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DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

THE EUROPEAN COMMUNITY'S RESPONSE
TO THE SOUTH AFRICAN CRISIS

Background documents

- December 1985 -

RECENT STATEMENTS BY THE FOREIGN MINISTERS OF THE TEN, PLUS SPAIN
AND PORTUGAL, ON THE SITUATION IN SOUTH AFRICA

Statement of July 22, 1985

The Ten Foreign Ministers express their profound concern over the continuing human suffering caused in South Africa by the apartheid system which they strongly condemn.

They deplore all acts of violence. In South Africa, violence affects the black population in particular, and the Ten call for its renunciation by all concerned.

The most recent action by the South African authorities in declaring a State of Emergency in certain areas of the country marks a sharp deterioration in the situation. It must be brought to an end and all those held under its provisions released.

The Ten urge the Government in Pretoria to embark with determination on a policy involving specific actions leading to the abolition of the apartheid system and the implementation of the rightful political and civil rights of the black population. In the absence of any significant progress within a reasonable period of time, the Ten reserve the right to reconsider their attitude.

In their view the first requirement is the rapid opening of a dialogue between the present South African Government and the genuine representatives of the non-white community, with the declared aim *inter alia* of giving proper representation to the black community at the national level.

To improve the prospects for such a dialogue, the Ten believe that the South African Government should:

- release immediately and unconditionally Mr. Nelson Mandela;
- end detention without trial;
- abandon the practice of forced removals;
- remove discriminatory legislation including the pass laws and the group areas act.

The code of conduct for European firms with subsidiaries in South Africa has proved to be a useful instrument for the emancipation of black workers in South Africa. In view of the important changes that have taken place in the field of labor relations there, the Ten consider that the adaptation and strengthening of the code which they are urgently to undertake should allow it to contribute more effectively to the abolition of the system of racial segregation in force in South Africa.

The Ten also note with deep concern the persistence of conflicts, the existence of serious threats to the sovereignty and economic development of states in Southern Africa, and, as regards the independence of Namibia, continuing obstacles to the implementation of United Nations Security Council Resolution 435. They earnestly hope that progress can be made through a process of dialogue involving all the parties concerned, with respect for the territorial integrity and sovereignty of all the countries in the area and the principle of non-interference in their internal affairs.

Statement of July 31, 1985

The Ministers of Foreign Affairs of the European Community together with the Ministers of Spain and Portugal met on July 31, 1985, in order to examine the serious developments of the situation in South Africa. They took note of the debate and of the resolution of the Security Council.

They confirmed their common attitude as it is expressed in their declaration of July 22, 1985, and in particular their strong condemnation of the proclamation of a state of emergency in important parts of that country.

They also condemned the refusal of the South African government to have talks with Bishop Tutu. They called upon that government to open a dialogue with all the representatives of the black majority, including those who are in prison and whose liberation they have requested on July 22.

The Ministers exchanged information about the measures taken or envisaged with respect to South Africa.

They noted that all member states apply certain restrictions in their relations with South Africa.

The Ministers asked the Political Committee to establish an inventory of these measures, and to hold a full discussion of policies which the Ten might pursue and of measures to take in order to contribute to the abolition of apartheid.

They decided to summon their Ambassadors to come for consultations to attend this meeting.

The Ministers asked the Political Committee to report to them at their next meeting.

Statement of August 24, 1985

AT THEIR MEETING IN HELSINKI ON 31 JULY THE MINISTERS OF FOREIGN AFFAIRS OF THE TEN, TOGETHER WITH THOSE OF SPAIN AND PORTUGAL, DISCUSSED THE POLICIES TO BE PURSUED TO HELP BRING ABOUT THE ABOLITION OF APARTHEID.

AT THAT MEETING THE MINISTERS DECIDED TO SEND A MISSION TO SOUTH AFRICA, COMPRISING THE MINISTERS OF FOREIGN AFFAIRS OF LUXEMBURG, ITALY AND THE NETHERLANDS AND A MEMBER OF THE COMMISSION, IN ORDER TO MAKE KNOWN THEIR VIEWS AND TO DISCUSS THE LATEST SERIOUS DEVELOPMENTS IN SOUTH AFRICA IN THE LIGHT OF THE ANXIETIES EXPRESSED BY THE TEN IN THEIR RECENT DECLARATIONS.

AFFIRMING THEIR SUPPORT FOR THE DECLARATION OF 21 AUGUST OF THE PRESIDENT OF THE SECURITY COUNCIL ON SOUTH AFRICA, AND HAVING EXAMINED THE TEXT OF THE SPEECH DELIVERED BY THE PRESIDENT OF SOUTH AFRICA ON 15 AUGUST, THE TEN TOGETHER WITH SPAIN AND PORTUGAL NOTE THAT THIS SPEECH DOES NOT CORRESPOND TO THEIR EXPECTATIONS AND CONTAINS REFERENCES TO INTENTIONS ON WHICH CLARIFICATION IS REQUIRED FROM THE SOUTH AFRICAN GOVERNMENT.

THEY OBSERVE THAT THE MEASURES THEY CALLED FOR IN THEIR DECLARATION OF 22 JULY HAVE NOT BEEN TAKEN AND THE STATE OF VIOLENCE IS CONTINUING.

