

# FACT SHEET

## HR PRACTITIONERS AS EX-OFFICIO **COMMISSIONERS OF OATHS**



# BACKGROUND AND MOTIVATION

SABPP has received recognition from the South African Qualifications Authority (SAQA) as a professional body in terms of the NQF Act (Act no 67 of 2008) and has been registering HR professionals since 1982 against strict standards of qualifications and experience. This track record was a founding motivation for the designation of SABPP's registered HR practitioners as Ex-Officio Commissioners of Oaths by the Minister of Justice in 2015. Traditionally, only certain highly regarded professions such as accounting, law and social work were admitted as Ex-officio Commissioners of Oaths, but we are proud that HR Professionals have now been added to the list of credible professions to fulfil this key compliance role in society.



Minister of Justice & Correctional Services, Advocate Michael Masutha

Building on recent successes with the launch of the National HR Standards and the South African HR Competency Model, the national recognition of SABPP's HR professionals as Commissioners of Oaths has taken the HR profession to a new level of significance, professional status and meaning. The Commissioner of Oaths status further highlights the important role of HR professionals in meeting the HR competency requirement in HR Governance, Risk and Compliance and striving towards achieving the national standard in HR Risk Management. The launch of the HR Governance Position Paper of SABPP in 2018 further highlights the compliance role of HR Professionals as HR Governors, and the appointment of Commissioners of Oaths is further recognition of the compliance duties of HR Professionals.

All SABPP members are bound by a code of professional conduct. Governance is managed by the Board, elected by the membership every three years. The board has several committees which govern its management including both an Ethics Committee and a Disciplinary Committee.

Human Resource Management is all about people and confidentiality. The workplace is generally inundated with requests for certifying documents and administration of oaths. This relates to, inter alia, recruitment documents, file documents, statutory documents, payroll data, and disciplinary hearing information. Where such documents have to be taken to a non-HR Commissioner of Oaths, this can compromise the confidentiality entrusted to the HR professional.

SABPP has undertaken to ensure that the designation of Commissioner of Oaths is conferred only to professionals registered with SABPP and in good standing.

We believe that designating HR professionals as ex-officio Commissioners of Oath will, we believe, yield benefits for the country, inter alia the following:

- The workload of current Commissioners of Oath such as police officers and accountants will be reduced.
- HR professionals will be in a position to support the government and law enforcement agencies to combat fraud and corruption in areas where HR can add value, such as identity fraud and forged qualifications certificates.
- HR professionals will be empowered to visibly apply their Code of Conduct code.
- HR professionals will play a meaningful role in preventing fronting and other unethical practices pertaining to tenders, Black Economic Empowerment and other HR and supply chain practices.
- HR professionals will be positioned as key change agents and champions for ethics, professionalism and nation building as envisaged by the National Development Plan (NDP).
- The role of Commissioner of Oaths also embodies a clear commitment to the Constitution of South Africa and the practice of justice, human rights and sound governance at all spheres of government.
- Moreover, HR professionals are custodians of a multitude of labour and other laws, and therefore like accountants, function as compliance officers in the workplace.

Benefits for organisations and HR professionals are that the inconvenience of having to take confidential documents to other departments such as finance or even to police stations is now eliminated.

The response from the HR and business community to their new role of Commissioners of Oaths has been positive:

*"Well done – this is exceptional news! I am so pleased this will most certainly grant great recognition to our profession as a whole!"*

Dr Michael Glensor, Vice-chairperson: SABPP HR Governance Committee

*"Congratulations on this! This is a big step forward to give HR professionals credibility and authority."*

Alan Hosking, Publishing Executive, HR Future



*"This is a real step forward."*

Elizabeth Maepa, Former Group HR Executive; First Rand



*"Great work for an organisation that continuously challenges the status quo. How high can we set the HR bar?"*

Dr Neil Buys, Deputy Director: Department of Health, Limpopo Provincial Government



