

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 1459

29 October 2021

**THE CUSTOMER CARE STANDARDS AMENDMENT REGULATIONS
APPLICABLE TO THE POSTAL SERVICE LICENSEE, 2021**

The Independent Communications Authority of South Africa ("the Authority") hereby amends the Customer Care Standards Regulations applicable to Postal Service Licensees, 2012, to the extent reflected in the Schedule.

A copy of the Regulations will be made available on the Authority's website at <http://www.icasa.org.za>.

A handwritten signature in black ink, appearing to read 'K Modimoeng', written over a horizontal line.

Dr. Keabetswe Modimoeng
Chairperson
Date: 13 /10/2021

GOVERNMENT NOTICE**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****OCTOBER 2021**

The Independent Communications Authority of South Africa has, under section 4(3)(j) of Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) made the regulations in the Schedule.

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the Customer Care Standards Regulations applicable to Postal Service Licensees, 2012 as published under Government Notice No. R176 in Government Gazette No. 35097 of 1 March 2012.

2. Substitution of regulation 1 of the Regulations

The following regulation is hereby substituted for regulation 1 of the Regulations:

"1. PURPOSE OF THE REGULATIONS

The purpose of these Regulations is to prescribe minimum customer care standards applicable to the Postal Service Licensee. They are intended to:

- a) Protect and promote the interests of customers;
- b) Ensure quality of service by setting out minimum standards for customer care; and
- c) Enable the Authority to monitor and enforce compliance with the customer care standards provided."

3. Insertion of regulation 1A in the Regulations

The following regulation is hereby inserted in the Regulations, after regulation 1:

"1A. DEFINITIONS

"alternative dispute resolution" or **"ADR"** means a process or mechanism that helps resolve a customer's complaint through mediation;

“**Authority**” means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

“**CCC**” means the Complaints and Compliance Committee as defined in the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), as amended;

“**complaint**” means an expression of dissatisfaction resulting from a licensed service;

“**complainant**” means a person who has lodged a complaint;

“**day**” means working day, unless otherwise specified;

“**disabilities**” means long-term or recurring physical, hearing, or visual impairments;

“**Licensee**” means a person issued with a licence to provide services in terms of Chapter 3 of the Postal Services Act, 1998 (Act No. 124 of 1998);

“**older persons**” has the meaning assigned to it in the Older Persons Act, 2006 (Act No. 13 of 2006).”

4. Substitution of Regulation 2 of the Regulations

The following regulation is hereby substituted for Regulation 2 of the Regulations:

“2. THE CUSTOMER CARE STANDARDS FOR POSTAL SERVICES

2.1 VISIBILITY

- a) The post office name and postal code must be displayed at the entrance of all post offices.
- b) Business hours must be displayed at all post offices.
- c) All post offices must display mail collection frequency and clearing times.

- d) Products and services currently on offer must be displayed at all post offices.
- e) Up-to-date posters of complaints procedures and dispute resolution mechanisms must be displayed at all post offices and on the Licensee's website.
- f) All post offices must display the share call number, telephone number, and email address, as well as the fax number of the Licensee's contact centre.
- g) All post offices must display the area manager's contact details e.g., telephone number and email address.
- h) Directional signage must be visible on main access routes within a three (3) kilometre radius of all post offices.
- i) All post offices must have their Global Positioning System (GPS) coordinates displayed on the Licensee's website.

2.2. ACCESSIBILITY

- a) Post offices and postal services must be made accessible to persons with disabilities, and to older persons.
- b) Customer service time should not exceed seven (7) minutes for postal services.
- c) In the instance that queuing time exceeds seven (7) minutes, a Licensee, or the person delegated by the Licensee, must intervene to address the issue in the interest of customers.
- d) The Licensee must implement an electronic system for payment of postal services.
- e) In the event that a post office is to relocate or permanently close, the Licensee must display such a notice for the customers at least sixty (60) days before such closure or relocation.
- f) The post office relocation or closure notice must include the location of the nearest alternative post office.
- g) Should a post office be temporarily closed, the Licensee must immediately display such a notice, which must include information of the nearest post office.

