



Companies Tribunal Official Language Policy

Review: Companies Tribunal Official Language Policy

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1. Acronyms and Abbreviations

ADR-	: Alternative Dispute Resolution
Chairperson-	: Chairperson of the Companies Tribunal
Companies Tribunal-	: Tribunal
COO-	: Chief Operating Officer
Constitution-	: The Constitution of the Republic of South Africa, 1996
OLP-	: Official Language Policy
SMP-	: Stakeholder Management Policy

2. Introduction

The Companies Tribunal (Tribunal) develops this Official Language Policy (OLP) to promote the use of different languages in the Tribunal as a means to promote access to its services. The Tribunal has jurisdiction throughout the Republic. It is vital that due to the diversity of the country, the Tribunal identifies languages that will be utilized to serve South African communities.

The Tribunal has a mandate to serve. Therefore, the use of an OLP provides certainty and safeguards the reputation of the organization. This policy recognizes that historically, indigenous languages were marginalized. Consequently, practical and positive measures must be taken to elevate the status and advance the use of these languages by the Tribunal. It is against this background that OLP is developed.

3. Purpose

The purpose of this policy is to give effect to the Constitution of the Republic of South Africa and the Use of Official Languages Act, 2012 on the use of official languages to effectively and efficiently promote the realization of the mandate of the Companies Tribunal (the Tribunal). This policy provides for the regulation and monitoring of the use of official languages in the Tribunal. This policy sets out how the Tribunal will use the official languages of the Republic to communicate effectively with the public and other stakeholders.

The Tribunal promotes language diversity. It ensures that no person is deprived access to the services of the Tribunal based on their language or method of communication. Furthermore, it caters for persons who wish to communicate with the Tribunal in Sign language and, or in any other officially recognized method of communication.

4. Objectives

- 4.1 To promote linguistic diversity in the Republic in line with the Constitution of the Republic and in accordance with international law;
- 4.2 To ensure multilingualism as a resource to maximize collaborative partnership in nation building and economic development;
- 4.3 To promote good language management and usage by the Tribunal to ensure efficient public service administration that meet the needs of the public;
- 4.4 To ensure more access to services and information of the Tribunal;
- 4.5 To ensure inclusivity of previously marginalized official indigenous languages.

5. Definitions

Complaints Management Policy- Refers to the Tribunal's complaints policy which regulate the way the public can lodge complaints in relation to the Tribunal.

6. Legal Framework

In promoting access to Tribunal services, the following prescripts will be the blueprint for the Tribunal, namely:

- 6.1 The Constitution of the Republic of South Africa, 1996
- 6.2 The Use of Official Languages Act No. 12 of 2012
- 6.3 Regulations in Terms of Section 13 of the Official Languages Act, 2012
- 6.3.1 Use of Official Languages Regulations, 2013
- 6.4 The National Language Policy Framework, 2003

7. Policy Pronouncement

7.1 The following factors have been taken into account in arriving at the decision on the choice of official language(s) that the Tribunal will use, namely: Usage, Practicality and Expense.

7.1.1 Usage:

7.1.1.1 The Tribunal took into account the number of people who use each of the languages. The Tribunal also considered the number of population groups and the demand of each language. Again, it took into account the probability and ability of the persons who speak other official languages not listed below to be able to speak or understand at least one of the listed languages based on the following groupings: English and at least one of Nguni group: (isiNdebele, isiXhosa, isiZulu and siSwati); Sotho group: (Sepedi, Sesotho, Setswana).

7.1.2 Practicality:

7.1.2.1 The Tribunal took into account the possibility of having effective usage of the listed languages. Likewise, the Tribunal took into account whether the objectives of the Tribunal will be fulfilled through effective communication with the public.

7.1.3 Expense:

7.1.3.1 This entails Tribunal's available resources to realize the communication through the listed languages. It takes into account the costs of translation, transcription, interpretation and publication.

7.2 The Tribunal, in compliance with Section 4 (2) (b) of the Use of Official Languages Act, 2012 resolved to adopt the following three (3) official languages that the Tribunal will use for official purposes, namely:

7.2.1 English,

7.2.2 IsiZulu, and

7.2.3 Setswana

7.3 The Tribunal, in compliance with Section 4 (2) of the Use of Official Languages Act, 2012 will:

7.3.1 ensure subject to funds availability that all publications by the Tribunal are made available in all three (3) official languages specified in 7.2 above; (NB)

7.3.2 take reasonable steps to make available communication methods (verbal or written) in the languages specified in 7.2 above.

