



DECENT WORK CHECK

GHANA 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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TABLE OF CONTENTS

INTRODUCTION	1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR	2
01/13 WORK & WAGES	3
03/13 ANNUAL LEAVE & HOLIDAYS	9
04/13 EMPLOYMENT SECURITY	12
05/13 FAMILY RESPONSIBILITIES	16
06/13 MATERNITY & WORK	18
07/13 HEALTH & SAFETY	21
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT	24
09/13 SOCIAL SECURITY	27
10/13 FAIR TREATMENT	30
11/13 MINORS & YOUTH	33
12/13 FORCED LABOUR.....	35
13/13 TRADE UNION	37
QUESTIONNAIRE.....	41

INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Ghana 1992
2. Criminal Code, 1960 (Act 29)
3. Persons with Disability Act, 2006 (Act 715)
4. Labour Act, 2003 (Act 651)
5. Free Zones Act, 1995 (Act 504)
6. Security and Intelligence Agencies Act, 1996 (Act 526)
7. Holidays Act, 2001 (Act 601)
8. Labour Regulations 2007 (LI 1833)
9. National Health Insurance Regulations 2004
10. Workmen's Compensation Act, 1987 (PNDCL 187)
11. National Pensions Act 2008 (Act 766)
12. National Pensions (Amendment) ACT, 2014 (Act 766)
13. Children's Act 1998
14. Human Trafficking Act 2005
15. National Labour Commission Regulations 2006 (LI 1822)

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Ghana has ratified Convention 117 (1962) only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Act, 2003 (Act 651)
- Free Zones Act, 1995 (Act 504)
- Security and Intelligence Agencies Act, 1996 (Act 526)

Minimum Wage

The national daily minimum wage is set by the National Tripartite Committee, headed by the Minister for Employment & Social Welfare, for all workers except the Armed Forces, the Police Service, the Prison Service and the Security and Intelligence Agencies specified under the Security and Intelligence Agencies Act. The minimum wage rate applies to all of Ghana except the free trade zones where employers are free to negotiate and establish contracts of employment including wage levels that are consistent with ILO conventions.

National Tripartite Committee is composed of five representatives each from all social partners (Government, employer and the worker) and is headed by the Minister for Employment & Social Welfare. The minimum wage in Ghana is determined on daily basis by the National Tripartite Committee. The Minister publishes in the Gazette and in such public media as the Minister may determine, a notice of the national daily minimum wage determined by the National Tripartite Committee.

Minimum wage rate may also be determined under a collective agreement as long as its rates are higher than the national daily minimum wage, announced by the Government. If the Chief Labour Officer considers that the terms of a collective agreement are suitable for application to a class of employees who are engaged in the same type of work, or who

work in the same area, as the employees to whom the collective agreement applies, and that the parties to the collective agreement are sufficiently representative of the employees to whom it is proposed to apply, an order to extend the collective agreement may be made. A notice must be published in the Official Gazette at least three months prior to the agreement being extended.

Compliance with minimum wages including other provisions of Labour Code relating to hours of work, safety, health and welfare of the workers and the employment of young persons is ensured by the In case of non-compliance, may lodge a complaint with the government, employers and trade union to take up the matter. However, the law does not specify the punishment in this regard. A fine can be imposed only if the employer fails to comply with the directions given by the labour inspector.

Sources: §70-71, 98(c), 109 & 112-115, 124 of the Labour Act, 2003 (Act 651); §34 of the Free Zones Act, 1995 (Act 504); Security and Intelligence Agencies Act, 1996 (Act 526)

Regular Pay

According to the Labour Act 2003, remuneration includes the basic or minimum wage or salary and any additional allowances payable directly or indirectly by the employer to the worker on account of the worker's employment.

The Labour Act regulates the payment of wages and requires that wages be paid in legal tender to all classes of workers. Law requires the employer to make timely payment of remuneration to the workers. Monthly payment is made to the worker employed on monthly basis and weekly payment to those employed on weekly

basis. Labour Act allows in-kind payment of wages as the term "full pay" means the worker's normal remuneration, without overtime payment, including the cash equivalent of any remuneration in kind.

The employer may not compel the worker to use its store and services. Employer may, after worker's consent, deduct certain amount from the wage due as union membership dues or contributions to any provident, pension, or other fund or scheme agreed to by the worker; or to cover the loss or damage caused by the worker; or in case excess amount is paid due to some error.

