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GENERAL NOTICE

NOTICE 177 OF 2012



Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

REGULATION IN RESPECT OF THE CODE OF PRACTICE FOR THE SOUTH AFRICAN POSTAL INDUSTRY

The Independent Communications Authority of South Africa ("ICASA") hereby publishes the Code of Practice for the Postal industry in terms of section 4(3) (j) of the ICASA Act No. 13 of 2000.

A handwritten signature in black ink, appearing to be 'S. Mncube', written over a horizontal dashed line.

DR. STEPHEN MNCUBE
CHAIRPERSON

1. PREAMBLE

The Code is set to codify and strengthen relationships between the Independent Communication Authority of South Africa (ICASA) and Postal Operators. The Code is applicable to the reserved as well as the unreserved Postal Operators. It determines common values, principles and commitments that shape the postal service's future. The Code shall be a tool for intensifying the working relations among the relevant stakeholders within the industry.

The Code, whilst setting the minimum standards of conduct within the postal industry, shall take into account, provisions of the Postal Services Act No. 124 of 1998, as amended ("the Act") and other relevant legislation and regulations governing the Postal Industry.

ICASA recognizes that it has a regulatory function to promote a universal postal service that will ensure equal access for all citizens to a basic service that is reasonable and accessible to all people in the country regardless of their physical location and at a uniform rate and affordable prices of postage.

2. SCOPE AND APPLICATIONS OF THE CODE

The Code commits the reserved as well as the unreserved Postal Operators to promote and expand the postal industry. The Code shall further promote competition and communication within the postal industry. With reference to this Code, "Postal Operator" shall represent business entities operating in either the reserved or unreserved domain of the postal environment.

2.1. The Code regulates the conduct Postal Operators in the interest of all customers of the postal services;

2.2 The Code prescribes broad principles of acceptable practices to enhance the relationship between Postal Operators;

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- 2.3 The Code shall not regulate any contractual relationships within the industry, as commercial relationships are governed by Principles of Common Law and the Law of Contracts;
- 2.4 The Code shall promote healthy commercial ventures within the Industry;
- 2.5 The Code shall be incorporated into the corporate strategy of Postal Operators;
- 2.6 The Code shall form the basis of individual codes of practice to be developed by Postal Operators for their own postal business assets and outlets;
- 2.7 The Code shall be applied in accordance with relevant legislation and regulations governing the industry; and
- 2.8 All operators shall ensure that the Code is applied consistently and in a uniform manner within the industry.

3. OBJECTIVES OF THE CODE

The objectives of the regulations are:

- 3.1 to ensure acceptable standards of conduct by Postal Operators,
- 3.2 to contribute to a set of uniform standards of service by operators for consumers
- 3.3 to uphold professionalism, responsiveness, honesty, trust, respect, excellence, quality, commitment to client satisfaction and compliance; and
- 3.4 to promote harmonious interaction and relationship between the reserved and unreserved operators in the postal industry.

4. THE CODE OF PRACTICE

(1) Key Commitments

All Postal Operators shall:

- (a) Treat customers with respect and dignity;
- (b) Display utmost courtesy and care when dealing with the aged and disabled persons;
- (c) Endeavour to communicate with customers in the language of their choice as far as it is practicable and possible;
- (d) Display at their outlets in the public area, information pertaining to customer complaints resolution procedures, including information on insurance policies for lost and or damaged parcels and letters;
- (e) Ensure that all complaints received are recorded appropriately and resolved in a courteous, efficient and fair manner;
- (f) Ensure that their premises are clean, safe and secure; and
- (h) Make customers aware of insurance facilities for lost and or damaged letters or parcels when entering into transactions.

(2) Harmful Business Practice

Postal Operators shall not engage in the following business practices:

- (a) Dishonesty in their dealings with customers;
- (b) Unfair pricing;
- (c) Misrepresentation of facts in their dealings with customers;

- (d) Intentionally damaging the image of another operator, the industry, or customers;
- (e) Packaging of the reserved postal services in a misleading way, in order to evade the weight and dimensions restriction so as to make it suit the requirements of the unreserved postal services; and
- (f) Conducting business in an area reserved for another postal operator.

5. COMPLAINT HANDLING RESOLUTION AND ESCALATION FOR CUSTOMERS

(1) Complaints handling for domestic/international mail

- (a) Customers who experience unsatisfactory postal services should in the first instance lodge a complaint at the outlet concerned;
- (b) In the event that the complaint is not resolved, the customer must reduce the complaint to writing and submit the complaint to the manager / owner of the outlet;
- (c) If no resolution can be reached after a period of fourteen (14) working days, after lodgment of the complaint, the customer may then approach ICASA for resolution.

(2) Escalation of complaint to ICASA

- (a) When complaints are forwarded to ICASA, ICASA will acknowledge receipt of the complaint within twenty four (24) hours and shall allocate a reference number to the complaint;

- (b) When investigating complaints, ICASA shall follow the following procedure:
- i. request all relevant information in writing as well as supporting documentation that will assist in the investigation process;
 - ii. after collecting all the relevant information on the matter, the complaint will be analyzed and a suitable recommendation will be made to the respective parties;
 - iii. if it is found that there is a possible contravention of the regulations, ICASA will refer the complaint to the Complaints and Compliance Committee ("CCC") for adjudication;
 - iv. the CCC shall after its findings, recommend an appropriate sanction to the Council of ICASA for consideration and endorsement; and
 - v. the complainant shall be informed of progress on the matter by ICASA throughout the process.

6. RESOLUTION OF DISPUTES / COMPLAINTS BETWEEN OPERATORS

- (1) Where there is a dispute between operators (in terms of this code or relevant legislation and regulations governing the Postal Industry) , they must firstly attempt to settle the dispute;
- (2) Should no satisfactory resolution be attained, the parties may approach ICASA;
- (3) Should the matter not be resolved, ICASA will refer the matter to the CCC for adjudication.

7. OPERATIONAL / IMPLEMENTATION AND EVALUATION ARRANGEMENTS

- (1) all operators shall be responsible for ensuring that their employees are familiar with the contents of the Code; and
- (2) all operators shall display a copy of the Code in a conspicuous area in order to inform customers of the standards and quality of services to expect.

8. PENALTIES

The Authority may, upon a determination or finding of non-compliance by the CCC, impose a maximum fine of Fifty Thousand Rand (R50, 000.00) for each contravention.

9. SHORT TITLE AND COMMENCEMENT

These regulations are called the Code of Practice for the South African Postal Industry, 2012 and will come into operation on date of publication in the Government Gazette.

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