7.4 The table below indicates how the Tribunal will use official languages subject to the Tribunal's available resources

	Companies Tribunal Purposes	Language(s)
1	Inter and Intra-government communication	English
2	Communication with members of the public (written communication)	English
3	Communication with members of the public (oral communication)	English, isiZulu and SeTswana or any other South African language that the presenter, speaker and audience may be comfortable with
4	Official publications	English
5	Hearings, ADR and Adjudications	English
6	Communications with hearing or sight etc. impaired	The Tribunal will facilitate sign language interpretation, conversion of text into Braille or alternatively audio on request, etc.
7	International communication	English

7.5 Any person who intends to communicate with the Tribunal or obtain Tribunal's material in a language different from the three languages mentioned in 7.2 must make such request no less than sixty (60) working days.

7.6 In compliance with Section 4 (2) (d) of the Use of Official Languages Act, 2012, the Tribunal is required to describe how it will effectively communicate with members of the public whose language of choice is not South African Official language or sign language; will observe the criteria as set out in paragraphs 7 and 8 below.

7.7 In compliance with Section 4 (2) (e) of the Use of Official Languages Act, 2012, the Tribunal is required to describe how the members of the public can access this policy. The Tribunal will make this policy available to the public on the website.

7.8 In compliance with Section 4 (2) (f) of the Use of Official Languages Act, 2012 for the purposes of complaints, the Tribunal will observe the criteria set out in paragraph 11 below which sets out the procedure to submit a complaint in the Tribunal.

8. Language which is not the official language in the Republic of South Africa

8.1 Any person who wishes to communicate with the Tribunal in a language that is not one of the Eleven (11) official languages of the Republic must notify the Tribunal within thirty (30) working days of such intention.

8.2 Where a request to use a language, which is not one of the eleven (11) languages of the Republic, the Tribunal will consider whether or not it can accommodate the request based on public interest, fairness and funding. The Tribunal will communicate the decision which will be final. The Tribunal is not obliged to assist in that case.

9. Sign Language

9.1 Any person who wishes to communicate with the Tribunal in a sign language or in any other officially recognised method of communication such as braille, in the exclusion of verbal or written communication, must inform the Tribunal of such intention within sixty (60) working days.

9.2 The Tribunal must take reasonable steps within its available resources to give effect to such communication.

10. Access to the Policy

10.1 This policy is available to the public for use.

10.2 This policy is obtainable from the Tribunal's website provided in paragraph 13 below.

10.3 This policy will be made available on request to any member of the public.

11. Complaint mechanism

11.1 Any person who has a complaint(s) as defined in the Tribunal's Complaints Management Policy should submit such a complaint in accordance with the Complaints Management Policy which is available on the Tribunal's website provided below. The Tribunal's Complaints Management Policy will be made available to the Complainant on request.

12. Monitoring effectiveness

12.1 The Chairperson, in place of the language unit will:

12.1.1 compile and submit a report to the Minister of Arts and Culture and to the Pan South African Language Board (PanSALB) in compliance with section 9 of the Use of Official Languages Act

12.1.2 promote parity of esteem and equitable treatment of the official languages of the Republic

12.1.3 perform any other functions that the Minister of Arts and Culture may prescribe

12.2 The Chief Operating Officer (COO), in place of the language unit will:

12.2.1 ensure development, adoption and implementation of this policy;

12.2.2 monitor and assess the use of official languages by the Tribunal;

12.2.3 monitor and assess compliance with this policy, and

12.2.4 assume duties of the Language Unit as prescribed in the Use of Official Languages Act upon obtaining necessary exemption in compliance with the Use of Official Languages Act.

12.3 The Manager Communications, in place of the language unit will:

12.3.1 facilitate access to the services and information of the Tribunal relating to the use of official languages in the Republic, and

12.3.2 promote language usage and management.

12.4 The COO may delegate powers derived from this policy to a Senior Manager or any other Tribunal staff member with the necessary expertise and skill.

13. Implementation plan and time frame

Implementation Plan		Date of Implementation
13.1	Publish Tribunal Official Language Policy on the Tribunal's website	30 April 2020
13.2	Prepare a summary of this Policy to be displayed in all Tribunal's offices	31 May 2020

13.3	From the date of adoption (date of approval by the Chairperson) the Tribunal must take reasonable steps to make available all publications in the three (3) chosen languages	30 September 2020
13.4	Invite interpreters (including sign language interpreters) to register on our database	30 September 2020

14. Deviations

14.1 No deviations are allowed except in extreme cases, subject to the Chairperson's approval.

15. Inception Date

15.1 This policy will be effective from the date of approval.

16. Policy Review

16.1 This Policy will be reviewed after three (3) calendar years or whenever it becomes necessary to review this policy.

17. Contact details

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