Rate of deduction should be set in a manner that it does not result in hardships for the worker and his/her dependents. Deduction may not be made by way of discount, interest or any similar charge on account of an advance of remuneration made to a worker in anticipation of the regular period of payment of remuneration or in any way not specified by the law.

Sources: §16, 20, 67-71 & 175 of the Labour Act, 2003 (Act 651)

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Ghana has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Act 2003 (Act 651)
- Holidays Act, 2001 (Act 601)

Overtime Compensation

The normal working hours are 08 hours a day and 40 hours a week. Worker may work for longer hours, provided that the average working hours do not exceed the normal working hours, i.e., eight hours per day and forty hours per week. Where shorter hours of work are fixed on some days of the week, the hours of work on other days of the week may be proportionately longer than eight hours but shall not exceed nine hours per day and forty hours per week. Even when workers are working longer hours, these should not exceed on average eight hours per day and forty hours per week over a reference period of four weeks. For seasonal work, worker may work for 10 hours per day, provided that average working hours during the year must not exceed 8 hours a day. Working hours for shift workers also must not exceed normal working hours. Shorter working hours are prescribed for the manual labour and the job that are injurious to health (hazardous work), provided that the working hours should be deemed to be equivalent to work done on the basis of eight hours a day for the purpose of all rights which may flow from the employment.

A worker may not be required to perform overtime work, exceeding normal working hours, unless that undertaking has fixed rates of pay for overtime work. However, the law does not fix the rate of overtime remuneration. Overtime hours are usually

paid at 150% of the normal hourly wage rate.

A worker may not be compelled to do overtime work except for those undertakings or enterprises the very nature of which requires overtime in order to be viable (economic reason), or which are subject to emergencies that require that workers engage in overtime work in order to prevent or avoid threat to life and property (emergency reason).

A worker may be required to work beyond the fixed hours of work without additional pay in certain exceptional circumstances including an accident threatening human lives or the very existence of the undertaking.

Source: §33-38 of the Labour Act 2003 (Act 651)

Night Work Compensation

Labour Act defines "night work" in relation to women only and means work at any time within a period of eleven consecutive hours that includes the seven consecutive hours occurring between 22:00 and 07:00 of the following day. In the industrial undertakings influenced by the seasons, instead of 11 hours, 10 hours limit may be used in sixty days of the year. There is no provision in the law on premium pay for night work.

Compensatory Holidays / Rest Days

No provision could be identified in laws to require an employer to provide compensatory rest day for working on weekly rest day or public holiday

Weekend / Public Holiday Work Compensation

There is no provision in the law regarding weekend/public holiday compensation for permanent workers. However, the temporary and casual workers, if they have to work on a public holiday, are entitled to 200% of the normal rate of wages. If a worker has worked only fraction of the whole day (for some hours), he is entitled to 200% of the normal wage rate for those hours.

Sources: §77 of the Labour Act 2003 (Act 651)

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Ghana has ratified the Convention 14 and 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Act 2003 (Act 651)
- Holidays Act, 2001 (Act 601)

Paid Vacation / Annual Leave

A worker is entitled to at least 15 working days fully paid annual leave, after completion of 12 months of continuous service. Continuity of service is not interrupted by mere change of ownership or management of the undertaking. The worker must have worked for at least 200 days in the particular year to fulfil the requirement for continuous service, in case of irregular work throughout the year. If a worker is absent from work with permission of employer, this period is not considered as interruption. Public holidays and absence from duty due to sickness certified by a medical practitioner, and pregnancy and confinement, do not affect the annual leave entitlement of a worker. Annual leave is fully paid leave and the leave pay includes basic pay including equivalent pay for in-kind benefit and excluding overtime payments.

A worker may be permitted to take his/her annual leave in two approximate equal parts. Every worker has the right to enjoy annual leave without any interruption however an employer, in cases of urgent necessity, may require a worker to interrupt his/her leave and return to work. Employer must compensate the interruption afterwards by any reasonable expense incurred on account of the interruption, and also resumption of the leave by the worker.

Employer must inform the worker at least 30 days prior to the commencement of leave about start of leave. Annual leave is independent of sick leave certified by medical practitioner due to sickness occurring during the term of annual leave. On termination of employment contract, the worker is entitled to annual leave in proportion to the period of service in the calendar year (except in the case of termination without notice by the employer). Any agreement to relinquish the right to annual leave or to forgo such leave is null and void.

Employers are required to keep a record showing the following particulars: the date of employment of each worker employed by the employer and the duration of the annual leave to which the worker is entitled; the dates on which the annual leave is taken by each worker; and the remuneration received by each worker in respect of the annual leave.