THE TEN, TOGETHER WITH SPAIN AND PORTUGAL, TAKE THE VIEW THAT THE GOVERNMENT OF SOUTH AFRICA MUST NOW TAKE CONCRETE MEASURES, AND THEY STRESS THE URGENT NEED FOR OPENING A REAL DIALOGUE WITHOUT DELAY WITH THE GENUINE REPRESENTATIVES OF THE BLACK POPULATION.

IT IS IN THIS SPIRIT THAT THE THREE FOREIGN MINISTERS WILL UNDERTAKE THEIR MISSION TO SOUTH AFRICA FROM 30 AUGUST TO 1 SEPTEMBER.

APART FROM VISITING THE SOUTH AFRICAN AUTHORITIES, THE FOREIGN MINISTERS INTEND TO MEET REPRESENTATIVE PERSONALITIES FROM POLITICAL, SOCIO-ECONOMIC, RELIGIOUS AND CULTURAL CIRCLES, WHATEVER THE COMMUNITY TO WHICH THEY BELONG. THEIR CONTACTS WILL INCLUDE BOTH THE OFFICIAL AND THE NON-OFFICIAL OPPOSITION. THEY HAVE, IN PARTICULAR, ASKED TO BE ABLE TO TALK WITH MR. NELSON MANDELA.

THE MISSION OF THE THREE FOREIGN MINISTERS MUST BE SEEN AS A FRESH EFFORT ON THE PART OF THE TEN AND OF SPAIN AND PORTUGAL TO CONTRIBUTE TOWARDS THE ABOLITION OF APARTHEID.

IN THE ABSENCE OF ANY APPRECIABLE PROGRESS WITHIN A REASONABLE PERIOD, THEY RESERVE THE RIGHT TO RECONSIDER THEIR ATTITUDE.

Statement of September 10, 1985

The Ministers of the Ten, Spain and Portugal heard the report of the European mission which visited South Africa from August 30 to September 1, 1985.

They noted with satisfaction that this mission had been able to carry out its task, which was to express to the South African Government the grave concern of the Ten, Spain and Portugal at the lack of any specific steps towards abolishing apartheid and at the resulting deterioration of the situation.

The European delegation called for the lifting of the state of emergency, the immediate and unconditional release of Mr. Nelson Mandela and the other political prisoners, an end to detention without trial and forced relocation, a firm commitment by the South African Government to end apartheid and to dismantle discriminatory legislation, particularly the pass laws and the Group Areas Act, and lastly, real negotiations with the true representatives of the South African people, including those currently in prison.

The European delegation had very useful discussions with representatives of the churches and trade unions, leading businessmen, journalists and leaders of the Progressive Federal Party (PFP), INKATHA and the Azanian People's Organization (AZAPO).

To supplement these contacts, on September 10 the President-in-Office of the Council and the Member of the Commission responsible for external relations met representatives of the African National Congress (A.N.C.).

It was on the basis of the information gathered in this way that the Ministers today discussed the policies to be pursued toward South Africa, in particular measures to be taken which should be immediate and harmonized.

The Ten, together with Spain and Portugal, noted that the situation had continued to deteriorate dramatically since their Helsinki meeting.

With regard to the views expressed to the European delegation by the South African authorities on September 1, the Ministers wish to point out that the objective of the Ten, Spain and Portugal, is the complete abolition of apartheid as a whole and not just of certain components of the system. There can be no such thing as a good and a bad apartheid. They consider that all the citizens of South Africa should enjoy equal rights and that the protection of the minorities must be ensured. To achieve these objectives a genuine dialogue with the representatives of the black population is necessary.

They will therefore pursue their efforts until this has been achieved.

The conclusions which emerge from the visit of the three Foreign Ministers and today's discussions can be summarized in two points.

1. The Ten, together with Spain and Portugal, take note of the declaration of the South African Government and expect it to take specific steps.
2. Meanwhile, they will maintain their pressure on South Africa.

The Ten and Spain and Portugal have decided to harmonize their attitudes on the following measures:

Restrictive measures

- A rigorously controlled embargo on exports of arms and paramilitary equipment to the Republic of South Africa (R.S.A.).
- A rigorously controlled embargo on imports of arms and paramilitary equipment from the R.S.A.
- Refusal to cooperate in the military sphere.
- Recall of military attachés accredited to the R.S.A. and refusal to grant accreditation to military attachés from the R.S.A.
- Discouraging cultural and scientific agreements except where these contribute toward the ending of apartheid or have no possible role in supporting it; and freezing of official contacts and international agreements in the sporting and security spheres.
- Cessation of oil exports to the R.S.A.
- Cessation of exports of sensitive equipment destined for the police and armed forces of the R.S.A.
- Prohibition of all new collaboration in the nuclear sector.

Positive measures

- Code of conduct: adaptation, reinforcement and publicity.
- Programs of assistance to nonviolent anti-apartheid organizations, particularly to the churches.
- Programs to assist the education of the nonwhite community, including grants for study at the universities in the countries originating the programs.
- Intensification of contacts with the nonwhite community in the political, trade union, business, cultural, scientific and sporting sectors, etc.
- Programs to assist the South African Development Cooperation Conference and the Front-Line States.
- Program to increase awareness among the citizens of Member States resident in the R.S.A.

