

MALUTI-A-PHOFUNG LOCAL MUNICIPALITY

LANGUAGE POLICY

BY-LAW

1. PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, Act 108 of 1996, provides that municipalities must take into account the language usage and preferences of their residents;

WHEREAS the Government must take practical and positive measures to elevate the status and advance the use of indigenous languages;

AND WHEREAS the Council must at its first meeting after the General Election for Councillors review the language policy of the municipality in terms of rule 77 and, where such policy does not exist, instruct the municipal manager to develop a draft language policy and submit it to Council;

AWARE that the obligations imposed by the Constitution on municipalities with regard to the use of languages must be fulfilled;

CONVINCED that language is at the heart of the municipality's efforts to facilitate transformation and reconstruction and further convinced that the acceleration of the social, political and economic development in the municipality will not be possible without harnessing in a practical manner the languages of the residents;

FURTHER CONVINCED that efficient and effective service delivery within the framework of the ***Batho Pele*** principles is dependant on the extent to which the municipality harnesses the language resources of its staff, political representatives and residents;

RECOGNISING AND ACCEPTING the linguistic diversity of the municipality;

COMMITTED to the advancement and protection of equitable language rights of all residents in the municipality;

FURTHER COMMITTED to the establishment of an institutional culture of functional multilingualism in its area of jurisdiction;

INFORMED by the language demographics of its area of jurisdiction;

NOW THEREFORE the municipality subscribes to the language policy set out in this By-law and binds itself to ensure that the language policy will be implemented and executed at all levels of administration in its area of jurisdiction.

2. DEFINITIONS

PANSALB:	Pan South African Language Board
Municipal Languages:	Official languages of the Municipality
Previously marginalised Languages:	Languages that did not have official status before the adoption of the 1993 Interim Constitution
Business of the Municipality:	Legislative and executive functions of the Municipality
Within a reasonable period:	Twenty-one days
Language facilitation Services:	Interpreting and translation services

3. MUNICIPAL LANGUAGES

- (1) For the purpose of conducting the business of the Municipality, Sesotho, IsiZulu, English and Afrikaans will be used as the official languages of the Municipality (hereafter called the municipal languages) in accordance with the norms of status and use provided by section 6 of the Constitution.

4. PROCEEDINGS AND LANGUAGES OF RECORD OF THE MUNICIPALITY

- (1) All meetings of Council shall have their proceedings conducted in any of the municipal languages.
- (2) Agendas and minutes of the meetings of the Municipal Council and its Committees must be recorded in English. As the situations may dictate such minutes must be made available in the other municipal languages.

5. OFFICIAL NOTICES

- (1) Official notices, publications, advertisements and tenders of the Municipality must be published or issued in any municipal language, provided one of the languages is a previously marginalised language.
- (2) If requested official notices, publications, advertisements and tenders of the Municipality must be made available in the other municipal languages.

6. IDENTIFICATION SIGNS

- (1) If an institution of the Municipality identifies any of its offices or facilities by way of sign boards, or if it can reasonably be expected of the relevant institution to do so, such sign boards, as well as street names and directions, must be displayed in any of the municipal languages, provided one of the languages so used, must be a previously marginalised language.

- (2) Any municipal language must be used in identifying municipal assets and vehicles, provided that one of the languages so used, must be a previously marginalised language.

7. WRITTEN COMMUNICATION WITH THE PUBLIC

- (1) Written communication with the residents of the Municipality which shall include, but not be exclusive to:
 - Water Accounts
 - Notices of public meetings
 - Newsletters
 - Advertisements
 - Forms to be completed by the publicMust be in any of the municipal languages and provided that the language needs, usage and preferences of the residents must be considered when the Municipality enters into such kind of communication.
- (2) When responding to written communication from the public, such correspondence must take place in the municipal language of preference of the public or in the language in which the communication was received. If the communication is received in a language other than a municipal language, then the response shall be in one of the municipal languages.
- (3) Any member of the public –
 - (a) May use any of the municipal languages when he or she communicates with any institution of the Municipality; and
 - (b) May be served in the municipal language of his or her choice at, or by any institution of the Municipality.