*"Congratulations with the Commissioners of Oaths milestone."*

Cobus Oelofse, CEO: Ilembe Chamber of Commerce, Industry & Tourism

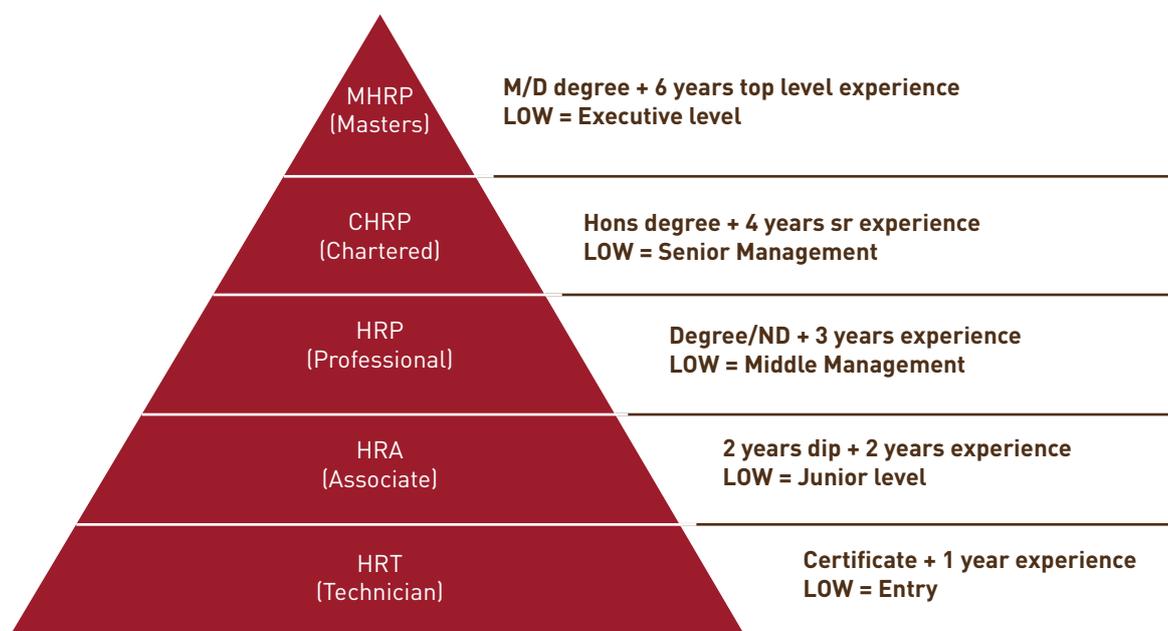


# OFFICIAL DESIGNATION

In Government Gazette R10370 dated 23 February 2015, it was approved that HR Associates (HRA), HR Professionals (HRP), Chartered HR Professionals (CHRP) and Master HR Professionals (MHRP) of the SABPP are now ex-officio (by virtue of the designation they hold) Commissioners of Oaths in terms of section 6 of the Justices of Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963). Thus, the four highest levels of SABPP's designations qualify as Ex-officio Commissioners of Oaths.