The question of other measures, including sanctions, remains. As the Ten, together with Spain and Portugal, stated on July 22 of this year, they may have to reexamine their attitude in the absence of significant progress within a reasonable period, and they will assess the situation regularly.

In addition, the departments responsible have been asked to examine the possibility of increasing social and educational assistance from the European Community to the nonwhite population and to political refugees.

Lastly, the Ministers wish once again to express their grave concern at the spread of violence and the increasing number of casualties in South Africa.

They see these developments as confirmation of the fears and warnings they have been expressing for so long.

There is an urgent need for the South African Government finally to take measures of the kind called for by the European delegation, in order to create a new political climate by opening up a prospect of profound, peaceful change.

PRESENTATION IN SOUTH AFRICA AS REVISED 19 NOVEMBER BY THE MINISTERS OF FO-
REIGN AFFAIRS OF THE TEN COUNTRIES OF THE EUROPEAN COMMUNITY AND SPAIN AND
PORTUGAL

This Code is addressed to all companies from the European Community which have subsidiaries, branches or representatives in South Africa.

The aim of the Code is to make a contribution towards abolishing apartheid. None of the provisions of this Code should be interpreted as leading to discrimination between the various racial communities in South Africa. The dispositions concerning black employees have the sole objective of putting these on an equal footing with the other employees.

1. Relations within the undertaking

- (a) Companies should ensure that all their employees irrespective of racial or other distinction are allowed to choose freely and without any hindrance the type of organisation to represent them.
- (b) Companies should pay particular attention to black trade unions and be prepared to recognize them.
- 2. (c) Companies should be prepared to sign recognition agreements with representative black trade unions within the company and allow collective bargaining, including the signing of collective agreements, in accordance with internationally accepted labour standards.
Employers should regularly and unequivocally inform their employees that consultations and collective bargaining with organisations which are freely elected and representative of employees are part of company policy.
- (d) Companies should do everything possible to inform their employees within the company of their social and trade union rights.
Employers should make every effort to ensure that black African employees are free to form or join the trade union of their choice. Steps should be taken as a matter of course to allow trade union officials to explain to employees the aims of trade unions and the advantages of membership, to distribute trade union documentation and display trade union notices on the company's premises, to have reasonable time off to carry out their union duties without loss of pay and to organize meetings. Employers should encourage trade union members to take part in trade union training programmes.

- (e) Companies should do everything to establish a climate of confidence in their relations with their employees and should in particular make available to them the text of the Code of Conduct of the European Communities and inform them, in an appropriate language and in places to which they normally have access, of what the company is doing to implement this Code.
- (f) In companies where works or liaison committees already operate, trade union officials should have representative status on these bodies if employees so wish. The existence of these types of committee should not prejudice the development or status of trade unions or of their representatives.

2. Migrant labour

- (a) The policy of apartheid leads to the use of migrant labour, which robs the individual of the basic freedom to seek and obtain the job of his choice. It also causes grave social and family problems.
- (b) Employers have the social responsibility to contribute towards ensuring freedom of movement for black African workers and giving them the opportunity to lead a family life.
- (c) Employers should endeavour to alleviate the effects of existing regulations, in particular by facilitating the regular renewal of contracts of employment and making it easier for the families of employees to settle near their companies.

3. Pay and wage structures

- (a) Companies should assume a special responsibility as regards the pay and conditions of employment of their black African employees. In this context, they should refer to the data of the University of South Africa (UNISA). They should formulate specific guidelines aimed at improving their terms of employment. Pay based on the "supplemented living level" for an average-sized family must be considered as the absolute minimum necessary.(*). Nevertheless companies should make every effort to exceed this level when fixing wages. In their reports they should supply the required explanations and, in particular, give an account of their wage scale and the possibilities for progress in this context.

(*) In this context, it is to be recalled that the previous text of the Code of Conduct mentioned that the minimum wage should exceed by at least 50 % the minimum level required to satisfy the basic needs of an employee and his family."

- (b) The principle of equal opportunities for all employees ought to be fully respected. The principle of "equal pay for equal work" means that all jobs should be open to any worker who possesses suitable qualifications, irrespective of racial or other distinction, and that wages should be based on a qualitative job evaluation. The same pay scales should be applied to the same jobs.

4. Training and promotion of black employees

- (a) The principle of equal pay would, however, be meaningless if black African employees were kept in inferior jobs. Employers should therefore draw up an appropriate range of training schemes of a suitable standard to provide training for their black African employees and reduce the dependence of their companies on immigrant white labour.
- (b) Companies should ensure that supervisory and management jobs and those requiring high technical qualifications are open to their black African employees.

Companies should, if possible, organize occupational training programmes for their black employees. Companies should, if possible, help their black employees to take advantage of other educational and occupational training programmes outside their places of work. Where required, companies should set up or use educational facilities to enable their black employees to benefit from more specialized training.

- (c) Companies should make every effort to eliminate in practice the de facto restrictions or based on custom on apprenticeships for black employees. They should ensure that employees of different racial groups can take part in training programmes without any form of segregation.

