Transnet in terms of this policy.



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5. POLICY STATEMENT

- 5.1 English, isiZulu and Northern Sotho are Transnet's designated official languages for government purposes, while English shall remain Transnet's only language for operational purposes. Use of other languages besides Transnet's designated official languages will be considered as highlighted in clause 5.9 for regional circumstances.
- 5.2 All written correspondence and oral communication with government departments at any level and with the public will be in English unless Transnet is specifically requested by the government official or member of the public concerned to use one of Transnet's other official languages; in which case a minimum of one (1) week's written notice needs to be provided to the Language Unit for the provision of these services.
- 5.3 Shareholder's mandatory reports, which are required in terms of legislation specific to Transnet by virtue of its status as a public entity will be made in English and the executive summary in one of the selected Transnet official languages. The other two official languages, save English will be used on a rotational basis.
- 5.4 Written and oral communication with people and organisations from outside South Africa will be conducted in English unless Transnet deems it appropriate in other circumstances to use another language.
- 5.5 Internal communication will be conducted in English unless Transnet deems it appropriate in the circumstances to use one (1) of the official languages identified by Transnet taking into account: usage of the language, practicality, expenses and/or regional circumstances.
- 5.6 Notices published in the Government Gazette at a national level will be published in English and one of the other selected Transnet official languages on a rotational basis.
- 5.7 Advertisements or notices to be published in a newspaper will be done in one of Transnet's official languages relevant to the newspaper's title.
- 5.8 All other communication from Transnet to the public, including signage, transcripts of hearings and official proceedings will be in English unless Transnet deems it appropriate in the circumstances to use another one of the other three selected official languages taking into account the nature and purpose of the communication, usage of the language, practicality, expense and regional circumstances.
- 5.9 Notices published in the Provincial Gazettes: official forms, advertisements, public announcements and public notices will be published in English and one (1) of the other eleven (11) official languages, depending on the province concerned, on a rotation basis and according to the following schedule:
- 5.9.1 Eastern Cape: English, isiXhosa and Afrikaans;
 - 5.9.2 Free State: English, Sesotho and Afrikaans;
 - 5.9.3 Gauteng: English, isiZulu, Sesotho and Afrikaans;
 - 5.9.4 KwaZulu Natal: English, isiZulu and Afrikaans;
 - 5.9.5 Limpopo: English, Afrikaans, Sepedi, Xitsonga and Tshivenda;



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- 5.9.6 Mpumalanga: English, siSwati and isiNdebele;
 - 5.9.7 Northern Cape: English, Afrikaans and Setswana;
 - 5.9.8 North West: English, Setswana and Afrikaans; and
 - 5.9.9 Western Cape: English, Afrikaans and isiXhosa.
- 5.10 This language policy will be published in the Government Gazette in Transnet's three (3) designated official languages.
- 5.11 Members of the public may access a hard copy of the policy from the Language Unit and an electronic copy from the Transnet website.
- 5.12 A Braille and sign language copies of the policy will be available from the Language Unit on request provided the Language Unit is given reasonable notice of the request.
- 5.13 Transnet where necessary may provide employees with access to training in basic conversational knowledge of one (1) of the official languages identified by Transnet.

6. ROLES AND RESPONSIBILITIES

- 6.1 The Transnet Language Unit is established at Transnet Head Office in the Group Corporate and Public Affairs unit.
- 6.2 The role of the Language Unit is to:
- 6.2.1 Advise the Group Chief Executive on the development, adoption and implementation of this language policy;
 - 6.2.2 Monitor and assess the use of official languages within Transnet;
 - 6.2.3 Monitor and assess compliance with this language policy;
 - 6.2.4 Compile and submit a report to the Minister and to PANSALB on an annual basis in terms Section 9 of the Act;
 - 6.2.5 Promote parity of esteem and equitable treatment of official languages and facilitate equitable access to services and information of Transnet; and
 - 6.2.6 Encourage diverse language management within Transnet.
 - 6.2.7 Transnet, through the Language Unit will promote the development and appreciation of official languages among employees.
- 6.3 The Chief Executives of operating divisions and other Group Executives are responsible for the implementation of this policy. Specifically, the operating divisions are responsible for:
- 6.3.1 Adopting and implementing this policy at operating division level;
 - 6.3.2 Monitoring and assessing the use of official languages within the operating division;
 - 6.3.3 Monitoring and assessing compliance with this policy within the operating division;
 - 6.3.4 Compiling and submitting a report to the Transnet Language Unit annually on the implementation of this policy within the operating division and
 - 6.3.5 Promoting parity of esteem and equitable treatment of official languages and facilitating equitable access to services and information of the operating division and
 - 6.3.6 Encourage diverse language management within Transnet divisions.