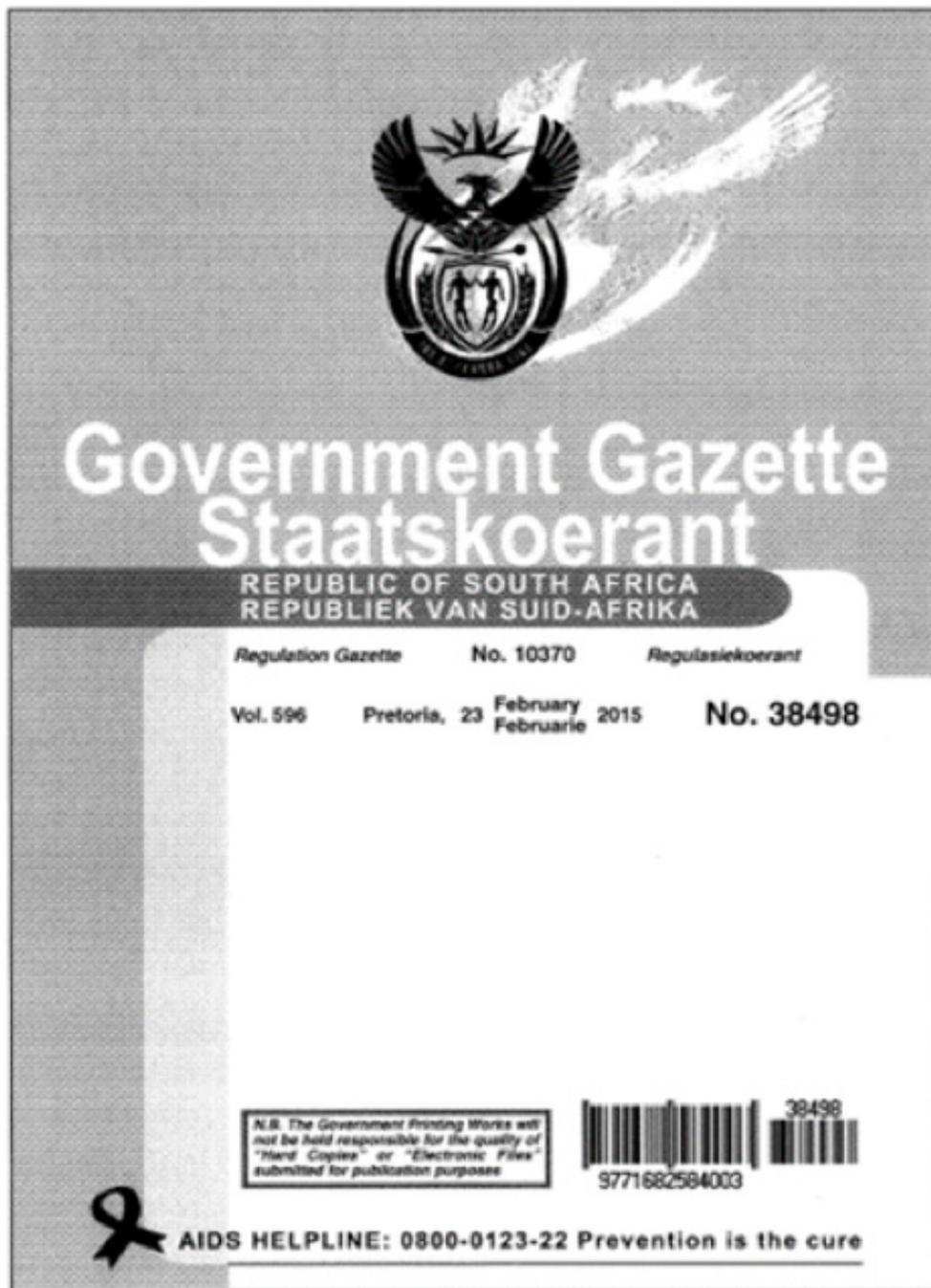
The abbreviation LOW below refers to the level of work of the HR practitioner.

## HR Professional registration levels and designation



Adding up the number of professionals registered at the four highest levels of professional designations (HRA, HRP, CHRP and MHRP), this means that by the end of 2017, SABPP provided South Africa with a total of 5827 Ex-officio-Commissioners of Oaths.

In terms of this ex-officio status, SABPP membership must be maintained in order to retain the Commissioner of Oath status and to legally fulfil the function as a Commissioner of Oaths.



The Act states that the Minister may, by notice in the Gazette, designate, amend or withdraw the holder of any office as a Commissioner of Oaths for any area specified in such notice, in order for such person to become an ex-officio Commissioner of Oaths. We therefore request HR practitioners to exercise this role with responsibility and care.

## SCOPE OF ROLE

South African Commissioners of Oaths may perform their role only within South Africa and in relation to documents pertaining to activities falling under South African jurisdiction. Therefore, SABPP members in other countries will not carry the same ex-officio role outside South Africa. However, when they return to South Africa, they may be Commissioners of Oaths. Within South Africa, Commissioners of Oaths may certify foreign documents where the document is to be used for purposes falling within South African jurisdiction – therefore, for example, documents relating to foreign qualifications.



# HOW TO PERFORM AN OATH OR AFFIRMATION

- a. Any Commissioner of Oaths may administer an oath or affirmation to or take a solemn or attested declaration from any person, provided that that person is willing to make the oath or affirmation or declaration and provided that he is not so prohibited under the Act.
- b. The person signing the declaration, i.e. the deponent, must sign in the presence of the Commissioner of Oaths.
- c. Once signed, the Commissioner of Oaths must certify that the deponent has acknowledged that he/she knows and understands the contents of the declaration and state the manner, date and place of taking the declaration.
- d. Before a Commissioner of Oaths administers to any person the oath or affirmation prescribed by Regulation 1 of the Act, he/she shall ask the deponent:
  - whether he/she knows and understands the contents of the declaration;
  - whether he/she has any objection to taking the prescribed oath; and
  - whether he/she considers the prescribed oath to be binding on his conscience.
- e. If the deponent acknowledges that he/she knows and understands the contents and has no objection to taking the oath, the Commissioner of Oaths may administer the oath. Should he/she object to taking the oath, then an affirmation may be administered.