5. Fringe benefits

- (a) In view of their social responsibilities, companies should concern themselves with the living conditions of their employees and their families.
- (b) For this purpose, company funds could be set aside to provide benefits over and above those currently provided according to South African legislation :
 - providing complete social protection schemes for employees and their families (health, accident and unemployment insurance and old age pensions);
 - ensuring that their employees and their families have the benefit of adequate medical care;
 - in the education of members of their families;

- involving the accommodation of black African staff and their families, in particular by helping them to buy their own housing;
- providing transport from home to work and back;
- providing their employees with assistance in problems they encounter with the authorities over their movement from one place to another, their choice of residence and their employment;
- providing leisure facilities.

(c) Companies should support projects which aim to improve the quality of life of the black communities from which they draw their staff.

6. Desegregation at places of work

- (a) Employers should do everything possible to abolish any practice of segregation, notably at the workplace, in canteens, in education and training and in sports activities. They should also ensure equal working conditions for all their staff.
- (b) Along with the advancement of their black employees, companies should directly support inter-staff contacts, and help employees from different racial groups to get to know each other better and integrate more fully.

Companies should encourage sporting activities in which employees from different racial groups take part as mixed teams in mixed competitions.

7. Encouragement of black businesses

As far as they are able, companies should, in the framework of their activities, encourage the setting up and expansion of black businesses by sub-contracting, providing assistance for their black employees to set up their own companies and preferential, priority treatment in customer-supplier relations.

P R O C E D U R E

1. Criteria for implementation

- (a) A detailed and fully documented report should be prepared by all companies which have a controlling interest in a South African company employing black workers.
- (b) In other companies where there are European interests, whether significant or not, the European shareholders should make every effort to ensure that the principles of this Code are implemented and that a report is produced.

2. Drafting of reports

- (a) Reports shall be drafted by companies according to the uniform criteria agreed by the European Community countries. These reports shall be sent either to Embassies in South Africa or directly to the national authorities of the country of origin and should be made public by the companies.
- (b) The reports shall cover the period from 1 July of the previous year to 30 June of the current year. They should be sent to the national authorities by the end of September. The authorities will then be responsible for drawing up national reports to be available by the end of March in the following year and submitted to the national parliaments. A summary report will be prepared by the Presidency in-Office of the countries of the Community and presented to the European Parliament and the Economic and Social Committee of the European Community before the summer recess. The national and joint reports will be public.

3. Coordinating implementation of the Code

The Member States will consult regularly on the implementation of this Code, in particular through their representatives in South Africa. To this effect, the latter will draw up an annual report which will be taken into account when the summary report is drafted. This annual report will also assess the impact of this Code of Conduct in the economic and social context of South Africa and in particular the views of the relevant trade union and employers' circles concerning its content and implementation.

19.11.85

Application of the EC Code of Conduct by Community companies
with subsidiaries in South Africa

Fifth Summary Analysis
1 July 1983 - 30 June 1984

Introduction

During the period under review, there were a number of important developments in the economic and social climate in South Africa. The worsening economic recession which hit many sectors of the South African economy and resulted in a sharp upswing in unemployment, particularly among blacks, with an estimated 30 % of the working black population (including the black homelands) out of work, was accompanied by the rapid growth of trade unionism. The number of black workers belonging to trade unions rose from 545 000 at the end of 1982 to about 700 000 at the end of 1983.

The same period also saw the workers giving more effective expression to their demands. It must be noted that compared to 1983, the official number of strikes has known a remarkable increase of about 30 % in 1984, this number mounting from 331 to 469. An even bigger increase in the number of strikers was noted, this number almost tripling, going from 64 469 in 1983 to 181 942 in 1984.

This had a direct effect on the form of black worker representation in firms, with representative bodies such as liaison committees gradually being superseded by other forms of direct contact between black trade unions and companies. In

this context, the difference between registered and non-registered trade unions is tending to fade in practice. On the legal front, a number of court rulings confirmed and reinforced the new trade union rights granted by South African law, but the legal mechanisms in the field of the labour law are not really adequate to enable workers to defend their rights and interests effectively. Trade unions continue to face major obstacles, in particular because of the imprisonment of many of their leaders and activists. Certain trade unions are even forbidden in the homelands of Ciskei and Bophuthatswana. Large groups of workers are, and always have been, excluded from the scope of labour legislation. Agricultural workers, domestic staff, civil servants and workers in certain strategic industries, a total of approximately three million people, are still excluded.

The law may prohibit discrimination in salary scales, but what happens in reality is often quite different and discriminatory practices do exist under the cover of the closed shop system, particularly in the mining industry. Various factors, including the poor quality of education in the black community, mean that there is still a wide gap between the incomes of blacks and whites and there was no significant improvement since 1983. This was compounded at the beginning of 1984, when the South African Government reduced the fiscal benefits granted to firms to encourage the vocational training of black workers. It is therefore to be expected that the continuing economic crisis and the absence of favourable prospects in the short term will have an adverse effect on efforts to improve the social situation of black workers by improving their vocational training.

As regards the free movement of black workers, the application of the influx control laws led to the arrest of more than 100 000 blacks in 1983. However, the situation improved slightly following the Rikhotso judgment in 1983 which gave black workers the right, under certain conditions, to take up permanent residence in "black" urban areas, and thus to become South African citizens rather than citizens of the homelands.

The 1983 Basic Conditions of Employment Act abolished regulations on segregation at the workplace.

Analysis of the reports

The Fifth common report on the implementation of the Code of Conduct covers the period 1.7.83 to 30.6.84. A summary of the reports analysed is given in the table below.

