




Financial Sector
Conduct Authority

LANGUAGE POLICY

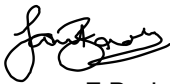
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| Document Name: | Language Policy |
| Document No: | C&L/POL/02/2024-26 |
| Application: | Financial Sector Conduct Authority |
| For Recommendation | Strategic Management Committee |
| For Approval | Executive Committee |
| Effective From: | 1 April 2024 |
| Compiled By: | Communication and Language Services Department |
| Reviewed: | 26 March 2024 |

Document Approval Page


Document Owner:

| NAME | POSITION | SIGNATURE | DATE |
|--------------------|---|--|------------|
| Jabulane Hlalethoa | Divisional Executive: Corporate Services |  | 27/03/2024 |

Document Recommended By:

| COMMITTEE | Chairperson | SIGNATURE | DATE |
|--------------------------------|-------------|--|------------|
| Strategic Management Committee | Chairperson |  F. Badat | 27.03.2024 |

Document Approval:

| COMMITTEE | Chairperson | SIGNATURE | DATE |
|---------------------|--------------|--|-----------|
| Executive Committee | Commissioner |  | 28/3/2024 |

Version Control and Summary of Changes:

| NO. | DESCRIPTION OF CHANGES |
|-----|--|
| 1. | This is the initial policy that is being established to standardise the format of FSCA policies. |

Mandatory Review Period:

To be reviewed every two years.

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1. DEFINITIONS

In this Policy, unless the context indicates otherwise:

- 1.1 “**The Act**” means the Use of Official Languages Act, 2012 (Act No.12 of 2012);
- 1.2 “**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;
- 1.3 “**Commissioner**” means the Commissioner of the FSCA;
- 1.4 “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
- 1.5 “**EXCO**” means the Executive Committee of the FSCA;
- 1.6 “**FSCA**” means the Financial Sector Conduct Authority, a juristic entity established in terms of section 56 of the Financial Sector Regulation Act, 2017 (Act No.9 of 2017);
- 1.7 “**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;
- 1.8 “**Language of Record**” means the language chosen for keeping records or archiving the FSCA records;
- 1.9 “**Minister**” means the Minister of Arts and Culture;
- 1.10 “**Multilingualism**” means the use of three or more languages by an individual or group of people;
- 1.11 “**Policy**” means this Language policy;
- 1.12 “**SASL**” means South African Sign Language;
- 1.13 “**Senior Language Specialist**” means an employee of the FSCA who heads the language section of the Communications and Languages Services department;
- 1.14 “**Translation**” means the transposing of a text from one language to the other, “**translate**” having a corresponding meaning;

2. PREAMBLE

- 2.1. The Constitution recognises 12 official languages, i.e. English, Afrikaans, Tshivenda, Xitsonga, Sepedi, Setswana, Sesotho, isiZulu, isiXhosa, isiNdebele, Siswati and South African Sign Language (SASL); 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.
- 2.2. To this end, the Act has been promulgated to encourage the use of official languages in communicating 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/section for a national department, national public entity and national public enterprise.
- 2.3. The Act applies to all national public entities. The FSCA is a national public entity, being so listed in the Public Finance Management Act, 1999 (Act No.1 of 1999) (PFMA). This Policy has therefore been developed by the FSCA in compliance with the provisions of the Act.

3. PURPOSE

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

4. LEGISLATIVE INSTRUMENTS

- 4.1. The Constitution
- 4.2. The Act
- 4.3. The PanSALB
- 4.4. Regulations made in terms of section 13 of the Act
- 4.5. The South African Language Practitioners' Council Act (8 of 2014)
- 4.6. The Promotion of Access to Information Act (2 of 2000).

5. SCOPE AND APPLICATION

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

6. REGULATORY CONTEXT OF THIS POLICY

This Policy is prescribed 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,
 - 6.2.4. describe how members of the public can access the language policy;
 - 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; and
 - 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 the following:

- 7.1. Taking measures to elevate the status and advancement of the use of indigenous languages.
- 7.2. 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.
- 7.3. Recognition of multilingualism as a resource to maximise collaborative partnerships in nation building, economic development and social cohesion.

- 7.4. Promotion of good language management by the FSCA to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the FSCA.
- 7.5. Prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the FSCA.