An oath is administered by causing the deponent to utter the following words:  
"I swear that the contents of this declaration are true, so help me God".

An affirmation is administered by causing the deponent to say the following words:  
"I truly affirm that the contents of this declaration are true".
- f. He/she must then sign the declaration, print his/her full name and business address below his signature, state his/her designation and office held by him/her as he/she holds his/her appointment ex officio, all of which must appear on the stamp. No fee can be charged for administering any oath or affirmation or attesting any declaration.
- g. A Commissioner of Oaths cannot administer an oath or affirmation relating to a matter in which he/she has an interest.
- h. The following is an example of the certification paragraph to be used by a Commissioner of Oaths:

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*"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 2XXX, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended."*

# HOW TO CERTIFY A DOCUMENT TO BE A TRUE COPY

A document can be certified to be a true copy by a Commissioner of Oaths by verifying the copy against the original and by affixing the words:

*"I certify that this document is a true copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner."*

OR

*"Certified a true copy of the original."*

This stamp must be used in conjunction with your Commissioner of Oaths stamp and your signature. It is important to check that the original document is indeed an original and not a scan or photocopy. If necessary, you can ask for proof that the document is genuine. You must satisfy yourself before certifying the document.



# STAMPS

Commissioner of Oaths stamps can be purchased at stationery shops but may also be custom made. Following are two examples:

## ADMINISTRATION OF AN OATH OR AFFIRMATION

*I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
FULL NAMES

Commissioner of Oaths

(Human Resource Associate/Human Resource Professional/Chartered Human Resource Professional/Master Human Resource Professional) ex officio: Republic of South Africa

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Business Address: \_\_\_\_\_

## CERTIFICATION OF DOCUMENTS

*Certified a true copy of the original document.*

OR

*I certify that this document is a true copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
FULL NAMES

Commissioner of Oaths

(Human Resource Associate/Human Resource Professional/Chartered Human Resource Professional/Master Human Resource Professional) ex officio: Republic of South Africa

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Business Address: \_\_\_\_\_

## CERTIFIED A TRUE COPY OF THE ORIGINAL

**MARIUS HERMAN MEYER**  
Commissioner of Oaths  
Master HR Professional (MHRP)  
Member number: 5298  
8 Sherborne Road  
Parktown  
2193



"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and

signed before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, and that the administering oath complied with the regulations contained in Government Gazette No: R1258 of 21 July 1972, as amended"

For more information about the role of HR as Commissioners of Oaths, or the process to obtain stamps, contact the SABPP office on [registrations@sabpp.co.za](mailto:registrations@sabpp.co.za)

We recommend that members request their employers to pay for the stamps on the basis of cost-saving through time and efficiencies. It is important to let your HR team know that they can also become Commissioners of Oaths via the SABPP office. It will merely create inconsistency among HR professionals if some of them are Commissioners and others not. Moreover, the credibility of HR professionals may be adversely affected if your HR team members appear to be divided based on whether they are Commissioners of Oaths or not. We also recommend that you encourage junior HR officers registered as HR Technicians (HRT) to study and develop themselves further to enable them to upgrade to HRA when they meet the criteria to qualify in being recognised as Commissioners of Oaths.

However, we need to ensure that as HR Managers we conduct ourselves as professionals when fulfilling our duties as Commissioners of Oaths. The following guidelines constitute the first steps in adapting to the role of HR professionals as Commissioners of Oaths:

- Read and study the Justices of Peace and Commissioners of Oaths Act.
- Participate in the SABPP linked-in discussion group dealing with Commissioners of Oaths.
- Remind yourself of the SABPP Code of Conduct in your daily practice.
- Orientate your HR team members of their new role as Commissioners of Oaths.
- Inform key line managers in your organisation, e.g. Heads of Legal, Compliance, Governance, Company Secretary and Financial Manager.
- Order a set of rubber stamps for your office.
- Ensure that you keep your rubber stamps in a safe place so that it does not get into the wrong hands.
- Spread the workload between five or more HR professionals in your organisation so that all Commissioners of Oaths duties do not end up with the same individual.
- Ensure that you only certify documents if you have seen the original.
- Follow all guidelines pertaining to administering Oaths according to the Act.