The Fifth common report discusses the conditions of employment in 218 firms employing approximately 131 000 black workers. The Governments of the Ten are endeavouring to persuade firms which do not yet submit a report that they should do so in compliance with point 7 of the Code of Conduct. While it is true that the total number of workers concerned has decreased since the fourth common report, the number of reports from firms went down only slightly. This can be explained by the general development of the South African economy. However, the Code of Conduct has as large an acceptance as it had in the preceding period.

The national reports from Denmark, France, the Federal Republic of Germany, the Netherlands and the United Kingdom are public.

Table

Period covered : 1.7.83-30.6.84

Country (1)	Number of company reports analysed	Number of black workers
Belgium	5	(2)
Denmark	2	223
Federal Republic of Germany	47	19 400
Greece	2	40
France	6	1 629
Italy	2	1 000
Netherlands	17	4 782
United Kingdom	137	104 000
Total	218	131 074

(1) No firms in Ireland or Luxembourg have to submit reports in compliance with the Code of Conduct.

(2) No figures available.

Relations within firms

The black trade union movement and the representation of black workers have continued to make significant progress. The principle of the free choice by workers of their representatives is generally accepted by the firms which submitted reports.

One hundred and twenty-eight British firms have or are prepared to have formal or informal relations with black trade unions.

According to the report from the Federal Republic of Germany, twenty-four firms with a total of 33 264 employees (70 % of all employees) have cooperated in a broad sense with unions having a black membership. In the case of six of them (22 848 employees), cooperation is based on written agreements, while the other firms have come to practical agreements on a non-contractual basis. Twenty-nine German firms have also informed their employees that they are prepared to cooperate with both registered and non-registered unions. Eighteen firms cooperate on a practical level in a variety of ways. The main advantages granted to trade union representatives are as follows:

- authorization of meetings at the workplace and during working hours;
- technical assistance for trade union work (printing, premises, secretaries, etc.);
- partial or total exemption from work for staff delegates in eleven firms employing 24 000 workers;
- direct debit of union contributions from salaries in eight firms employing 17 790 workers.

The Dutch firms have all made it known that they are prepared to negotiate with black trade union representatives unconditionally. Eight firms are involved in collective negotiations by sector, and in seven large firms employing 8 210 staff direct contact with black trade unions is either already under way or is in the process of being introduced. The Dutch report particularly stresses the fact that the distinction between registered and non-registered unions is tending to lose its significance.

The British report shows that though a large number of firms have formal (41 firms) or informal (28 firms) contacts with black unions, the unions are not as yet involved to the full in collective bargaining procedures. There has been a marked increase in the number of firms which formally recognize the union rights of black employees. However regulations applying collectively to the majority of black workers are introduced without negotiation, although in most of the firms procedures for consultation do exist. Thus nearly a third of the firms report that salary conditions are not yet negotiated with the black workers, and 10 % of firms apply regulations adopted by bodies on which black workers are not represented.

The two Danish companies which answered the questionnaire gave blacks full rights to join a trade union, and this is also true of the two Italian firms, one of which has a union representation within the company, and a large majority of the French companies operating in South Africa.

The two Greek companies concerned point out that in the two sectors concerned or there are no trade unions or that their employees have not yet expressed a wish to join one. The same is true of the Belgian companies.

Although the role of the union is growing more prominent, the liaison committee is still the main form of workers' organization. Ninety-three British companies, or 67,9 % of the firms which filed a report, stated that they had liaison committees. The workers in 25 German companies, or 62 % of the workers in German companies (29 491), are represented by this type of committee, as are the workers in the two Danish companies, three of the French companies and nine of the Dutch companies, mainly the larger ones. Nonetheless, a growing number of companies stated in their reports that the importance of the liaison committee has diminished as a result of the growth of the black trade union movement.

Migrant labour

As in previous years, only a minority of the firms which filed a report employ migrant labour and none of the Danish, Italian or Greek firms do so. The problem of the migrant worker does not arise in four of the five Belgian companies, while the fifth employs only migrant labour. Only 17 German companies employ migrant workers and the total number fell from 1 700 in 1983 to 1 060 in 1984. Moreover, 90 % of these workers are concentrated in four firms (mines and assembly lines) in regions with no local labour. Only one French company employs a significant proportion of migrant workers, but tries to limit the numbers as far as possible. The others employ a very small

percentage of migrant workers. Four Dutch companies use migrant labour, only one to any significant degree (more than 50 % of the black workers). The situation in British companies shows a slight increase in the total number of migrant workers, who represent approximately 10,6 % (or 11 000) of all black workers employed by British companies. Nearly 80 % of the migrant workers are employed by a single company. The total number of British firms employing migrant workers is 47.

As regards working conditions for migrant workers, many companies stated that they aimed to ensure equal working conditions for their migrant employees. A number of firms give additional benefits, such as paying transport costs, extra days' leave, improvement of housing, particularly to accommodate the workers' families, in an attempt to ease their situation. Some firms expressed a desire to stop employing migrant workers. Others take particular care to guarantee migrant workers a regular renewal of their work contracts for a period of 10 years, thus enabling them to obtain the right of permanent residence in "white" areas.

Wages

The Code recommends that all employers should pay minimum wages at least 50 % higher than the amount needed to meet the minimum household needs.