8. NATURE OF THE FSCA BUSINESS

The FSCA is an independent institution established by statute to oversee the conduct of the financial sector in the public interest. As stipulated in section 57 of the Financial Sector Regulation Act, the objectives of the FSCA are to:

- 8.1. enhance and support the efficiency and integrity of the financial markets; and
- 8.2. protect financial customers by –
 - 8.2.1. promoting fair treatment of financial customers by financial institutions;
 - 8.2.2. providing financial customers and potential financial customers with financial education programs, and otherwise promoting financial literacy and the ability of financial customers and potential financial customers to make sound financial decisions; and
- 8.3. assist in maintaining financial stability.

9. OFFICIAL LANGUAGES OF THE FSCA

9.1. Adoption of official languages by the FSCA

- 9.1.1. The Act requires the FSCA to adopt a language policy identifying at least three (3) of the official languages which the FSCA 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 official languages, the FSCA is *inter alia* enjoined to consider the promotion of the previously marginalised indigenous languages.
- 9.1.3. In determining which official languages to use, the FSCA shall be guided in each instance by the following factors:
 - 9.1.3.1. Practicability
 - 9.1.3.2. Associated costs
 - 9.1.3.3. Geographic location
 - 9.1.3.4. Interests of the public and/or specific targeted group
 - 9.1.3.5. FSCA capacity.

9.1.4. Although the FSCA recognises all official languages of the Republic, the following languages have accordingly been adopted:

9.1.4.1. **English** (medium of communication).

9.1.4.2. From the Nguni language group (isiZulu, isiNdebele, Siswati and isiXhosa), **isiZulu** has been adopted.

9.1.4.3. From the Sotho language group (Setswana, Sepedi, and Sesotho), **Setswana** has been adopted.

9.1.4.4. **Tshivenda**; one of the previously disadvantaged languages that does not belong to a language group, has been adopted.

9.1.4.5. **Afrikaans**, one of the languages that does not belong to a language group, has also been adopted.

9.1.5. The FSCA will ensure that it uses the languages indicated in 9.1.4 for government purposes as elucidated in 9.2.

9.2. Use of official languages by the FSCA

9.2.1. 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.

9.2.2. Business purposes

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

9.2.2.1. to communicate with its various clients (regulated entities) in accordance with its mandates;

9.2.2.2. in respect of internal communication within the FSCA; and

9.2.2.3. in relation to its communications with government and/or Parliament through the responsible Minister.

9.2.3. In cases where documents meant to be produced in English only are requested in any official language other than English, the FSCA will make summarised translated versions available, in accordance with in 9.1.3.

9.2.4. Government purposes

The FSCA shall use English and the official languages stipulated in 9.1.4. on a case-by-case basis for the following purposes:

9.2.4.1. 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).

- 9.2.4.2. Communication with the media (e.g., print, radio, television, web) - depending on purpose and platform;
- 9.2.4.3. Official publications and correspondence.
- 9.2.4.4. Other stakeholder engagement activities.
- 9.2.4.5. Public hearings/consultations and other official proceedings.

9.2.5. Regulatory and General Administrative Action Instruments

In respect of all regulatory instruments related to the conduct of business (including all subordinate legislation, circulars, notices, guidance notes made under the laws administered by the FSCA, and policy documents relating to future primary and subordinate legislation) and general administrative actions (i.e., actions that will affect a type or category of financial institution) taken by the FSCA, the following approach to making and translating such instruments will be applicable:

- 9.2.5.1. All consultation on draft regulatory instruments and general administrative actions will take place in English and the summarised versions of the draft regulatory instrument will be made available on the FSCA website for public knowledge in the languages referred to in 9.1.4.
- 9.2.5.2. Where necessary during the consultation period, the Communication and Language Services Department will work on the instrument for translation and familiarisation purposes to ensure that the final translated instrument will be speedily available in the relevant languages. To this end, the Communication and Language Services Department must be regularly apprised of developments during the consultation period to ensure that any amendments are taken account of in preparing for the relevant translations.
- 9.2.5.3. The final document(s) will be made available in English with the applicable translations being made available in the languages referred to in 9.1.4, within a reasonable period of time. In the event of a conflict between the English version and the translation of an instrument, the English version will apply.

