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Canadian Legislators Still Debating Bill to Impose Social Responsibility Standards on Mining Companies


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The federal parliamentary Committee on Foreign Affairs and International Development has extended until January 28, 2010 its review of Bill C-300, a private member's bill whose stated purpose is to ensure that mining and oil and gas companies with operations in developing countries, and that receive support from the Canadian government, are acting in a manner consistent with environmental best practices and international human rights standards.

Bill C-300 would require the ministers of Foreign Affairs and International Trade to issue guidelines articulating corporate social responsibility standards for these companies. While the guidelines are yet to be developed, Bill C-300 has the potential to create restrictions for Canadian operators beyond those otherwise applicable to investors in a host country.

Under Bill C-300 if a Canadian company is found to have violated the guidelines (i) the details of the investigation of the violating company will be published in the *Canada Gazette*; (ii) Export Development Canada will be prohibited from providing services to the violating company; (iii) the Canada Pension Plan Investment Board will be prohibited from investing in the violating company; and (iv) the violating company will not be allowed to participate in programs developed by the Ministry of Foreign Affairs and the Ministry of International Trade.

The Committee has held five review sessions to consider Bill C-300 since the bill received second reading in April 2009. Witnesses that have appeared before the Committee to date include the Department of Foreign Affairs and International Trade, the Department of Natural Resources, the Canadian International Development Agency, Export Development Canada, the Mining Association of Canada, and Mining Watch Canada as well as various other non-governmental organizations. The Committee is accepting comments on Bill C-300 and has advised interested parties to provide any written submissions by November 13, 2009.

It remains to be seen when, and if, Bill C-300 will emerge from Committee and what form such legislation will ultimately take. Meanwhile, the federal government has published a document titled *Building the Canadian Advantage: A Corporate Responsibility (CSR) Strategy for the Canadian International Extractive Sector*, which sets out a series of non-binding policies on CSR best practices for the Canadian extractive sector operating abroad. 

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