According to the reports received, most companies pay wages above the minimum. For example 68 % of blacks employed by German firms earn wages 50 % higher than the minimum required to meet the needs of a household of four persons. However, thirteen German firms with 5 315 employees have either not sent detailed information or reported wages below the recommended minimum for certain categories. The British report reveals that of 104 000 black workers, some 102 400 (98,2 %) are paid more than the "lower datum level". Despite the economic recession in South Africa, the number of black workers earning less than the "higher datum level" has dropped significantly, levelling off at 5 500 persons, or 5,2 % of the black workers employed by British companies.

Of the 4 782 black workers employed by Dutch companies, approximately 4 555, or 95,3 % are paid in accordance with the recommendations of the Code and 202 earn less than the recommended level but way above the minimum level. About 25 black workers earn wages below this minimum level.

All employees in French firms are paid well over the minimum rate and only a few are paid less than the recommended "optimal" wage. The five Belgian companies, two Danish firms and one Italian firm also report paying only wages above the recommended minimum. In addition, many European companies stressed their efforts to adjust wages regularly to keep pace with the cost of living.

Wage structures and promotion of black workers

The European Code of Conduct is based on the principle of "equal work, equal pay" which implies that any job should be open to any worker with the right qualifications and that racial differences have no effect on wage levels and promotion prospects. The Code also calls on firms to reduce their dependence on white immigrant staff.

Nevertheless, although these principles are broadly accepted, there is still much to be done, particularly in the field of training black workers, a field in which increasing numbers of European firms are active.

As regards the principle of equal pay and promotion prospects, the great majority of European firms report that they are introducing objective job classification systems and salary scales in which racial criteria play no part, although it must be acknowledged that differences in the quality of education for the various racial groups do make themselves felt.

It is only rarely (less than 5 % of British firms) that the principle of equal pay and equal access to jobs is not accepted.

The need to have sufficiently qualified staff has led a large number of firms to finance training for their black workers. This is so in 130 of the 137 British companies, 28 of the German (74 % of the workers), both the Danish and Italian, one of the Belgian, most of the French and all the major Dutch companies.

While the importance of more specialist training for black workers is acknowledged, the ways in which this training is provided vary from one company to the next. Two of the big Dutch firms have their own training centres, others either help their employees to follow external training courses or feel that priority must be given to on-the-job training. Sixteen German companies offer special training for commercial and technical jobs and nine have special training centres. Similarly, two-thirds of British firms have their own training infrastructure. In-house training programmes are also organized by the two Danish firms, one Belgian firm and one French.

A number of companies which are unable to have their own centres help their black workers to participate in outside training courses by giving study grants and financing traineeships in other firms. Eight German firms have awarded specific grants for university or technical college courses. Three French companies have announced that they intend to take part in a training project for black managerial staff. A number of firms report that they have a deliberate policy for the promotion of black workers and cite examples.

Nevertheless, in view of the shortage of specialist black workers in certain fields, European firms are still obliged, although to a reduced extent, to employ European immigrant workers. Some reports, in particular the British report, reveal a substantial reduction in the number of white immigrants employed.

Generally speaking, the reports show that the fact that many black workers are under-qualified is still a major problem for companies and continues to be at the root of the persisting concentration of these workers in the least specialized and least well-paid jobs.

Fringe benefits

The Code of Conduct recommends that firms should extend their responsibilities to the living conditions of their employees and their families and take specific action in the fields of housing, transport, leisure, health, education and social welfare.

A large majority of firms report that they give additional benefits to their black employees, in a wide range of forms :

- contributions to insurance schemes (sickness, accident, unemployment, retirement);
- loans at reduced rates for house purchases;
- thirteenth month or end of year bonus;
- aid for children's education;
- subsidies for sports and other leisure activities;
- food at reduced prices or free;
- free transport and other extra benefits.

A number of firms also finance various projects in the communities in which the black workers live.

Desegregation at the workplace

Firms are invited to eliminate all segregatory practices at the workplace and in other premises.

Efforts have been made by most European firms to achieve desegregation. Thus, 41 of the German, all the Danish, Belgian, French, Italian and Greek, most Dutch and 37 British companies stated that they had eliminated all forms of segregation, while in certain companies a distinction is made between complete desegregation at the workplace and the maintenance of some segregation in the toilet and wash-room facilities and canteens.

Nevertheless, generally speaking the progress made in previous years seems to have continued in many firms during the period under review, despite the fact that a number of legal, practical and psychological obstacles remain.

Conclusion

As was found in the Fourth Community analysis, the black trade union movement has made rapid progress both in terms of organization and in the number of members. This state of affairs is largely recognized by European firms, which are now more willing to enter into contact and negotiate with the representative trade union, whether registered or not. South African law, reinforced by court rulings, has in a large measure taken account of the recommendations made in point 1 of the European Code of Conduct, and it now remains to adapt the Code to the situation which has developed since the Wiehahn Committee report in 1979.

It is clear that contacts and negotiations between trade unions and employers are increasingly supplanting the paternalistic institutions set up by South African law (Liaison Committee, Works Council, etc.), although these still play an important part in the reporting firms. In a number of cases, there are still no workers' representative bodies.