We would like to thank the Minister of Justice, Advocate Masutha, for approving SABPP professionals as ex-officio Commissioners of Oaths. We trust that HR professionals will make use of this exciting opportunity to be empowered as Commissioners of Oaths in exercising our role as governance, risk and compliance officers pertaining to the certification of documents and affidavits. While the new role of Commissioners of Oaths is indeed an achievement, it also requires that HR professionals take full responsibility for meeting the requirements of the Act. Essentially, it requires us to be professionals and to apply our minds and judgment in an effective and professional way before certifying documents or administering oaths.

# CONCLUSION

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This fact sheet covers the role of registered HR practitioners as Ex-officio Commissioners of Oaths. Some background information was provided, followed by a brief explanation on how to administer an Oath and how to certify a document as a true copy of the original.

The ex-officio status only applies to SABPP members in good standing, that is, paid up with their membership and with no ethical complaints outstanding against them. This underlines the importance of members ensuring that they are currently paid up – subscription renewal notices are sent out late October each year, for payment by December or, at the latest, the following 28th February.

Please note that any member who is not in good standing and who purports to act in this ex-officio capacity as a Commissioner of Oaths will be committing a breach of the SABPP's Code of Conduct, as well as being non-compliant to the Justices of Peace and Commissioners of Oaths Act.

The Commissioners of Oaths status of HR professionals underlines the important role that HR professionals play in ensuring that compliance and administrative processes are managed ethically and scrupulously. Recent public scandals around misrepresentation of qualifications emphasise the importance of checking that documents produced as originals are genuine and original. The need to ensure fairness and consistency in disciplinary processes, highlighted in her address to the SABPP Ethics breakfast in January 2015 by the previous Public Protector, Advocate Thuli Madonsela emphasises the solemn nature of the Commissioner of Oaths' role in attesting to affidavits and declarations.

Thus, an HR professional in his or her role as a Commissioner of Oaths, carries the reputation of our profession and we need to recognise this responsibility and live up to our Code of Conduct.

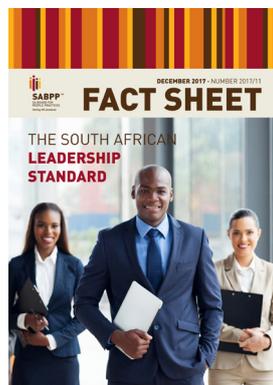
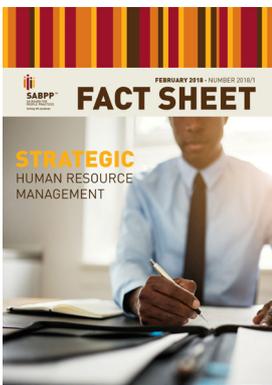
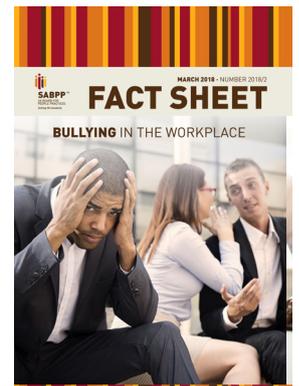
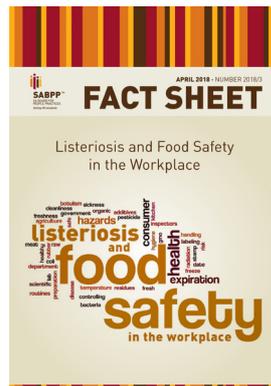
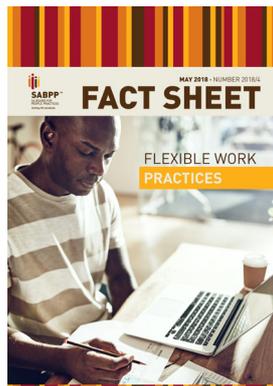
**This Fact Sheet was written by Xolani Mawande, COO of SABPP, Zanele Ndiweni, Membership Manager of SABPP, Penny Abbott, Research & Policy Adviser to SABPP and Marius Meyer, CEO of SABPP.**