Sources: §20-32 of the Labour Act 2003 (Act 651)

Pay on Public Holidays

Workers are entitled to paid Festival (public and religious) holidays. Festival holidays are announced by Ghanaian Government at the start of calendar year (usually 13 in number).

The public holidays are regulated under the Public Holidays Law, 1989. These days are New Year's Day (January 01), Independence Day (March 06), Good Friday (April 03, 2015), Easter Monday (April 06, 2015), May Day (May 01), Africa Unity Day (May 25), Republic Day (July 01), Eid-il-Fitr, Founders' Day (September 21), Eid-il-Adha, Farmers' Day (December 04), Christmas Day (December

25) and Boxing Day (December 26). Muslims holidays vary from year to year, depending on the lunar movement. If a public holiday falls on a non-working day, the next working day would be appointed as a public holiday.

Sources: § 72 of the Labour Act 2003 (Act 651), Holidays Act, 2001 (Act 601)

Weekly Rest Days

Workers, except domestic workers in private homes and task-based workers, are entitled to forty-eight consecutive hours (2 days) of rest per week. The weekly rest days are usually Saturday and Sunday. Weekly rest period is independent of public holidays.

Apart from weekly rest day, workers are also granted a daily continuous rest of at least twelve hours duration between two consecutive working days. The daily rest in an undertaking operating on a seasonal basis may be of less than ten hours but of not more than twelve hours' duration over a period of at least sixty consecutive days in the calendar year.

In case, the normal working hours are continuous, a worker is entitled to at least thirty minutes break in the course of the work, but the break forms part of the normal hours of work; and if the normal hours of work are, in two parts, the break should not be of less than one-hour duration and does not form part of the normal hours of work.

A daily rest of at least twelve continues hours is granted to an employee between two consecutive working days. For the employees working on seasonal basis, daily

rest of at least ten hours is provided, which may not exceed twelve hours' duration over a period of at least sixty consecutive days in the calendar year.

Sources: § 40-44 of the Labour Act, 2003 (Act 651)

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Ghana has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Act 2003 (Act 651)
- Labour Regulations 2007 (LI 1833)

Written Employment Particulars

Ghanaian Labour Law requires that contract of employment should be provided in writing for workers employed for six months or longer periods.

This written statement must include information about the worker and employer, date of appointment, job title, wage rate and payment interval, work hours, overtime payment, annual leave, conditions relating to incapacity for work due to injury or sickness, length of termination notice required by the worker and employer and details of social security or pension scheme.

The written statement of particulars (containing main terms and conditions of employment) should be provided to a worker within two months of the commencement of employment. The contract must be signed by both parties and dated. A contract of employment for a casual worker may not be written; but casual workers have the right to minimum wage for each working day, overtime and medical facilities. Temporary workers are entitled to the Labour Act's minima in respect of minimum wage, hours of work, rest periods, paid public holidays, night work and sick leave, irrespective of whatever terms agreed by the parties.

Sources: § 12-13, 74-75 & Schedule I of the Labour Act 2003 (Act 651)

Fixed Term Contracts

Ghanaian Labour Law allows hiring fixed term contract workers for tasks of permanent nature. The Labour Act does not refer to any specific legal regime for the use of fixed-term contracts. There is no mention of the maximum duration (including renewals) of the fixed term contracts. However, temporary and casual employments are regulated by special provisions. Temporary worker is a worker who is employed for a continuous period of at least one month and is not a permanent worker or employed for a work that is seasonal in character; while casual worker is a worker engaged on a work which is seasonal or intermittent and not for a continuous period of more than 6 months and whose remuneration is calculated on a daily basis. A temporary worker who is employed by the same employer for a continuous period of six months and more is treated as a permanent worker.

Sources: § 73-78 of the Labour Act 2003 (Act 651)

Probation Period

There is no explicit provision in the Labour Act about maximum duration of probation period. The Labour Act refers to a "reasonable duration determined in advance". Probationary period and conditions of probation are generally provided in collective agreements. Where, as a condition for the engagement of an employee, a contract of employment requires probation, the employment contract has to specify the duration of the probation for the employee.