Despite the difficulties encountered during the period under review (economic crisis, changes in the legislation), appreciable efforts have been made by European firms in the field of the vocational training of black workers both within the firms and in external institutions. Nevertheless, it has to be acknowledged that the number of black workers who have achieved positions of responsibility is still very small and that there continue to be wide discrepancies between the incomes of black and white workers.

In the absence of harmonized assessment, it is difficult to judge how far the recommendation of the Code of Conduct on the minimum salary has been applied in such a way as to improve the social situation of black workers. At most, it can be concluded that a large majority of European firms pay wages way above the minimum laid down by South African law. According to the reports, the deterioration of the economic climate in South Africa is the main cause for a certain stagnation in this field.

Finally, as regards desegregation at the workplace, progress was made during the period under review and this is a less prominent issue, though certain legal, institutional and psychological barriers still remain, particularly with regard to canteens and toilet and wash-room facilities.

Generally speaking, there has been positive progress in the accuracy and detail of the information supplied by companies, which is a reflection of the attention with which European firms operating in South Africa are, in the main, implementing the recommendations made in the European Code of Conduct.

Lastly, it should be mentioned that the Ministers of the Ten and of Spain and Portugal decided at their meeting on 22 July 1985 to amend and reinforce the Code of Conduct to enable it to make a more effective contribution to the abolition of apartheid in South Africa. The period from 1.7.84 to 30.6.85 will, however, still be examined on the basis of the present Code of Conduct. The revised Code will be applicable with effect from 1.7.85.

PRESS RELEASE

- Reinforcement and adaptation of the Code of Conduct for companies from the EC with subsidiaries, branches or representation in South Africa.
- Fifth summary analysis of national reports on the implementation of the Code of Conduct for Community companies with subsidiaries in South Africa.

In order to allow the Code of Conduct to contribute even more effectively to the abolition of the system of racial segregation and to take into account major changes in the social environment in South Africa after 1977, date of adoption of the present Code of Conduct, the Ten decided at their ministerial meeting of 22 July 1985 to draw up a reinforced Code of Conduct.

This revision of the Code of Conduct also forms part of the package of harmonized measures with regard to South Africa adopted by the Ten, Spain and Portugal, at their meeting held in Luxembourg on 10 September. It is thus an integral part of the efforts, being made by the European partners to bring about an early end to apartheid. Of the modifications added, those referring to the relations with the black trade unions, to the formation and promotion of black workers, to the supplementary benefits and to the coordination in applying the Code, should be more especially noted.

The revised text of the Code of Conduct has been adopted today by the Ministers for Foreign Affairs of the Ten, Spain and Portugal, meeting in Brussels.

The Ministers for Foreign Affairs discussed also the fifth summary analysis of national reports on the implementation of the Code of Conduct for European companies with subsidiaries in South Africa. They decided to forward this analysis to the European Parliament. The fifth report covers the period from 1 July 1983 to 30 June 1984, and analyses reports submitted by 218 companies with more than 131 000 employees.

Major economic and social changes took place in South Africa during the period under review, some significant elements were the recession, which affected broad sectors of the South African economy, an increase in unemployment, and a significant increase in the organised social demands. Black trade unionism continued to make progress, and black union membership increased from 545 000 at the end of 1982 to some 700 000 at the end of 1983. European companies have largely taken account of this new trade union situation and are increasingly recognizing the black unions and negotiating with them, whilst the distinction between registered and non-registered trade unions is becoming less important.

The Ten believe that establishing an atmosphere of trust between employees' representatives and employers is crucial in improving the social and economic position of black workers.

Although European companies have made considerable efforts in providing vocational training for black workers, the fact remains that there are still very few blacks who have risen to positions of responsibility. The income gap between black and white workers remains wide, even though most European firms pay wages well in excess to the minimum laid down by South African law. Nevertheless given the economic crisis currently effecting South Africa, companies do not always achieve the wage levels recommended by the Code of Conduct, and the Ten urge European companies to make greater efforts in this respect.

RECENT RESOLUTIONS ADOPTED BY THE EUROPEAN PARLIAMENT
ON SOUTH AFRICA

February 14, 1985

RESOLUTION

on the release of Nelson Mandela

The European Parliament,

- A. recalling its resolution of 9 February 1983 (1), which called for the release of Nelson Mandela and other political prisoners in South Africa,**
 - B. recalling the resolution adopted by the ACP-EEC Joint Committee in Bujumbura,**
 - C. having regard to the enormous international groundswell in favour of the release of Nelson Mandela, following on the universal condemnation of apartheid,**
 - D. recalling that Nelson Mandela is the world's longest-serving political prisoner and that he has been in prison in South Africa for 22 years,**
 - E. welcoming the fact that the Nobel Peace Prize was awarded to Desmond Tutu, Bishop of Johannesburg, for his fight against apartheid,**
- 1. Condemns the system of apartheid for its violations of human rights and its attacks on human dignity;**
 - 2. Expresses its unqualified support for the solidarity campaign calling for the unconditional release of Nelson Mandela;**
 - 3. Requests the Foreign Ministers meeting in political cooperation to take a special initiative with a view to securing the unconditional release of Nelson Mandela and all political prisoners;**
 - 4. Instructs its President to forward this resolution to the Foreign Ministers meeting in political cooperation and to the governments of the Member States of the European Community.**