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DATE	NUMBER	SUBJECT
<b>2013</b>		
February	1	<b>GAINING HR QUALIFICATIONS</b>
March	2	<b>ETHICS, FRAUD AND CORRUPTION</b>
April	3	<b>NATIONAL DEVELOPMENT PLAN</b>
May	4	<b>BARGAINING COUNCILS</b>
June	5	<b>EMPLOYMENT EQUITY</b>
July	6	<b>HR COMPETENCIES</b>
August	7	<b>HR MANAGEMENT STANDARDS</b>
September	8	<b>PAY EQUITY</b>
October	9	<b>COACHING AND MENTORING</b>
November	10	<b>HIV/AIDS IN THE WORKPLACE</b>
<b>2014</b>		
February	1	<b>EMPLOYING FIRST-TIME JOB MARKET ENTRANTS</b>
March	2	<b>PROTECTION OF PERSONAL INFORMATION ACT</b>
April	3	<b>QUALITY COUNCIL FOR TRADES AND OCCUPATIONS</b>
May	4	<b>WORK-INTEGRATED LEARNING</b>
June	5	<b>RECRUITMENT – SCREENING OF CANDIDATES</b>
July	6	<b>HR RISK MANAGEMENT</b>
August	7	<b>BASIC HR REPORTING (1)</b>
September	8	<b>BASIC HR REPORTING (2)</b>
October	9	<b>EMPLOYEE ENGAGEMENT</b>
November	10	<b>SEXUAL HARASSMENT</b>

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DATE	NUMBER	SUBJECT
<b>2015</b>		
February	1	<b>AMENDMENTS TO LABOUR LEGISLATION 2014</b>
March	2	<b>THE REVISED BROAD-BASED BLACK ECONOMIC EMPOWERMENT CODES OF GOOD PRACTICE</b>
April	3	<b>LESSONS LEARNED FOR EMPLOYERS FROM CCMA CASES</b>
May	4	<b>EMPLOYEE WELLNESS SCREENING</b>
June	5	<b>CHANGING THE EMPLOYMENT EQUITY LANDSCAPE</b>
July	6	<b>EMPLOYEE VOLUNTEERING</b>
August	7	<b>DEPRESSION IN THE WORKPLACE</b>
September	8	<b>EMPLOYEE WELLNESS</b>
October	9	<b>EQUAL PAY AUDITS</b>
November	10	<b>BASICS OF EMPLOYEE COMMUNICATION</b>
<b>2016</b>		
February	1	<b>PRODUCTIVITY BASICS</b>
March	2	<b>SERVICE LEVEL AGREEMENT</b>
April	3	<b>TALENT MANAGEMENT: PAST, PRESENT AND FUTURE</b>
May	4	<b>BUILDING ORGANISATIONAL CAPABILITIES</b>
June	5	<b>CHANGE MANAGEMENT</b>
July	6	<b>INNOVATION IN HR</b>
August	7	<b>HR TECHNOLOGY</b>
September	8	<b>HR IN BUSINESS SUSTAINABILITY</b>
October	9	<b>THE LEARNING &amp; DEVELOPMENT LANDSCAPE IN SA</b>
November	10	<b>TOWARDS A CODETERMINATION MODEL FOR SOUTH AFRICA</b>

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DATE	NUMBER	SUBJECT
<b>2017</b>		
February	1	<b>MODERN SLAVERY</b>
March	2	<b>PENSION LAW FOR EMPLOYERS</b>
April	3	<b>THE GAME CHANGER: ROLE OF HR</b>
May	4	<b>HR GOVERNANCE</b>
June	5	<b>INTEGRATING SKILLS DEVELOPMENT, EMPLOYMENT EQUITY AND B-BBEE TRANSFORMATION</b>
July	6	<b>STRESS MANAGEMENT</b>
August	7	<b>REMUNERATION: RECENT TRENDS</b>
September	8	<b>HOW CEOs AND CHROs CAN USE THE SABPP TO CREATE EXCELLENCE IN HR MANAGEMENT</b>
October	9	<b>PEOPLE WITH DISABILITIES</b>
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February	1	<b>STRATEGIC HUMAN RESOURCE MANAGEMENT</b>
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June	5	<b>YOUTH EMPLOYMENT SERVICE</b>
July	6	<b>HR PRACTITIONERS AS EX-OFFICIO COMMISSIONERS OF OATHS</b>

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