Sources: § 66(b) & 98(d) of the Labour Act 2003 (Act 651); Regulation 5 of Labour Regulations 2007 (LI 1833)

Notice Requirement

An employment contract is terminated in any of the following cases: mutual consent of the parties; by the worker on grounds of ill-treatment or sexual harassment; by the employer if the worker dies before the end of the employment period; by the employer if the worker is medically certified to be unfit for the job; by the employer if the worker is because of the inability of the worker to carry out his work due to sickness or accident, or the incompetence of the worker (capacity issues), or proven misconduct of the worker.

The termination of employment contract is fair if the contract of employment is terminated by the employer on any of the following grounds: incompetence or lack of qualification on the part of the worker for work he/she is employed; the proven misconduct of the worker; redundancy of workers due to structural, organizational and technical change; and due to legal restriction imposed on the worker prohibiting the worker from performing the work for which he or she is employed.

Length of notice period, before terminating an employment contract by either party, varies according to the length of contract. Workers employed on a weekly contract may be given a week's (7-day) notice. Workers employed on a contract of less than 3 year duration may be given a 2 weeks' notice. Workers employed on a contract of longer duration (3 years or more) may be given one month notice.

A contract terminating party (employer or employee) has to pay gross wages for the notice period or part remaining thereof in lieu of notice if a contract is terminated without complete observation of notice period. In case parties have signed an "at will" clause in the contract, employment may be terminated by any party at the end of working day without any notice. The contract termination notice should be in the written form and the notice period includes the day on which notice was given.

A contract termination is deemed unfair if the only reason for termination is: trade union membership (or even intention thereof); workers' representative (or seeking the office thereof); filing of complaint or participation in proceedings against the employer on violation of labour laws; worker's gender, race, colour, ethnicity, origin, religion, creed, social, political or economic status; pregnancy and maternity leave; disability; temporary illness or injury as certified by a recognized medical practitioner; lack of qualification for work in which the worker has been employed (the current qualification requirement being different from the qualification required at the commencement of employment); and the refusal (or intention thereof) to do work at the time of participation in lawful strike unless the work is necessary to prevent actual danger to life, personal safety or health or maintenance of plant and equipment.

Employment contract is deemed to have been terminated unfairly if the worker terminates employment contract, with or without notice, because of the ill treatment of the worker by the employer; and failure on the part of employer to take action on repeated complaints of sexual harassment of the worker. A termination is unfair if the

employer fails to prove that the reason for termination is not fair or that the termination was made in accordance with a fair procedure of the Labour Act.

Sources: § 15-17 & 62-66 of the Labour Act 2003 (Act 651)

Severance Pay

There is a provision in the law regarding redundancy pay (paid only if an organization closes down or is merged with another organization and this leads to the worker losing his benefits or even job), however this compensation is subject to negotiation between the employer or representative of the employer and the worker or the trade union. There is no severance pay in the case of individual dismissals (for non-economic reasons).

In the event of unfair dismissal, a worker may file a complaint with the Commission. If on investigation, the Commission finds that the termination of employment was unfair, it may order the employer to reinstate the worker from the date of termination of employment; order the employer to re-employ the worker, either in work in which the worker was employed before termination or in other reasonably suitable work on the same terms and conditions enjoyed by the worker before termination; or order the employer to pay compensation to the worker.

Other than redundancy pay (for economic dismissals), workers are also entitled to following payments on termination of employment: any remuneration earned by the worker before contract termination; any deferred pay due to the worker before contract termination; any compensation due to the worker in respect of sickness or

accident; and repatriation expenses in the event of contract termination for foreign contracts. Employer is required to make all these payments within the duration of notice period. In case no notice is required, payment must be made until next working day after termination.

Sources: § 18, 64 & 65 of the Labour Act 2003 (Act 651)

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Ghana has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

Paternity Leave

There is no provision in the law on paid or unpaid paternity leave.

Parental Leave

There is no provision in the law on paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Ghana has ratified Convention 103 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- National Health Insurance Regulations 2004
- Labour Act 2003 (Act 651)

Free Medical Care

There is no mention in the Labour Act about the medical care however medical benefits are provided under the National Health Insurance Program. Maternity Care including ante-natal and post-natal care provided under National Health Insurance Regulations as minimum health care benefits.

Sources: § 19(1) of the National Health Insurance Regulations 2004

No Harmful Work

A pregnant woman may not to be involved in any assignment that is detrimental to her health or that is outside the place (town) of her residence till the end of four months after child birth. Moreover, the law also requires that a pregnant women worker should not be assigned overtime or night work (10:00 p.m. to 07:00 a.m.) without her own consent. The overtime provision is also applicable to the mother of a child who is less than eight months old. A pregnant worker or new mother (until her child is eight months old) may present a written complaint to the Commission against the employer who contravenes above provisions of the Labour Act.

