



2022-2032 | INTERNATIONAL DECADE OF  
**Indigenous Languages**



**PanSALB**  
PAN SOUTH AFRICAN LANGUAGE BOARD

**PanSALB**

## COMPLAINTS HANDLING PROCEDURE



*“One nation many languages”*

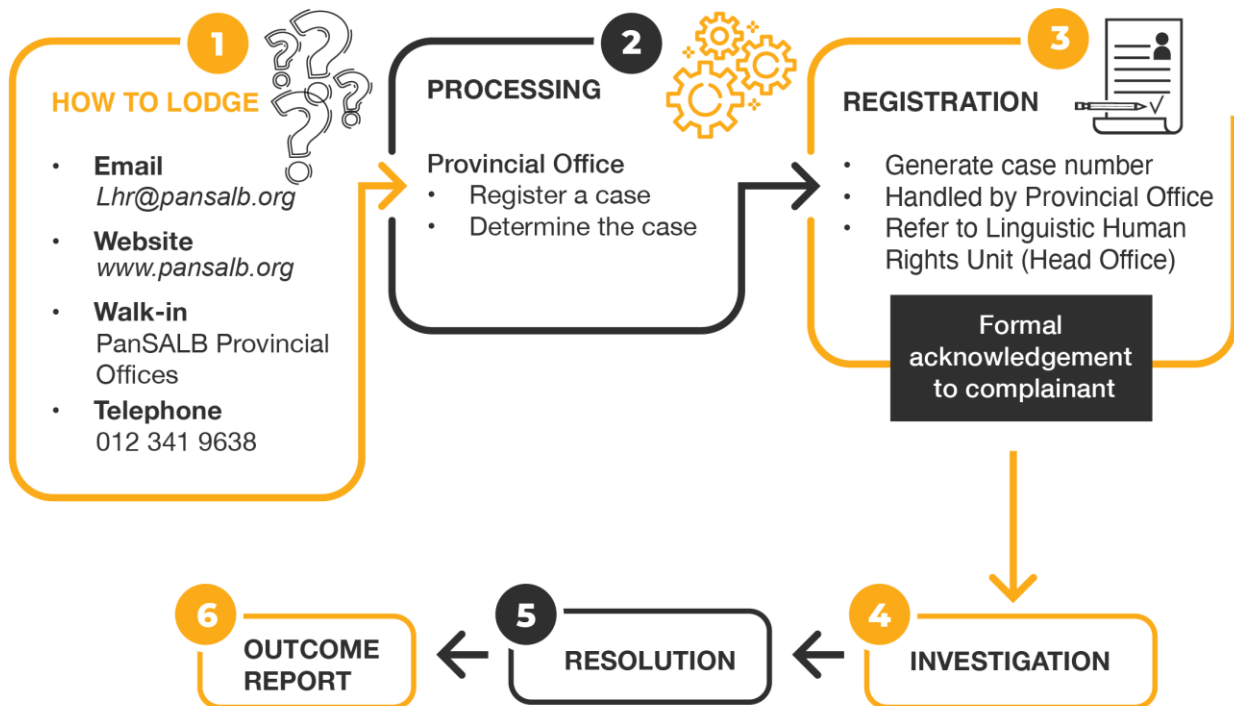
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# COMPLAINTS HANDLING PROCEDURE OF THE PAN SOUTH AFRICAN LANGUAGE BOARD

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# LANGUAGE RIGHT VIOLATION



## **B. THE POWERS OF PANSALB IN TERMS OF THE PAN SOUTH AFRICAN LANGUAGE BOARD ACT**

1. PanSALB may investigate, on its own initiative or on receipt of a written complaint, any alleged violation of a language right, language policy, or language practice.
2. PanSALB shall, after an investigation of the alleged violation, and if it is of the view that there is substance in the allegation, by mediation or conciliation or negotiation, endeavour to resolve and settle any dispute or to rectify any act or omission.
3. PanSALB may subpoena any person, body, or state organ to appear before it to give evidence and produce any relevant records or documents.
4. PanSALB shall assist the complainant or other persons adversely affected to secure redress by making arrangements for or providing the complainant with financial or other assistance to enable him or her to obtain relief from any other organ of state or **a court of law (Equality Court)**.

## **C. WHO CAN LODGE A COMPLAINT ON AN ALLEGED LINGUISTIC HUMAN RIGHTS VIOLATION?**

1. Any person acting on his or her own behalf or any person acting on behalf of another.
2. Juristic persons or any institution acting on behalf of its members.
3. Members of a language group.
4. Any organ of state.

## **D. HOW TO LODGE A COMPLAINT?**

1. By sending a completed complaint form by email.
2. By completing a complaint form on the PanSALB website.
3. By walking-in at any of PanSALB's offices and requesting assistance with completing a complaint form.

## **E. WHERE TO LODGE A COMPLAINT?**

1. At any of the PanSALB provincial offices throughout the country.
2. At PanSALB Head Office at 523 Stanza Bopape Street, Provisus Building, Pretoria.