April 18, 1985

RESOLUTION

on South Africa

The European Parliament,

- A. shocked by the deaths of 19 people and the wounding of many others as a result of recent action by South African police;
 - B. disturbed by the recent arrests of religious leaders and other civil rights activists in South Africa;
 - C. welcoming the announced intention of the South African Government to repeal the Immorality Act and the Mixed Marriages Act;
 - D. mindful that the constitutional reforms enacted or envisaged by the South African Government make no provision at national or regional level for democratic participation by the country's black majority;
 - E. noting that the business community in South Africa is itself critical of apartheid, regarding it as a hindrance on the economic development of the country, a view shared by the increasingly influential Afrikaans-speaking business community;
 - F. recalling its many resolutions on the need respect fundamental human rights in all countries;
 - G. recalling its earlier resolutions on southern Africa, and in particular that adopted on 9 February 1983;
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- 1. Condemns the actions of the South African police near Uitenhage, South Africa, on 21 March 1985;
 - 2. Expresses its sympathy for the families of all those killed and with the other victims and their families;
 - 3. Reiterates its total condemnation of any form of racial discrimination such as the policy of apartheid and urges the South African Government to take as soon as possible the steps necessary to repeal the Group Areas Act which is its main legal basis;
 - 4. Warns the South African authorities that its present policies, in particular the pass laws and the denial of political rights to the black majority, can only help those extremists who aim to replace one form of repression with another;
 - 5. Accordingly urges the South African Government to provide full democratic representation for the country's black majority, as an essential condition for the peaceful evolution of South African society;
 - 6. Deplores the use of violence from whatever quarters, especially at a time when the South African Government is seeking to create the conditions for further constitutional change;
 - 7. Calls for immediate steps for the release of political prisoners in South Africa, and for effective measures against the brutal treatment of prisoners;
 - 8. Calls on the Council and the Commission to find effective ways of ensuring that all companies observe the European Code of Conduct;
 - 9. Calls upon the Commission urgently to present a full report to Parliament on the action taken to implement its resolution of 9 February 1983 on southern Africa;
 - 10. Instructs its President to forward this resolution to the Commission, the Council and the Government of the Republic of South Africa.

April 18, 1985

RESOLUTION

on the situation in southern Africa

The European Parliament,

- A. having regard to its resolution on southern Africa of 9 February 1983 (1);
 - B. having regard to its resolution of 14 February 1985 calling for the release of Nelson Mandela (2);
 - C. having regard to the resolution on southern Africa adopted by the ACP-EEC Joint Committee in Bujumbura on 31 January 1985;
 - D. outraged at the escalation in the violence and repression carried out by the apartheid regime in South Africa against the South African black population and which has led to nearly 100 deaths in three months;
1. States once again that that regime, because of the policy of racial discrimination and inhuman repression which it pursues, is responsible for the increasingly violent nature of the conflict;
 2. Protests vigorously against this fresh wave of repression in South Africa and calls for the immediate release of any person detained for racial or political reasons, and for the unconditional release of Nelson Mandela;
 3. Calls for full respect by the international community for the embargo on arms sales and military and nuclear cooperation with South Africa decided on in various United Nations resolutions;
 4. Calls on the Member States to undertake to cut all economic, financial, cultural and military ties with South Africa;
 5. Expresses its commitment to all groups and individuals working for the abolition of apartheid and the establishment of a non-racial democratic society in South Africa;
 6. Requests the Foreign Ministers meeting in Political Cooperation to lay down a consistent policy towards South Africa in the light of the facts and on the basis of the recommendation set out by the UN and in this resolution;
 7. Instructs its President to forward this resolution to the Commission, the Foreign Ministers meeting in Political Cooperation and the South African Government.

April 18, 1985

RESOLUTION

on the current situation in South Africa

The European Parliament,

- A. shocked by the wave of murderous violence perpetrated against unarmed South African citizens whose only crime was to demand inalienable civil and political rights;
- B. deeply moved by the bloodshed which was the culmination of a process of repression and mindless violence;
- C. deploring the arrest since the massacres of over 300 people including many church leaders when they tried to present a five-point protest about township violence to Parliament;
- D. whereas the American Congress and Government are increasingly inclined to exert political and economic pressure on South Africa e.g. by prohibiting investment;
- E. having regard to measures introduced by the Scandinavian countries in respect of imports of coal from South Africa and exports of oil to South Africa;
- F. whereas the EEC's voluntary code of conduct is not enough to help ensure the establishment of democracy in South Africa;

1. Expresses its support for the resolution adopted on 21 September 1984 by the ACP/EEC Consultative Assembly (1) which calls for immediate action by EEC Member States to:

- (a) end all investment in South Africa, end state guaranteed bank loans for export to South Africa,
- (b) reduce step by step commercial contacts,
- (c) adhere to the United Nations arms embargo,
- (d) suspend sports and cultural links with South Africa,
- (e) strengthen the 'Code of Conduct',
- (f) give greater support to the Southern African Development Coordination Conference,
- (g) call for the immediate release of Nelson Mandela and all other political prisoners;

2. Calls on the Commission to consider bans on:

- (a) imports of krugerrands,
- (b) exports of oil to South Africa,
- (c) imports of coal from South Africa, and to contact the American and Scandinavian governments to ensure that joint measures are taken wherever possible;

3. Instructs its President to forward this resolution to the Commission, Council and Foreign Ministers meeting in Political Cooperation.