8. ORAL COMMUNICATION WITH THE PUBLIC

- (1) For the purpose of rendering services, members of the public must be communicated with in the municipal language(s) which they understand.
- (2) Oral communication with residents during information sessions, public meetings and/or face-to-face encounters must take place in the municipal language of their choice as established through a predetermination of the language profile of the target audience.
- (3) The Municipality undertakes to ensure that the telephone operator at the Municipality headquarters is proficient in all the municipal languages. In instances where the telephone operator cannot assist an enquirer in his/her municipal language, the telephone operator shall undertake to identify a member of staff who can assist the enquirer.

9. COMMUNICATION WITH OTHER INSTITUTIONS

- (1) Any of the municipal languages may be used to communicate with national, provincial and local governments and any other organs of state, provided that the provisions in section 6 of the Constitution are not violated.
- (2) Any appropriate language may be used for the purpose of international communication.

10. INTERNAL ORAL / WRITTEN COMMUNICATION

- (1) Any municipal language shall be used for the purpose of communication in the Administration of the Municipality: Provided that in instances where the addressee does not understand that municipal language, he or she may request that communication with him or her should take place in another municipal language which he or she understands.
- (2) Internal signs and notice boards within the premises of the Municipality must be in at least two of the municipal languages, provided that one of those languages shall be a previously marginalised language.

11. LABOUR RELATIONS

- (1) The Municipality commits itself to engage in fair and equitable language practices in the conduct of its labour relations.
- (2) Labour negotiations with members of the Trade Unions must occur in the municipal language of preference of the Trade Unions provided they have furnished the Municipality with an indication of their municipal language preferences within a reasonable period of time. In such a meeting interpreting services shall be provided at the Municipality's and Trade Union's expense.
- (3) Advertisements for jobs in the Municipality must be in at least two of the municipal languages, provided that one of the languages is a previously marginalised language.
- (4) Conditions of service must be available in all municipal languages. All employees must indicate their municipal language(s) preferences at the time of taking up employment with the Municipality. It shall be a standard practice of the Municipality to request applicants for positions in the Municipality to indicate their language preferences in their CV's submitted with job applications. Serving members of staff can access the conditions of service in any municipal language of their choice. Any employee, who during his period of employment wishes to change his/her language preference, must communicate such developments to the Municipal Manager in writing.

- (5) Internal labour policy documents must be in all municipal languages. For archival purposes, and on express authority of Council, such documents may be archived in one of the municipal languages.
- (6) Disciplinary hearings at the Municipality will be conducted in a municipal language that the accused member of staff indicated in his/her VC during application for position at the Municipality.
- (7) Performance agreements and/or employment contracts shall be concluded in his/her municipal language of preference. However, for record purposes and without undermining the spirit and the other provisions of this By-law, a signed copy of the performance agreement and / or employment contract shall be made available in at least one other municipal language for filing purposes.
- (8) Translation of all labour relations documents shall be done by an accredited translator.
- (9) Evaluation forms shall be made available in all the municipal languages.
- (10) All communication relating to health and safety requirements in the Municipality must be published in all the municipal languages.
- (11) Warning letters, letters of suspension and dismissal letters must be in the municipal language preference of the employee.

12. LANGUAGE FACILITATION SERVICES

- (1) The Municipality must make financial and administrative arrangements to ensure that language facilitation services, namely interpreting and translation, in the municipal languages are available to political representatives and officials of the Municipality.
- (2) The Municipality must make financial and administrative arrangements so as to ensure that political representatives and officials of the Municipality are competent in the municipal languages. In this regard, the Municipality shall make arrangements to ensure that staff members and political representatives are exposed to language proficiency courses as the need may arise, at the Municipality's expense.

13. THE ELEVATION OF THE STATUS AND EXTENSION OF THE USE OF SESOTHO AND ISIZULU

- (1) The Municipality undertakes, in association with PANSALB to develop, promote and advance the usage of Sesotho and IsiZulu through appropriate language development programmes.

