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A CODE FOR THE NEW SOUTH AFRICA?

The European Community canceled the requirement to report on the labour practices of firms operating in South Africa from June 1993, and the Signatory Association followed suit in late 1993, but recommended that its members report instead under the State Department South African Fair Labour Standards system. In the meantime U.S. legislation (South African Democratic Transition Act) was passed on November 23, 1993 which would terminate these reporting requirements on a determination by the President that the requirement for an interim non-racial government had been put in place. That determination was made on June 8, 1994.

As noted earlier Canadian sanctions against South Africa had already been terminated, and the other measures put in place by Canada had fallen away. Nevertheless, there had been discussions among Code countries of "the road ahead", and the desirability of applying a new Code of Conduct in respect to future employment practices to aid in mitigating some of the legacy of apartheid. There had in fact been an earlier proposal to this effect endorsed by the South African Council of Churches (SACC). In the case of the European Community their Ambassadors in Pretoria have been enjoined to consult and report on labour practices. The consensus on the issue, taking into account earlier ANC views as well as those of the former government, is that while it is hoped appropriate steps are taken to prescribe good practices, it should be for the South African government itself to determine what is appropriate.

The issue for Canada with its minuscule employment base in South Africa clearly limited to one of respecting the sovereignty of this fellow Commonwealth country, and perhaps taking some satisfaction from the positive demonstration effects of its earlier actions when its work force was so much larger, and when such actions had impact.

Code Administrator

Terms of Reference

Under the authority of the Minister of Foreign Affairs and International Trade and in liaison with the Eastern and Southern African Relations Division of the Department of Foreign Affairs and International Trade:

- (i) to draw the Code of Conduct concerning the Employment Practices of Canadian Companies Operating in South Africa to the attention of companies to which it applied before the lifting of Canadian sanctions against South Africa on September 24, 1993; make them aware of the standard reporting format, and solicit a public report from those companies with respect to their compliance with the Code;
- (ii) to collate the reports received from the companies concerned; make complete and accurate records of official consultations, correspondence and transactions undertaken in the execution of the terms of this contract;
- (iii) to prepare a report on the administration and observance of the Code during the period between the last report (July 1991) and September 24, 1994