Consumer Education

- 9.2.6. Notwithstanding par 9.1.3 above, the FSCA will take appropriate and reasonable steps to ensure that it conducts consumer education and financial literacy sessions in as many official languages as possible considering the language preference of

the community attending such sessions. Additionally, the FSCA will have the key consumer financial education resources translated into all official languages and published on its dedicated website <http://www.fscamymoney.co.za> in line with the FSCA consumer education mandate.

Call Centre

- 9.2.7. The FSCA Call Centre will strive to enable communication with members of the public in all official languages of the Republic as contemplated in clause 2.1.

9.3. Provision of services in a language other than the official languages selected by the FSCA

- 9.3.1. 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 FSCA of such request, in writing, addressed to the Senior Language Specialist. The FSCA shall make arrangements to meet such request within a reasonable period of not less than thirty (30) working days upon receipt of the request.
- 9.3.2. 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.

9.4. Provision of SASL and Braille Services

The FSCA may utilise SASL interpretation during both internal and external official meetings, following a predefined schedule. Additionally, the FSCA will make documents available in Braille upon request and arrangements to meet such request within a reasonable period of not less than thirty (30) working days upon receipt of the request. Furthermore, the FSCA will incorporate SASL versions of specific consumer education content into financial literacy materials in accordance with 9.1.3.

10. ESTABLISHMENT AND STRUCTURE OF THE FSCA LANGUAGE SERVICE OFFERING

- 10.1. As required by section 7 of the Act, the FSCA established a language business unit in 2014, now incorporated into the Communication and Language Services Department. The role of this unit is to ensure that it

is provided with adequate resources to support its service offering effectively and in accordance with the law.

- 10.2. The FSCA language services offering within the Communication and Language Services Department shall be headed by a Senior Language Specialist, and also appoint such other staff members as may be required by the FSCA from time to time.

11. TRAINING AND CAPACITY

In order to achieve the professional and efficient implementation of this Policy, Communication and Language Services Department will ensure that there is adequate training and capacity to perform its function.

12. PUBLICATION OF AND ACCESS TO THIS POLICY

- 12.1. This Policy will be published in all official languages of the Republic.
- 12.2. It will be available on the FSCA's website: www.fsca.co.za.
- 12.3. It will be available in Braille or alternatively in audio on the FSCA website.
- 12.4. A summary of this policy will be displayed at the FSCA's office in a manner that makes it visible to the public.
- 12.5. In addition, printed versions will be available in all official languages at the FSCA's premises.

13. COMPLAINTS MECHANISM

- 13.1. Any person who is dissatisfied with a decision of the FSCA regarding its use of official languages may lodge a complaint in writing directing it to the Commissioner.
- 13.2. A complaint must be lodged in the following manner:
 - 13.2.1. In writing.
 - 13.2.2. Within three months of the complaint arising.
 - 13.2.3. State the name, address, and contact information of the person lodging the complaint.
 - 13.2.4. Provide a full and detailed description of the complaint.
- 13.3. The Commissioner or a senior staff member delegated by the Commissioner 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.
- 13.4. The Commissioner will, as in 13.3, 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.
- 13.5. Contact information of the FSCA:
Call centre: 0800 20 37 22
Telephone (switchboard): 012 428 8000

Email: communications@fsca.co.za

Postal address: P.O. Box 35655, Menlo Park 0102

Physical address: Riverwalk Office Park, Block B, 41 Matroosberg Road
(Corner Garsfontein and Matroosberg Roads), Ashlea Gardens,
Extension 6, Menlo Park, Pretoria

Website: www.fsca.co.za

14. APPEAL PROCESS

- 14.1. A complainant dissatisfied with a decision of the Commissioner may lodge an appeal with the EXCO of the FSCA.
- 14.2. An appeal submitted to the EXCO must be addressed to the EXCO through the Secretariat and be lodged within a period of one (1) month of the decision.
- 14.3. The provisions of clauses 13.2.1, 13.2.2, 13.2.3 and 13.2.4 of this Policy shall apply *mutatis mutandis* to an appeal lodged in terms of clause 13.1 of this Policy.

15. POLICY REVIEW

This Policy will be reviewed every two years.

16. APPROVAL

This is the latest language policy of the FSCA approved by the EXCO of the FSCA on 26 March 2024.