14. MONITORING, EVALUATION AND REVISION OF THE POLICY

- (1) Through the Language Committee established as per this By-law and the Office of the Municipal Manager, the language policy as set out in this By-law shall be monitored and evaluated to establish the extent of compliance and achievement of language policy objectives as may be outlined in municipal rules and regulations after gazetting of this By-law in the Provincial Gazette.
- (2) The Language Committee and the Office of the Municipal Manager shall cause yearly reports to be published on the progress being made by the Municipality towards the achievement of language policy objectives. Such reports may also be submitted to PANSALB.
- (3) In instances where the Language Committee and/or the Office of the Municipal Manager establishes a need to revise the language policy as set out in this By-law, the Language Committee shall make its recommendation to Council, giving reasons why the language policy should be reviewed. Upon receipt of such recommendations, and after deliberations and consultations, Council shall enter a decision on the revision of the language policy, provided such a decision by Council shall be in line with Constitutional provisions on language. Such revisions shall form part of the annual IDP review process.

15. FINANCING OF LANGUAGE POLICY

- (1) The Municipality considers the language policy as set out in this By-law to be an integral part of its strategic vision of equitable, efficient and effective service delivery as contained in the Integrated Development Plan (IDP).
- (2) Therefore, the Municipality commits itself to avail financial resources in its yearly budgets to achieve the language policy objectives as set out in this By-law.
- (3) The budget for the implementation of the language policy shall not be less than 0,1% of the operational budget of the Municipality.
- (4) Provisions of section 15(3) notwithstanding, Council may enter resolutions to increase or reduce the budget for language policy implementation, but such resolutions must not compromise the achievement of the language policy objectives as set out in this By-law.

16. ASSOCIATES OF THE MUNICIPALITY

- (1) The language policy as set out in this By-law also applies to associates of the Municipality who shall include all contractors, nominees and agents of the Municipality who act in the interest of or on behalf of the Municipality.

17. RECOURSE

- (1) To facilitate the creation of awareness on the language policy as set out in this By-law by its staff, political representatives and associates, the Municipality commits itself to conduct multilingualism awareness programmes.
- (2) Non-compliance with the provisions of this By-law on the part of officials of the Municipality shall be regarded as misconduct which may lead to appropriate disciplinary action.
- (3) Non-compliance with the provisions of this By-law on the part of associates of the Municipality and as the case may be, shall be deemed to constitute breach of contract or exceeding the mandate of the associate concerned.
- (4) If and when it comes to the attention of the Municipality that a provision of this By-law has not been complied with, the omission must be rectified immediately.
- (5) If the omission relates to a written notice to a member of the public and /or associate, a substitute notice, of which the effective date shall be the date of issue of the substitute notice, shall be issued.
- (6) Feedback on the achievement or otherwise of the language policy objectives as set out in this By-law shall be directed to the Office of the Municipal Manager. Where such feedback constitutes a complaint from the public, the Office of the Municipal Manager shall designate an official for the Municipality to seek recourse to such complaints, provided a full report of the nature of the complaint and the actions taken by the designated official shall be tabled at the next Language Committee meeting after the action is taken. On its part, after receiving such submissions from the designated official, the Language Committee shall cause a submission on the nature of the complaint and the actions taken to redress the complaint to Council in its next meeting after the Language Committee receives such a report from the designated official. A copy of the nature of the complaint and the actions taken to redress the complaint shall be furnished to PANSALB.

18. LANGUAGE COMMITTEE

- (1) For the purposes of monitoring the implementation and revision of this language policy, Council must appoint a Municipal Language Committee (referred to as the Language Committee in this By-law).
- (2) The constitution of the Language Committee shall be determined by Council provided in its membership there shall be an equitable representation of political representatives of the Municipality, the staff of the Municipality and Trade Unions. Council may co-opt any other persons, on the basis of their established expert knowledge on language matters, to be members of the Language Committee.

- (3) The Language Committee shall have the following responsibilities:
- (a) To be actively involved in the implementation of the language policy;
 - (b) To be a vanguard of language rights in the Municipality within the Batho Pele Framework;
 - (c) To give rulings, in an expert, impartial way, on the handling of language policy in the Municipality which may give rise to complaints;
 - (d) To review the language demographics of the Municipality on a continuous basis in order to make recommendations to Council regarding the municipal and other languages.

19. IMPLEMENTATION

- (1) The Language Policy as set out in this By-law must, unless otherwise provided, be implemented within a period of one year of the date of commencement of this By-law.
- (2) The implementation is to be managed by the Office of the Municipal Manager.

20 SHORT TITLE AND COMMENCEMENT

This By-law shall be known as **The Maluti-a-Phofung**