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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 148

26 February 2021

**DRAFT AMENDMENT OF THE CUSTOMER CARE STANDARDS REGULATIONS
APPLICABLE TO POSTAL SERVICE LICENSEES**

- (1) The Independent Communications Authority of South Africa ("the Authority") hereby declares its intention, in terms of section 4(3)(j) of Independent Communications Authority of South Africa Act, 2000 (Act No 13 of 2000) ("ICASA Act"), to amend the Customer Care Standards Regulations applicable to Postal Service Licensees, 2012 (Notice No 176 of 2012), and invites interested persons to submit written representations on these Draft Amendment Regulations to the extent reflected in the Schedule.
- (2) A copy of the Draft Amendment Regulations will be made available on the Authority's website at <http://www.icasa.org.za> and in the Authority's Library at Eco Point Office Park, 350 Witch-Hazel Avenue, Centurion, between 09h00 and 16h00, Monday to Friday.
- (3) Written representations must be submitted to the Authority by no later than 16h00 on **05 May 2021** electronically (in Microsoft Word or PDF), or by post or hand delivery, and marked specifically for attention:

Mr. Sipiwe Hlongwane (Project Manager)**Email:** SHlongwane@icasa.org.za**Tel:** 012 568 -3253**Delivery address:** Block B, 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion

- (4) When a person makes submissions to the Authority, such person may request that specific information be treated as confidential information in terms of section 4D of the ICASA Act. The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential in terms of section 4D(4)(a) to (e) of the ICASA Act. The Authority may determine that such representations or any portion thereof is to be treated as confidential.
- (5) Where the request for confidentiality is refused, the person who made the request will be granted an opportunity to withdraw such representations or portion(s) thereof. Persons requesting confidentiality are thus urged to acquaint themselves with the ICASA Guidelines for Confidentiality Request¹.
- (6) Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral presentations to the Authority.
- (7) Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library.



DR KEABETSWA MODIMOENG

CHAIRPERSON

¹ ICASA Guidelines for Confidentiality Request published in Government Notice No: 849, Government Gazette No 41839 of 17 August 2019

SCHEDULE

CUSTOMER CARE STANDARDS FOR POSTAL SERVICES LICENSEE

1. Definitions

In these regulations "the Regulations" means the regulations published in Government Gazette No. 35097 of 1 March 2012.

2. Amendment of regulation 1 of the Regulations

Regulation 1 of the Regulations is hereby amended by the substitution for regulation 1 of the following regulation:

"1. PURPOSE OF THE REGULATIONS

The purpose of these Regulations is to prescribe minimum customer care standards applicable to Postal Services Licensee. They are intended to:

- a) Protect and promote the interests of customers;
- b) Ensure quality of service by setting out minimum standards for customer care; and
- c) Enable the Authority to monitor and enforce compliance with the customer care standards provided."

3. Insertion of regulation 1A in the Regulations

The following regulation is hereby inserted in the Regulations, after regulation 1:

"1A. DEFINITIONS

"Alternative Dispute Resolution" means a process or mechanism that helps resolve a customer's complaint through mediation;

"Authority" means the Independent Communications Authority of South Africa;

"CCC" means the Complaints and Compliance Committee as defined in the Independent Communications Authority of South Africa Act 13 of 2000, as amended;

“Complaint” means an expression of dissatisfaction resulting from a licensed service;

“Complainant” means a person who has lodged a complaint;

“Day” means working day unless otherwise specified;

“Disabilities” means a long-term or recurring physical, hearing, or visual impairment;

“Licensee” means a person issued with a licence to provide services in terms of Chapter 3 of the Postal Services Act, 1998 (Act No. 124 of 1998); and

“Older persons” has the meaning assigned to it in the Older Persons Act, 2006 (Act No 13 of 2006).”

4. Amendment of regulation 2 of the Regulations

Regulation 2 of the Regulations is hereby amended by the substitution for regulation 2 of the following regulation:

“2. THE CUSTOMER CARE STANDARDS FOR POSTAL SERVICES”

2.1 VISIBILITY

- a) Post office name and postal code must be displayed in the entrance of all post offices.
- b) Business hours must be displayed at all post offices.
- c) All post offices must display collection frequency and clearing times.
- d) Products and services currently on offer must be displayed at all post offices.
- e) Up-to-date posters of complaints procedures and dispute resolution mechanisms must be displayed at all post offices and on the Postal Services Licensee’s website.
- f) All post offices must display the share call number, telephone number, and email address, as well as the fax number of the contact centre.
- g) All post offices must display the area manager’s contact details e.g. telephone number and email address.
- h) Directional signage must be visible on main access routes within a three (3) kilometre radius of all post offices.

- i) All post offices must have their Global Positioning System (GPS) coordinates displayed on the licensee's website.