It is generally the duty of an employer to ensure that every worker works under satisfactory, safe and healthy conditions.

Sources: § 55-56 & 118 of the Labour Act 2003 (Act 651)

Maternity Leave

Female workers are entitled to 12 weeks (84 days) of maternity leave with full pay. Pregnant worker has to provide medical certificate issued by a medical practitioner or mid- wife, indicating the expected date of her confinement.

The maternity leave can be extended by two additional (2) weeks in case of caesarean delivery/abnormal birth or twin (or more) births. Extended leave are granted in case of illness due to pregnancy or confinement, certified by the medical practitioner. Maximum limit of extended leave is not mentioned in the law.

Sources: § 57 (1 & 3-5) of the Labour Act 2003 (Act 651)

Income

Workers on maternity leave are entitled to full wages during the eighty-four-day period. The maternity benefit is paid by the employer. A woman worker on maternity leave is entitled to her full remuneration and other benefits to which she is otherwise entitled.

Sources: § 57(2) of the Labour Act 2003 (Act 651)

Protection from Dismissals

It is illegal for an employer to dismiss a female worker due to her pregnancy. It is consider an unfair dismissal if a worker's employment is terminated due to her pregnancy or her absence from work during maternity leave.

Sources: § 57(8) & 63(2)(e) of the Labour Act 2003 (Act 651)

Right to Return to Same Position

There is no provision in the Labour Act that a female worker has the right to return to same position after availing her maternity leave. However, it can be implied from dismissal protection provision that a worker has the right to return to her position after availing her maternity leave.

Breastfeeding

On their return to work after availing maternity leave, breastfeeding employees must be granted nursing breaks of 01-hour duration (per working day) till the child reaches one year of age.

Sources: § 57(6&7) of the Labour Act 2003 (Act 651)

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Ghana has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Act 2003 (Act 651)

Employer Cares

In accordance with the Labour Act, it is obligatory on the employer to ensure health, safety and welfare of persons at workplace by minimizing the causes of hazards inherent in the working environment.

Employer must ensure careful and safe use, handling, storage and transport of articles and substances; and provide the necessary information, instructions, training and supervision as needed.

Employer must take measures to prevent contamination of the workplaces and protect the workers from, toxic gases, noxious substances, vapours, dust, fumes, mists and other substances or materials hazardous to safety or health.

Employer must provide separate, sufficient and suitable toilet and washing facilities and adequate facilities for the storage, changing, drying and cleansing from contamination of clothing for male and female workers. Adequate supply of clean drinking water must be available at the workplace.

If an employer fails to comply with the required health and safety standards, he/she is liable to a fine of maximum 1000 penalty units or to imprisonment of 3 years maximum or to both.

Worker must use the safety equipment with care and act according to the prescribed instructions to preserve his health and protect himself from getting injured.

He/she must stop working and report his supervisor about the presence of danger to his/her life, safety or health. Employer may not terminate the employment or deduct wages because of this and must not compel the worker to work there unless the workplace is safe enough.

In case of occupational injury and disease at workplace, employer must report to the relevant Government agency within seven days. The Minister may issue the regulations regarding specific measures to be taken by the employer to ensure health and safety of the workers at workplace.

Sources: § 118-121 of the Labour Act 2003 (Act 651)

Free Protection

In accordance with the provisions of Labour Act 2003, it is obligatory for the employer to provide protective equipment for free and must not charge or deduct any amount from the employees' salary for the provision of such equipment.

The employer must provide workers with adequate safety appliances, suitable fire-fighting equipment, personal protective equipment, and instruct the workers in the use of such appliances or equipment. Workers are under the obligation to use the safety appliances, firefighting equipment and personal protective equipment provided by the employer in compliance with the employer's instructions.

Sources: § 118(2)(e) & 118(3) of the Labour Act 2003 (Act 651)

Training

In accordance with the Labour Act, it is the responsibility of an employer to provide instruction, training and supervision according to the age, literacy level and other circumstances of the workers to ensure health and safety at work.

Sources: § 118(2)(c) of the Labour Act 2003 (Act 651)

imprisonment for 2 years maximum or to both.

Person, who creates hindrance in successful completion of inspector's work, is liable to a fine up to 250 penalty units or to imprisonment of 12 months maximum or both.