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- 6.4 In addition, the Language Unit is responsible for:
- 6.4.1 Ensuring that training and awareness of this policy takes place within Transnet;
 - 6.4.2 Ensuring uniform implementation of this policy throughout Transnet;
 - 6.4.3 Liaising with operating divisions to ensure that interpretation and translation services in all of the official languages are available throughout Transnet as and when they are needed;
 - 6.4.4 Establishing standards for verifying the qualifications and skills of all translators and interpreters used in Transnet;
 - 6.4.5 Dealing with and responding to requests for interpretation or translation into languages other than the official languages;
 - 6.4.6 Ensuring that training in basic conversational knowledge of all official languages is available to employees in Transnet in terms of this policy;
 - 6.4.7 Promoting the development and appreciation of all languages among employees as envisaged in this policy;
 - 6.4.8 Advising the Group Chief Executive on complaints received in terms of this policy; and
 - 6.4.9 Advising the accounting authority on appeals received in terms of this policy.
- 6.5 Managers and supervisors within each operating division will be responsible for:
- 6.5.1 Ensuring that requests for interpretation in grievance and disciplinary hearings are dealt with in terms of this policy; and
 - 6.5.2 Ensuring that any grievances regarding the use of language in Transnet are copied to the Language Unit.

7 RELATED INFORMATION AND REFERENCE

This policy should be read in conjunction with the following documents:

7.1 Internal Documents:

- 7.1.1 Transnet Limited Information Manual (Government Gazette No 34282, 13 May 2011) ;
- 7.1.2 Transnet Grievance Policy;
- 7.1.3 Transnet Disciplinary Code and Procedures;
- 7.1.4 Transnet's Recruitment Policy;
- 7.1.5 Transnet procurement policies and procedures.

7.2 External Documents:

- 7.2.1 National Language Policy Framework (2003)
- 7.2.2 National Language Policy Framework Implementation Plan (2003)

7.3 Regulatory Requirements:

- 7.3.1 Transnet recognises the importance of complying with all applicable regulatory of all languages among employees as envisaged in this policy; Specific reference is made to:
 - 7.3.1.1 The Constitution of the Republic of South Africa (108 of 1996);
 - 7.3.1.2 The Pan South African Language Board Act (59 of 1995);
 - 7.3.1.3 The Promotion of Access to Information Act (2 of 2000);
 - 7.3.1.4 The Use of Official Languages Act (12 of 2012);



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- 7.3.1.5 The South African Language Practitioners' Council Act (8 of 2014);
- 7.3.1.6 Regulations in terms of the Language Act (Government Gazette No 37398, 28 February 2014); and
- 7.3.1.7 An Amended Version of the South African Languages Act Proposed by Pan South African Language Board (PanSALB).

8 FINANCIAL IMPLICATIONS

- 8.1 The policy for the new unit will have financial implications related to the following: human resources, training, operational resources, and information technological resources.

9 EXCLUSIONS

- 9.1 There are no exclusions to this Policy.

10 REQUEST TO DEVIATE FROM POLICY

- 10.1 In cases where material and compelling circumstances merit deviation(s) from particular provision(s) of this policy, written submissions shall be sent to Group Chief Executive, who shall have full authority to grant such request, in whole or in part, or to refuse same.

11 COMPLIANCE MONITORING

- 11.1 This policy must be reviewed every two years.

12 NON-COMPLIANCE

- 12.1 Breaches of this policy will be seen in a very serious light. Employees who do not conform to the Policy or Principles and Standards may be subject to disciplinary action in terms of the applicable Transnet disciplinary processes and procedures.



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APPENDIX A:

LANGUAGE COMPLAINTS PROCEDURE

Any person who is dissatisfied with a decision of Transnet regarding its use of official languages may lodge a written complaint.

Steps in the Procedure for Complaints	√	Tips for Success
1. A written complaint regarding the use of official languages must be addressed to the Group Chief Executive.		1.1 The complaint must be delivered by any of the following; hand, registered post, fax or email to the physical, postal, fax or email address to Transnet Head Office within three months of the complaint arising. 1.2 The complaint correspondence should state the following: 1.2.1 The name, address and contact information of the person lodging the complaint and 1.2.2 A full and detailed description of the complaint.
2. The Group Chief Executive must consider the complaint and make a decision no later than three months after the complaint was lodged and inform the complainant in writing of the decision.		2.1 The Group Chief Executive may request the complainant to supply additional information to consider the complaint and attend a meeting for the purposes of making an oral enquiry into the complaint.
3. Any person not satisfied with a decision of the Group Chief Executive may lodge an appeal.		3.1 The appeal must be in writing and must be lodged with the accounting authority within one month of the Group Chief Executive's decision. The complaint must state the name, address and contact information of the complainant and detailed description of the complaint.
4. The accounting authority must consider the appeal and make a decision no later than three months after the appeal was lodged.		4.1 The appellant must be informed in writing of the decision.
5. Any employee of Transnet who is dissatisfied with a decision of Transnet regarding its use of official languages may lodge a grievance in terms of the grievance procedure. 6. When attempting to resolve the lodged grievance management must involve a representative from the Language Unit in all initial stages above.		5.1 A copy of the grievance form must be both faxed and/or emailed to the head of the Language Unit at the same time as it is handed to management in terms of the grievance procedure.