2.2. ACCESSIBILITY

- a) Post office and postal services must be made accessible to persons with disabilities, and to older persons.
- b) Customer service time should not exceed seven (7) minutes for postal services.
- c) In the instance that queuing time exceeds seven (7) minutes, the licensee, or the person delegated by the licensee, must intervene to address the issue in the interest of customers.
- d) The post office must implement an electronic system for payment of postal services.
- e) In the event that the post office is to relocate or permanently close, the licensee must display such a notice for the customers at least sixty (60) days before such closure or relocation.
- f) The post office relocation or closure notice must include the location of the nearest post office.
- g) Should the post office be temporarily closed, the licensee must immediately display such a notice, which must include information of the nearest post office.

2.3. LANGUAGE

A post office must communicate with its customers in English and any other official language that is dominant in the area where the post office is situated.

2.4. REPORTS

- a) A postal service Licensee must submit to the Authority quarterly reports on customer complaints they receive.
- b) Reports must be detailed and include, but not limited to:
 - i) Number of complaints received per month, including unresolved complaints from previous months;
 - ii) Name and surname of the complainant;
 - iii) Date on which the complaint was received and resolved;

- iv) Nature of complaint received;
- v) Number of items lost per month;
- vi) Average turn-around times for all complaints resolved; and
- vii) Number of applications on the waiting list for post boxes.

2.5. STAFF

A postal service Licensee must ensure that:

- a) Staff at all post offices have a thorough and accurate knowledge of their products and related services; and
- b) Staff wear corporate clothing and name tags.

2.6. CONSUMER CONFIDENTIALITY

Personal information of a customer must be processed in accordance with the requirements as set out in the Protection of Personal Information Act, 2013 (Act 4 of 2013).

2.7. INSURANCE POLICIES

Customers must be made aware of insurance facilities for lost or damaged letters or parcels, when entering into postal services transactions.”

5. Amendment of regulation 3 of the Regulations

5.1. Regulation 3 of the Regulations is hereby amended by the substitution for paragraphs (a), (b) and (e) of the following paragraphs:

- “ a) A Postal Service Licensee must publish a designated contact point for all customer complaints.
- b) A Postal Service Licensee must acknowledge receipt of the complaint from a customer, within three (3) days upon receipt thereof, in writing by:
 - i) Allocating a reference number to each complaint; and
 - ii) Communicating the reference number to the complainant.

- e) A Postal Service Licensee must ensure there is a record keeping mechanism of all complaints that have been received over the last five (5) years.”

5.2. Regulation 3 of the Regulations is hereby amended by the addition of the following paragraph:

- “f) Upon resolution of the complaint, or after 14 days, whichever is sooner, the Postal Service Licensee must advise the customer of the right to escalate the matter to the Authority should the customer dispute the outcome.”

6. Amendment of regulation 4 of the Regulations

6.1. Regulation 4 of the Regulations is hereby amended by the substitution for regulation 4 of the following regulation:

“4. COMPLAINTS ESCALATED TO THE AUTHORITY BY CUSTOMERS

4.1. A complainant may lodge a complaint with the Authority if:

- a) The complainant disputes the outcome received from the postal service Licensee; or
- b) The Postal Service Licensee has either failed to respond, or to respond adequately, within the prescribed period.

4.2. The Authority will:

- a) Acknowledge an escalated complaint within forty-eight (48) hours;
- b) Allocate a reference number to the complaint; and
- c) Refer the complaint back to the Licensee within forty-eight (48) hours.

4.3. A Postal Service Licensee must:

- a) Acknowledge receipt of the complaint referred back to it by the Authority within forty-eight (48) hours;
- b) Resolve each complaint referred by the Authority in writing within 14 days of receipt thereof; and
- c) Provide the Authority with written confirmation on how the referred complaint is resolved.

- 4.4. Alternative Dispute Resolution (ADR) process:
- a) An escalated complaint may be referred to the Authority's ADR process, as set out in Consumer Complaints Procedure,² should a postal services licensee not be able to resolve the complaint in terms of regulation 4.3.
 - b) The ADR may be chaired by the Authority Councillor or other suitably designated person/s.
 - c) The Authority will inform the complainant and the Postal Service Licensee of the venue and time when the ADR session will take place.
 - d) The licensee and the complaint will be informed of the outcome of the ADR session, and where non-compliance has been identified, the matter will be referred to the CCC.
- 4.5. When investigating a matter, the Authority will follow this procedure:
- a) Request all relevant information in writing, as well as supporting documentation that will assist in the investigation process;
 - b) After collecting all the relevant information on the matter, the complaint will be analysed, and a suitable recommendation will be made to the respective parties; and
 - c) The complainant shall be informed of progress on the matter by the Authority throughout the process."

7. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Customer Care Standards Amendment Regulations Applicable to the Postal Services Licensee, 2021 and will come into operation ninety (90) days after publication in the Government Gazette.

² <https://www.icasa.org.za/pages/consumer-complaints-procedure>



**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
EXPLANATORY MEMORANDUM ON THE AMENDMENT OF CUSTOMER
CARE STANDARDS REGULATIONS APPLICABLE TO POSTAL SERVICE
LICENSEES, 2012**

1. BACKGROUND AND REGULATORY FRAMEWORK

- 1.1.** The Independent Communications Authority of South Africa (“the Authority”), under of section 4(3)(j) of ICASA Act, intends to amend the Customer Care Standards Regulations applicable to Postal Service Licensees, 2012 published in Government Notice No 176 of 2012, Government Gazette No 35097 of 1 March 2012.
- 1.2.** The proposed amendments aim to strengthen the provision of quality postal services through setting out minimum standards to protect and promote the interests of customers. Further, they aim to enable the Authority to monitor and enforce compliance with the customer care standards provided.
- 1.3.** The proposed amendments intend to provide clarity and consistency of usage of terms. In addition, they align the regulations to the related customer protection legislation and to current practices, i.e. clarifying roles and processes in customer complaints resolution.

2. DRAFT AMENDMENT REGULATIONS EXPLANATION

2.1. Amendment of regulation 1.

- 2.1.1. The purpose of the Regulations is amended to ensure that the objective of the Regulations can be easily interpreted.

2.2. Insertion of regulation 1A.

- 2.2.1. The definitions section in regulation 1A provides clarity of terms that are used in the Regulations.

2.3. Substitution of regulation 2.

- 2.3.1. The proposed amendment seeks to promote customer care standards that are applicable to postal services, by:
- 2.3.1.1. Replacing the term "postal outlet" with the term "post office" to align with the definition provided for in the Postal Services Act, 1998 (Act No. 124 of 1998);
 - 2.3.1.2. Replacing the term "people with disabilities" with the term "persons with disabilities" to align with the Draft Code for Persons with Disabilities
 - 2.3.1.3. Requiring the Licensee to provide such services to all communities irrespective of any disabilities;
 - 2.3.1.4. Requiring the Licensee to provide updated information for the convenience of customers;
 - 2.3.1.5. Requiring the Licensee to secure the integrity and confidentiality of personal information of customers in its possession or under its control in line with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

- 2.3.1.6. Requiring the Licensee to provide directional signage. The signage allows customers to easily find the location of the post office, thus assisting customers that are not familiar with the area where the Post Office is located. The Authority adopted the principle of three kilometres (3 km) radius for directional signage from the standard requirement for serviced area definition in the SAPO licence;¹
- 2.3.1.7. Ensuring that customers can determine the location of a post office using the global positioning system (GPS) satellite navigation system;
- 2.3.1.8. Removing reference to "branch manager", and replacing it with the term "licensee", to ensure that the licensee can delegate any representative to the responsibility assigned to the branch manager in the current regulations;
- 2.3.1.9. Requiring the Licensee to inform customers about the closure or relocation of any post office, to ensure that customers are always well-informed;
- 2.3.1.10. Ensuring continuity of postal services; and
- 2.3.1.11. Ensuring accuracy and completeness of reporting of unresolved complaints.

2.4. Amendment of regulation 3.

- 2.4.1. Regulation 3(a) ensures that customer complaints procedures are in place and are easy to access. A single designated contact can be an email or call centre number at any post office as chosen by the Licensee.

¹ Government Gazette No 31599 of 13 November 2008

- 2.4.2. Regulation 3(b) provides for traceability of a complaint should the customer wish to follow up with the Licensee or escalate the complaint to the Authority.
- 2.4.3. Regulation 3(e) is aligned with the provisions of regulation 6(e) of the Unreserved Postal Services Regulations, 2020 and ensures that record keeping is standardised within the postal services sector.
- 2.4.4. Regulation 3(f) provides a complainant with a recourse. The Licensee has an obligation to inform customers of this recourse to cater for those who might not have the information.

2.5. Amendment of regulation 4.

- 2.5.1. The General Requirements for the complaints escalated to the Authority by Customers is intended to:
 - 2.5.1.1. Align the Regulations with the Authority's current practices in relation to handling complaints, and to ensure that the Licensee provides customers with information necessary to approach the Authority on complaints not resolved by the Licensee;
 - 2.5.1.2. Provide a guideline regarding turn-around times for complaints escalated to the Authority to ensure that complaints are acknowledged and resolved timeously; and
 - 2.5.1.3. Amend the period of acknowledging customer complaints within the postal sector to ensure that they are in line with the regulatory requirements of all sectors regulated by the Authority.

2.6. Commencement

- 2.6.1. A transitional period of ninety (90) days is to allow the Licensee preparatory time to address new obligations.

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