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GENERAL NOTICE

NOTICE 384 OF 2007



Independent Communications Authority of South Africa
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INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA)

CODE OF PRACTICE FOR THE SOUTH AFRICAN POSTAL INDUSTRY

The Independent Communications Authority of South Africa (ICASA) hereby publish a notice in terms of Section 8 of the Postal Services Act No.124 of 1998 for publication of the Code of Practice for the South African Postal Industry.

CODE OF PRACTICE FOR THE SOUTH AFRICAN POSTAL INDUSTRY

1. PREAMBLE

The Code is set to codify and strengthen relationships between the Postal Division of Independent Communications Authority of South Africa (ICASA) and postal operators. The Code is applicable to the Reserved as well as the Unreserved postal operators. It is a guide for the determination of the 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 124 of 1998 ("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 letter 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. POLICY DEVELOPMENT PRINCIPLES AND LEGISLATIVE FRAMEWORK

According to Section 2 of the Constitution of the Republic of South Africa “**The Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid and the obligations imposed by it must be fulfilled**”. The Code therefore, shall comply with the Constitution as well as capturing its spirit and ethos. Promulgation of the Code shall follow only after an intensive consultation process with the various stakeholders has been completed.

In terms of section 8 of the Act, the Authority shall develop a Code of Practice to regulate the Postal Services in order to ensure affordable, quality and reliable postal services to all the people of South Africa by reserved as well as unreserved operators.

3. SCOPE AND APPLICATION OF THE CODE

This Code commits the reserved licensed postal operators as well as the unreserved postal operators to promote and expand the postal industry.

The Code shall further promote competition and communication within the industry. With reference to this Code, ‘postal operator’ shall represent business entities operating in either the reserved and/or the unreserved domain of the postal environment.

- 3.1. the Code regulates the conduct of both reserved and unreserved operators in the interest of all customers of the postal services;
- 3.2. the Code prescribes broad principles of acceptable practices to enhance the relationship between reserved and unreserved postal operators in the postal industry;

- 3.3. 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;
- 3.4. the Code shall promote healthy commercial ventures within the industry;
- 3.5. the Code shall be incorporated into the corporate strategy of postal operators;
- 3.6. the Code shall form the basis of individual codes of practice to be developed by operators for their own postal businesses and outlets;
- 3.7. the Code shall be applied in accordance with relevant legislation and regulations governing the industry;
- 3.8. all operators shall ensure that the Code is applied consistently and in a uniform manner within the industry.

4. OBJECTIVES OF THE CODE

The main objectives are:

- 4.1. to codify guidelines that will ensure acceptable standards of conduct by postal operators, will contribute to synergies among operators and set uniform standards of service for consumers;
- 4.2. to uphold professionalism, responsiveness, honesty, trust, respect, excellence, quality, commitment to client satisfaction and compliance; and
- 4.3. to promote harmonious interaction and relationship between the reserved and unreserved operators in the postal industry.

5. GUIDELINES TO THE CODE OF PRACTICE

5.1. KEY COMMITMENTS

All postal operators shall:

- 5.1.1. treat customers with respect and dignity;

- 5.1.2. display utmost courtesy and care when dealing with the aged and disabled persons;
- 5.1.3. endeavour to communicate with customers in the language of their choice as far as it is practicable and possible;
- 5.1.4. display at their outlets in the public area, information pertaining to customer complaints resolution procedures;
- 5.1.5. ensure that all complaints received are recorded appropriately and resolved in a courteous, efficient and fair manner;
- 5.1.6. be responsible to their customers for a healthy, safe and secure environment when conducting their business; and
- 5.1.7. timeously communicate queuing times and other relevant customer information to customers.

5.2. HARMFUL BUSINESS PRACTICE

Postal operators shall not engage in the following business practices:

- 5.2.1. dishonesty in their dealings with customers and/or other operators;
- 5.2.2. unfair pricing;
- 5.2.3. misrepresentation of facts in their dealings with customers;
- 5.2.4. intentionally damaging the image of another operator, the industry, or customers;
- 5.2.5. packaging of the reserved postal services, in terms of Schedule 1 of Act 124 of 1998, in a misleading way to evade the weight and dimension restriction so as to make it suit the requirements of the unreserved postal services; and
- 5.2.6. conducting business in an area reserved for another postal operator.