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7. If an employee remains aggrieved he/she may make use of the appeal procedure envisaged in clause 3 above.		7.1 The appeal must be in writing. The appeal must be lodged with the accounting authority within one month of the Group Chief Executive's decision. The appeal must state the name, address and contact information of the complainant and detailed description of the complaint.
8. The final stage of the grievance procedure must involve a decision from the Group Chief Executive as envisaged in clause 2		8.1 The Group Chief Executive may request the complainant to supply additional information to consider the complaint and attend a meeting for the purposes of making an oral enquiry into the complaint.



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APPENDIX B

COMMUNICATIONS PROCEDURE

Steps in the Procedure for External Communication	√	Tips for Success
1. Notices published in the Provincial Gazettes: Official forms, advertisements, public announcements and public notices will be published in English and one of the other eleven official languages		1.1 Choice of alternative official language will depend on the province concerned, on a rotation basis and according to the following schedule: 1.1.1 Gauteng: English and isiZulu or Afrikaans 1.1.2 Western Cape: English and Afrikaans or isiXhosa 1.1.3 Free State: English and Sesotho or Afrikaans 1.1.4 KwaZulu Natal: English and isiZulu or Afrikaans 1.1.5 Northern Cape: English and Afrikaans or Setswana. 1.1.6 Mpumalanga: English and isiSwati or isiNdebele 1.1.7 Limpopo: English and Sepedi or Xitsonga/Tshivenda 1.1.8 Eastern Cape: English and isiXhosa or Afrikaans 1.1.9 North West: English and Setswana or Afrikaans
2. Notices published in the Government Gazette at a national level, will be published in English and one of the other selected Transnet official languages on a rotational basis		2.1 Transnet's other official languages are South Sotho and isiZulu.
3. Advertisements or notices to be published in a newspaper will be done in one of Transnet's official languages.		3.1 Relevant to the newspaper's title.
4. All other communication from Transnet to the public, including signage, transcripts of hearings and official proceedings will be in English unless Transnet deems it appropriate in the circumstances to use another one of the other three selected official languages.		4.1 Take into account : 4.1.1 The nature and purpose of the communication and usage of the language Practicality, Expense, and, Regional circumstances.
5. A member of the public may request written or oral communication with Transnet in any one of the eleven official languages		5.1 Appropriate arrangements will be made for interpretation or translation provided the member of the public gives a minimum of one week's written notice to the Language Unit for the provision of interpretation or translation services as the case may be. 5.2 In the event that the interpretation or translation services are not provided by the Language Unit, the member of the public will be informed of this decision in writing.



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6. If the language of choice of a member of the public is not one of the selected official languages, the member of the public may request the Language Unit to provide interpretation or translation services as the case may be.		6.1 Such services may be provided by Transnet provided that a minimum notice period of two weeks is given to the Language Unit and provided the provision of the service is feasible in light of practicality, expense and availability of the required interpretation or translation skills. 6.2 In the event that the interpretation or translation services are not provided by the Language Unit, the member of the public will be informed of this decision in writing with reasons
7. This language policy will be published in the Government Gazette in three selected official languages.		7.1 Members of the public may access a hard copy of the policy from the Language Unit. An electronic copy from the Transnet website. A Braille copy of the policy will be available from the Language Unit on request provided the Language Unit is given reasonable notice of the request.
Steps in the Procedure for International Communication	√	Tips for Success
1. Written and oral communication with people and organisations from outside South Africa will be conducted in English unless Transnet deems it appropriate in other circumstances to use another language		1.1 Taking into account: 1.1.1 The nature and purpose of the communication; 1.1.2 Usage of the language; 1.1.3 Practicality; 1.1.4 Expense; and 1.1.5 Regional circumstances.
Steps in the Procedure for Internal Communication	√	Tips for Success
1. Internal communication will be conducted in English unless Transnet deems it appropriate in the circumstances to use one of the official languages identified by Transnet		1.1 Taking into account: 2.1.1 The nature and purpose of the communication; 2.1.2 Usage of the language; 2.1.3 Practicality; 2.1.4 Expense; and 2.1.5 Regional circumstances; provided that English will be used for operational purposes in light of health and safety considerations.



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2	Any employee making use of the grievance or disciplinary procedures may request interpretation of the proceedings into one of the official languages identified by Transnet.	2.1 The request must be made timeously in terms of the procedure concerned.
3	Transnet where necessary will provide employees with access to training in basic conversational knowledge of one of the official languages identified by Transnet.	3.1 Taking into account: 3.1.1 Usage of the language; 3.1.2 Practicality; 3.1.3 Expense; and 3.1.4 Regional circumstances
4	Transnet, through the Language Unit will promote the development and appreciation of elected languages among employees through <i>inter alia</i> :	4.1 Language celebration days; 4.2 Writing competitions; 4.3 Reading clubs; 4.4 Story-telling events; 4.5 Audio-visual screenings of documentaries on marginalised languages; and/or 4.6 Educational events on Braille and SA sign language.