2.3. LANGUAGE

A post office must communicate with its customers in English and in any other official language that is dominant in the area where the post office is situated.

2.4. REPORTS

- a) A Licensee must submit to the Authority quarterly reports on customer complaints it receives.
- b) Reports must be detailed and include, but not limited to:
 - i) Number of complaints received per month, including unresolved complaints from previous months;
 - ii) Name and surname of the complainant;
 - iii) Date on which the complaint was received and resolved;
 - iv) Nature of complaint received;
 - v) Number of items lost per month;
 - vi) Average turn-around times for all complaints resolved;
and
 - vii) Number of applications on the waiting list for post boxes.

2.5. STAFF

A Licensee must ensure that:

- a) Staff at all post offices have a thorough and accurate knowledge of their products and related services; and
- b) Staff wear corporate clothing and name tags.

2.6. CONSUMER CONFIDENTIALITY

Personal information of a customer must be processed in accordance with the requirements as set out in the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

2.7. INSURANCE POLICIES

Customers must be made aware of insurance facilities for lost or damaged letters or parcels, when entering into postal services transactions.”

5. Amendment of regulation 3 of the Regulations

5.1. Regulation 3 of the Regulations is hereby amended by the substitution for paragraphs (a), (b) and (e) of the following paragraphs:

“a) A Licensee must publish a designated contact point for all customer complaints.

b) A Licensee must acknowledge receipt of the complaint from a customer, within three (3) days upon receipt thereof, in writing by:

- i) Allocating a reference number to each complaint; and
- ii) Communicating the reference number to the complainant.

e) A Licensee must ensure there is a record keeping mechanism for all complaints that have been received over the last five (5) years.”

5.2. Regulation 3 of the Regulations is hereby amended by the addition of the following paragraph:

“f) Upon resolution of the complaint, or after fourteen (14) days, whichever is sooner, a Licensee must advise the customer of the right to escalate the matter to the Authority should the customer dispute the outcome.”

6. Substitution of regulation 4 of the Regulations

The following regulation is hereby substituted for regulation 4 of the Regulations:

4. COMPLAINTS ESCALATED TO THE AUTHORITY BY CUSTOMERS

- 4.1. A complainant may lodge a complaint with the Authority if:
 - a) The complainant disputes the outcome received from a Licensee; or
 - b) A Licensee has either failed to respond, or to respond adequately, within the prescribed period.
- 4.2. The Authority must:
 - a) Acknowledge an escalated complaint within forty-eight (48) hours;
 - b) Allocate a reference number to the complaint; and
 - c) Refer the complaint back to the Licensee within forty-eight (48) hours.
- 4.3. The Licensee must:
 - a) Acknowledge receipt of the complaint referred to it by the Authority within forty-eight (48) hours;
 - b) Resolve each complaint referred by the Authority in writing within fourteen (14) days of receipt thereof; and
 - c) Provide the Authority with written confirmation on how the referred complaint is resolved.
- 4.4. Alternative Dispute Resolution process:
 - a) An escalated complaint may be referred to the Authority's ADR process, as set out in Consumer Complaints Procedure,¹ should a Licensee not be able to resolve the complaint in terms of regulation 4.3.

¹ The Consumer Complaints Procedure is available on the Authority's website <https://www.icasa.org.za/pages/consumer-complaints-procedure>

- b) The ADR may be chaired by a Councillor of the Authority or other suitably designated person/s.
 - c) The Authority will inform the complainant and the Licensee of the venue and time when the ADR session will take place.
 - d) The Licensee and the complainant will be informed of the outcome of the ADR session, and where non-compliance has been identified, the matter will be referred to the CCC.
- 4.5. When investigating a matter, the Authority will adopt the following procedure:
- a) Request all relevant information in writing, as well as supporting documentation that will assist in the investigation process;
 - b) After collecting all the relevant information on the matter, the complaint will be analysed, and a suitable recommendation will be made to the respective parties; and
 - c) The complainant shall be informed of progress on the matter by the Authority throughout the process.”

7. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Customer Care Standards Amendment Regulations Applicable to the Postal Service Licensee, 2021 and will come into operation ninety (90) days after publication in the *Gazette*.



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APPLICABLE TO POSTAL SERVICE LICENSEE, 2021**

REASONS DOCUMENT

OCTOBER 2021

1. ACKNOWLEDGEMENTS

- 1.1.** The Independent Communications Authority of South Africa (“the Authority” or “ICASA”) hereby acknowledges and thanks all stakeholders who have participated in the process aimed at amending the Customer Care Standards Regulations applicable to the Postal Services Licensees, 2012 (“the Regulations”).
- 1.2.** The Authority received one written representation to the draft Customer Care Standards Amendment Regulations Applicable to the Postal Service Licensee, 2021 (“draft Amendment Regulations”) from the following stakeholder:
- Consumer Advisory Panel (“CAP”).

2. INTRODUCTION

- 2.1.** This Reasons Document sets out the decision of the Authority for the amended Regulations.
- 2.2.** On 26 February 2021, the Authority published the draft Amendment Regulations and an Explanatory Memorandum thereto.
- 2.3.** The Authority received only a single submission by the closing date of 05 May 2021, which submission contained no substantive proposals for amendment to the Draft Regulations. The Authority accordingly decided not to hold public hearings.
- 2.4.** In developing the Reasons Document, the Authority considered the said written submission and the relevant legislative framework. The Authority’s reasons as set out below informed the Authority’s decision to publish the final Regulations.

3. LEGAL FRAMEWORK

- 3.1.** The amendment is in terms of section 4(3)(j) of Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act").
- 3.2.** When the Authority amended the Regulations, it considered the Constitution of the Republic of South Africa, Act 108 of 1996; the ICASA Act, and the Postal Services Act, 1998 (Act No. 124 of 1998).
- 3.3.** The purpose of amending the Regulations is to strengthen the provision of quality postal services through setting out minimum standards to protect and promote the interests of customers, and to enable the Authority to monitor and enforce compliance with the customer care standards provided.

4. SUBMISSIONS: CAP

4.1. Accessibility of Services by Persons with Disabilities

CAP thanks the Authority for ensuring that services must be made accessible to all customers, more specifically persons with disabilities and older persons. CAP suggests that ICASA further includes postal services in its Code for Persons with Disabilities Regulations, 2021, or that ICASA should have a separate code for persons with disabilities specifically for the postal and courier industry. According to CAP, a blanket requirement to make services accessible normally leads to an under-estimation of what is required to make the service accessible, and that this leads to many forms of disabilities not being catered for.

4.1.1. Decision by the Authority

The proposal by CAP is noted. Since CAP is not proposing specific changes to the draft Regulations, the issue raised will be considered by the Authority when reviewing applicable Regulations in the future.

4.2. Website Accessibility

CAP recommends that the Regulations which pertain to the Postal Services' website should also include a specification that the website must be made accessible to all persons with disabilities.

4.2.1. Decision by the Authority

The Authority notes and appreciate the proposal by CAP. Since website accessibility is of wider applicability than the reserved postal services sector, the Authority will consider the proposal in depth, to the extent possible, when reviewing applicable Regulations in the future.

4.3. Policy Development to Benefit Persons with Disabilities, the Elderly, Children & Women

CAP recommends that the postal service Licensee should set up a policy on how to accommodate persons with disabilities and the elderly, and how to safeguard against child and woman abuse.

4.3.1. Decision by the Authority.

Postal matters relating to safety and security of customers are dealt with in the Code of Practice for the South African Postal Industry, published in Government Gazette No. 35098 (1 March 2012). This specific submission by CAP will be considered when the Code of Practice is reviewed.

5. Conclusion

The Authority is of the view that the Customer Care Standards Amendment Regulations Applicable to the Postal Service Licensee, 2021 will strengthen the postal services industry through protecting and promoting the interests of customers.