5.3. INTEGRITY AND SAFETY OF MAIL

It is the responsibility of a postal operator to:

- 5.3.1. adopt preventative security measures to avoid loss of parcels and mail items;
- 5.3.2. be accountable and compensate customers for lost or damaged goods;
- 5.3.3. make customers aware of the various products offered that may be beneficial to them, such as the registering of mail and adequate insurance cover for valuable goods;
- 5.3.4. ensure that mail, particularly of a fragile nature, is adequately packaged to protect the integrity of the goods;
- 5.3.5. ensure that customers are aware of the risks to the consumer and their goods at the point of sale. Where no compensation is payable for loss or damage to articles, the consumers must be made aware of this fact prior to the conclusion of the sale; and
- 5.3.6. to take the necessary precautions to ensure the integrity of electronic and postal mail.

6. COMPLAINT HANDLING, RESOLUTION AND ESCALATION PROCEDURES FOR CUSTOMERS

6.1 Complaints handling at operator level

Customers who experience unsatisfactory postal services should in the first instance lodge a complaint at the outlet concerned.

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.

If no resolution can be reached after a period of seven working days, after lodging the complaint with the Manager, the customer should then escalate the lodged complaint to a higher level of authority in the organisation for resolution. If still not resolved after a further seven (7) working days, the customer may then approach ICASA for resolution of

the matter. All relevant supporting documentation must accompany the complaint.

Note:

The time frame of seven working days is applicable to domestic mail only.

For complaints regarding international mail, the operator must be given a total of thirty working days to resolve the complaint.

6.2 Escalation of complaint to ICASA

Complaints must be forwarded to ICASA Complaints Monitoring Division in writing. ICASA will acknowledge receipt of complaints within 24 hours of receipt thereof and shall include a reference number of the complaint. ICASA shall publish monthly reports on the nature and number of complaints received and resolved.

When investigating complaints, ICASA shall follow the following procedures:

- 6.2.1. the Complaints Handling Unit shall request to be furnished with all the relevant information in writing as well as supporting documentation that will assist in the investigation process;
- 6.2.2. after collecting all the relevant information on the matter, the Unit will process the complaint in terms of its merits or demerits, and propose remedial action;
- 6.2.3. should the Complaints Handling Unit still fail to resolve the complaint in the face of compelling evidence (i.e. in favour of the complainant) the matter shall be forwarded to the Complaints and Compliance Committee for further consideration and final decision;
- 6.2.4. the Complaints and Compliance Committee shall after reaching a decision, recommend an appropriate sanction to the Council of ICASA for implementation;

- 6.2.5. the complainant shall be informed of progress on the matter by the relevant office at each and every level of escalation.

7. RESOLUTION OF DISPUTES/COMPLAINTS BETWEEN OPERATORS

Where there is a dispute between operators, they must firstly attempt to settle the dispute.

Should no satisfactory resolution be attained, the parties may approach the Complaints and Compliance Committee of ICASA which will act as a dispute resolution authority.

8. OPERATIONAL/IMPLEMENTATION AND EVALUATION ARRANGEMENTS

- 8.1. all operators/employers shall be responsible for ensuring that their employees are familiar with the contents of the Code;
- 8.2. all operators/employers 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. Further to inform customers of the existence and role of ICASA in the event of a postal complaint;
- 8.3. all operators/employers shall display an abridged copy of the Code in their public area so as to make customers aware of its existence and of their rights;
- 8.4. all operators shall display their complaints handling, resolution and escalation procedures for consumers to notice.

9. CONSULTATION AND REVIEW

ICASA will continue to consult from time to time on the application of the Code and its relevance to contemporary postal developments. Formal reviews will take place on a regular basis and necessary amendments implemented.