## F. HOW COMPLAINTS ARE PROCESSED AT THE LINGUISTIC HUMAN RIGHTS UNIT

1. Any complaint received by a provincial office must be registered by that office and be assessed by the provincial office. The **Senior Provincial Manager (SPM)** will determine whether such complaint can be resolved without the intervention of the **Senior Manager: Linguistic Human Rights (SM: LHR)**. Once the complaint has been resolved, a report shall be submitted to the **SM: LHR** within two days of its resolution.
2. In the event a complaint is received by a provincial office and the **SPM**, after assessment, is of the view that such a complaint cannot be resolved as provided for in Paragraph **F1**, shall within two working days submit the complaint to the **SM: LHR** for further actioning.
3. Any complaint received by anyone at the Head Office must within 24 hours be submitted to the **SM: LHR** for further actioning.
4. Any complaint registered by PanSALB's own initiative must be discussed with the **SM: LHR and Executive Head: Languages (EHL)** within 24 hours of its inception.

## G. REGISTRATION AND THE REFERENCING OF COMPLAINTS

1. The reference number of the case will be **PanSALB**, followed by the abbreviation of the province where the complaint emanates, the month received, and the year received. Note the next paragraph.
2. Register the complaint and give it a case number, e.g., case number: **PanSALB-GP 01/09/2022, PanSALB-KZN 01/10/2022, PanSALB-WC 01/08/2022**. This illustration refers to a case from Gauteng, a case from Kwa-Zulu Natal and a case from the Western Cape respectively.
3. The **SM: LHR** must in regard to any complaint received in terms of **Paragraph G2** assess the nature of the response and further engage with the **SPM** before responding to the complainant. A response to the complainant must be sent within seven working days from first receipt of the complaint.
4. Engagement between the **SM: LHR** and the **SPM** referred to in **Paragraph G3** is crucial in order to determine whether there is need for consultation between the **SM: LHR** and the complainant. The consultation can either be virtual or face-to-face depending on the circumstances.
5. Face-to-face consultation comes with financial expenses. However, the personal circumstances of the complainant should also be taken into consideration and the key factor must be to address social injustice and ensure that the mandate of PanSALB is delivered effectively and efficiently.
6. The **SM: LHR** shall within 14 days after consultation as per article **G5** prepare and dispatch an allegation letter to the respondent. The respondent will be given 14 days to respond to the allegations.
7. The **SM: LHR** with the assistance of the **SPM** shall within 14 days after having received the respondent's response, when necessary, arrange further consultation with the

complainant to inform him/her about the response and to source any further information or particulars as necessary.

## H. HOW COMPLAINTS CAN BE RESOLVED?

1. The **SM: LHR** in consultation with the **EHL** and the **SPM** will decide whether the complaint can be resolved by either mediation, conciliation, or negotiation.
2. Once a decision has been taken to pursue any of the processes stated in **Paragraph H1**, the **SM: LHR** in consultation with the **SPM** will decide who will be in the panel from mediation, conciliation, or negotiation. Such a panel must comprise of not more than four people. The panel must be comprised of the **SM: LHR**, **SPM**, and at least two members of the **LHR technical committee** of the **Provincial Language Committee (PLC)** for the province handling the case. Due to financial constraints, this panel must meet virtually to discuss how to approach the case.
3. In case of further investigation, the **SM: LHR** and the **SPM** must determine the nature of further investigation, who must be involved, and the various interested and/or affected parties.
4. **SM: LHR** will after consultation with the **SPM** give advice and direction on how the alleged linguistic human rights violation or dispute may be resolved

## I. RECORDING OF PROCEEDINGS, INVESTIGATIONS, AND HEARINGS

1. Any proceedings in terms of these procedures and any discussions held, oral submissions made, or evidence given as part of an investigation must be recorded by the Chairperson of the panel who must be the **SM: LHR** or the convenor of the **PLC's LHR technical committee** assisted by **SPM**.
2. The **SM: LHR**, or **SPM** or any member of staff as delegated, may chair the panel and as, duly designated, must, before the commencement of any recording, inform the persons present of the fact that a recording will be made and of the manner of recording.
3. The Chairperson of the panel must indicate that the recording may be made available on request subject to applicable legislation such as POPIA and PAIA and that PanSALB reserves the right to release the information obtained during the investigation and any other proceedings.

## J. CONCLUSION OF COMPLAINTS AND INVESTIGATIONS

**The complaint is resolved under the following circumstances:**

1. After an assessment, the complaint is rejected; or in the case of a referral if no further action is required.
2. If the complaint is resolved by means of either conciliation, negotiation, or mediation.

3. After an investigation where it is found that there was no violation of a linguistic human right.
4. There was a violation of or threat to a linguistic human right and the said violation is remedied.
5. If a complaint is withdrawn by the complainant, if that the complainant is satisfied that there are no compelling reasons to proceed with the investigation, and if the **SM: LHR** after consultation with the **SPM** is satisfied that there are no compelling reasons to proceed with the investigation.
6. After resolution of a matter subsequent to the institution of legal proceedings in a competent court or tribunal.

#### **K. NOTIFICATION OF PARTIES ON THE FINALISATION OF MATTERS**

1. The **SM: LHR** must, where applicable, make a provisional report available to the parties and any person, association, organisation, or organ of state impacted in any finding or recommendation in the report.
2. The findings of an investigation by the PanSALB must, when it seems it fit but as soon as possible, be made available to the complainant and any person implicated thereby.
3. The final report must be submitted to the Executive Committee for final sanctioning and be referred to the Core Mandate Committee and the Board for noting.
4. The final decision on the matter must be communicated to the interested and/or affected parties after being sanctioned by the Executive Committee.
5. PanSALB must publish the resolved cases on its website.