

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NON-GOVERNMENTAL ORGANIZATION

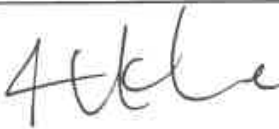
NOTICE 2613 OF 2024



LANGUAGE POLICY

Title:	OPFA: Language Policy
Custodian:	Pension Funds Adjudicator
Prepared By:	Risk and Compliance Officer
Date Created:	October 2021
Version No:	3.0
Date Approved:	21 May 2024
Effective Date:	Date of Accounting Authority Approval
Approved By:	Accounting Authority

Document Approval Page

COMMITTEE	DELEGATED AUTHORITY	SIGNATURE	DATE
Accounting Authority	Muvhango Lukhaimane Pension Funds Adjudicator		21 May 2024

Mandatory Review period:

To be reviewed every second year or when significant changes occur

Version Control Page

This page should provide a history of previous versions of the policy and changes made:

Version	Date	Author	Status	Comment / changes
2.0	October 2021	Ayanda Twaku	Updated	Reviewed and updated all pages
3.0	May 2024	Lutendo Tshifularo	Reviewed	Reviewed and updated all pages to align with the changes in legislation.

TABLE OF CONTENTS

NO	DESCRIPTION	PAGE NO
1.	DEFINITIONS	5
2.	PREAMBLE	6
3.	PURPOSE OF THE POLICY	7
4.	LEGISLATIVE INSTRUMENTS	7
5.	NATURE AND THE MANDATE OF THE BUSINESS OF THE OPFA	7
6.	SCOPE AND APPLICATION	7
7.	PRINCIPLES	8
8.	USE OF OFFICIAL LANGUAGES BY THE OPFA	8
9.	ESTABLISHMENT OF LANGUAGE BUSINESS UNIT	10
10.	TRAINING AND CAPACITY	10
11.	ACCESSING THE POLICY	11
12.	COMPLAINTS PROCEDURE	11
13.	REVIEW AND APPROVAL OF THE POLICY	11

1. DEFINITIONS

TERM	DEFINITION
Act	means the Use of Official Languages Act 12 of 2012.
Equitable Use	means the use of language, which is fair, impartial and even-handed.
Interpreter	means a person who transposes or interprets an utterance from one language into the other.
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.
Language of Record	means the language chosen for keeping records or archiving the OPFA records.
Minister	means the Minister of Arts and Culture.
Multilingualism	means the use of three or more languages by an individual or group of a people.
PanSALB	means the Pan South African Languages Board.
Policy	means this Language policy.
SASL	means South African Sign Language.
Republic	means the Republic of South Africa.
Terminology	means standardised terms established for specific subject field;
Translation	means the transposing of a text from one language to the other.
Translate	having a corresponding meaning.
Complainant	means any person who lodged a complaint with the Office of the Pension Funds Adjudicator as contemplated in Chapter VA of the Pension Fund Act, 24 of 1956.
Constitution	means the Constitution of the Republic of South Africa, Act 108 of 1996.

TERM	DEFINITION
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.
Accounting Authority	means the Pension Funds Adjudicator.

2. PREAMBLE

- 2.1. The Constitution of the Republic of South Africa, 1996 ("Constitution") recognises 12 official languages; i.e. English, Afrikaans, Tshivenda, Xitsonga, Sepedi, Setswana, Sesotho, isiZulu, isiXhosa, isiNdebele, Siswati, South African Sign language; 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.
- 2.2. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably. To this end, the Act 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.
- 2.3. The OPFA is a national public entity established in terms of section 30B of the Pension Funds Act, 1956 and accordingly adopts the Language Policy in compliance with the Act.

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 Act and use official languages to service members of the public at large and regulated institutions.

4. LEGISLATIVE INSTRUMENTS

- 4.1. The Constitution.
- 4.2. The Act.
- 4.3. Regulations made in terms of section 13 of the Act.

5. OBJECTIVE OF THE OPFA

- 5.1. The main objective of the OPFA is to dispose of complaints lodged in terms of section 30A(3) of the Pension Funds Act, and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act, 2017. In disposing of complaints, the OPFA must—

- apply, where appropriate, principles of equity;
- have regard to the contractual arrangement or other legal relationship between the complainant and any financial institution;
- have regard to the provisions of the Pension Funds Act; and
- act in a procedurally fair, economical, and expeditious manner.

6. SCOPE AND APPLICATION

- 6.1. The provision of this policy is applicable to all employees in the OPFA, anyone executing functions on behalf of the OPFA and affected stakeholders receiving services from the OPFA.

7. PRINCIPLES

7.1. The principles underpinning this Policy are:

- taking measures to elevate the status and advancement of the use of indigenous languages;
- 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;
- recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- promotion of good language management by the OPFA to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the OPFA;
- prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the OPFA.

8. USE OF OFFICIAL LANGUAGES BY THE OPFA

8.1. 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.

8.2. The OPFA recognizes all the Official Languages of South Africa and the following languages have accordingly been adopted:

- **English** (medium of communication)
- From the Nguni language group (isiZulu, isiNdebele, Siswati and isiXhosa), **isiXhosa** has been adopted.
- From the Sotho group (Setswana, Sepedi, and Sesotho), **Sesotho** has been adopted; and
- From the remaining identified official languages (Afrikaans, Xitsonga and Tshivenda) **Afrikaans** has been adopted.

8.3. 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:

8.3.1. 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.

8.3.2. Government Purpose

Adoption of English as a medium of communication. The OPFA adopts **English, IsiXhosa, Sesotho and Afrikaans** as a medium of communication in relation to government communication purposes.

8.3.3. 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.

8.3.4. Adoption of other Official Languages

The OPFA shall use interchangeably English, and the Official Languages stipulated on 7.1. 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.

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.

8.3.5. Use of languages other than the identified Official Languages

Where members of the public wish to receive services in a language other than the identified Official Languages or South African Sign Language (SASL), such members will have to notify the OPFA of such request, in writing, addressed to the Pension Funds Adjudicator and using the contact details; enquiries@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.

9. ESTABLISHMENT OF LANGUAGE BUSINESS UNIT

- 9.1. The OPFA obtained the necessary exemption from establishing the Language Unit as required by the Act.
- 9.2. Whereas the OPFA will not establish the Language Unit, such functions will be performed by a member of management.

10. TRAINING AND CAPACITY

- 10.1. In order to achieve the professional and efficient implementation of this Policy, awareness campaigns will be conducted.

11. ACCESSING THE POLICY

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

- The OPFA website: www.pfa.org.za;
- Government Gazette;
- Members of the public can also access the Language Policy by requesting same through sending an email to languages@pfa.org.za; and
- A summary of this policy will be displayed at the OPFA office in such manner and place that it can be read by the public.

12. COMPLAINTS PROCEDURE

12.1. 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.

12.2. A complaint must be lodged as follows:

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

12.3. 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.

13. REVIEW AND APPROVAL OF THE POLICY

13.1. This is the latest language policy of the OPFA approved by the Accounting Authority of the OPFA. This Policy shall be reviewed every two years.