Sources: § 122-126 of the Labour Act 2003 (Act 651)

Labour Inspection System

Labour inspection is carried out to ensure compliance with the provisions of the Labour Act.

The inspector can enter the workplace at any hour of day or night and carry out the necessary examination, test or inquiry, check the workers' records and question whoever they want and prepare a report. Labour Inspectors provide the relevant information and advise the employer and the workers regarding effective means to comply with the legislation and the regulations issued by the Minister and employer has to carry out the alteration before expiry of that period.

In case of non-compliance, the inspector notifies and reports to the Labour Department or the Commission and employer is liable to a fine not exceeding 250 penalty units and in addition pays compensation to any person who proves that he/she has suffered any loss, damage or injury as a result of the noncompliance by the employer.

Labour inspector has to maintain the confidentiality during and after termination of service, otherwise, he/she is liable to a fine up to 500 penalty units or to

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Ghana has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Act 2003 (Act 651)
- National Health Insurance Regulations 2004
- Workmen's Compensation Act, 1987 (PNDCL 187)

Income

There is no clear provision in the Labour Act about paid sick leave and its length. It only says that sick leave certified by the medical practitioner is independent of annual leave.

Sources: § 22 & 24 of the Labour Act 2003 (Act 651); ISSA Country Profile 2017

Medical Care

There is no mention in the labour act about the medical care however medical benefits are provided under the National Health Insurance Program. It provides range of healthcare services free of charge, including inpatient and outpatient services, emergency care, eye treatment, and dental and maternity care. The program does not cover costs for rehabilitation (other than physiotherapy), prostheses, certain surgeries (including organ transplants and cosmetic surgeries), antiretroviral treatment for HIV, dialysis, and cancer treatment (other than cervical or breast cancer).

Employers are required to pay the medical expenses in respect of the occupational injury.

Source: Schedule II under regulation 19 of the National Health Insurance Regulations 2004; ISSA Country Profile 2017

Job Security

There is no provision in the above act that a worker's job is secure during the first 6 months of his/her illness. According to the Labour Act, an employer can't dismiss a worker during his/her period of sickness (only if it is temporary and for short period), pregnancy or disability.

Sources: §63(2G) of the Labour Act 2003 (Act 651)

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity; (ii) permanent partial incapacity; (iii) temporary incapacity; and (iv) fatal injury leading to the death of a worker.

In the case of permanent total incapacity/disability, a lump sum of 96 months of the insured worker's earnings is paid.

In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability. A percentage of full lump-sum is paid according to the assessed degree of disability.

In the case of temporary disability, the benefit is paid periodically, as a lump sum or a combination of these methods, depending on the estimated duration of the disability. An insured worker gets the benefit for a maximum of 24 months (after a five-day waiting period). This period can be extended up to 06 months. The temporary disablement benefit is calculated as the difference between the insured worker's earnings before the disability began and the actual or potential earnings after the disability began.

In the case of fatal injury, dependents (widow/widower/minor children) receive survivors' benefit. A lump-sum of 60 months of insured worker's earnings is paid to the dependents at the time of fatal injury. A reduced benefit is paid if the survivor was only partially dependent.

Funeral grant is paid by the employer for the funeral to the dependants, up to a maximum. If there are no dependents, the employer pays the entire cost of the funeral.

Source: §1-8 of Workmen's Compensation Act, 1987 (PNDCL 187); ISSA Country Profile 2017

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Ghana has not ratified the Conventions 102, 121, 128, 130 and 168.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- National Pensions Act 2008(Act 766)

Pension Rights

The National Pension Act provides for both full and partial pension. For full pension, a worker must have attained 60 years of age (55 years if working under hazardous conditions) with at least 180 months (15 years) of contributions. An early pension is also available to workers from the age of 55 years with at least 180 months (15 years) of contributions.

Under 2014 reform, a worker's best 3 years average salary is taken to calculate pension. 37.5% of the insured's average annual earnings in the three best years of earnings plus 0.09375% of average annual earnings for each month of contributions exceeding 180 months is paid. If the number of contribution years exceed the minimum, pension is increased by 1.125 % for every additional year of contribution up to maximum 60 %. The minimum monthly pension is 276 cedi. The workers who are at 55 years or above at the time of commencement of pension scheme are exempt from joining the new Pension schemes.

Longer contributions lead to increase in the pension. Early pension ranges from 60% (age 55) to 90% (age 59) of the full pension. At age 60 with less than 180 months of contributions, old-age grant is paid as a lump sum of the present value of total contributions plus interest. The interest rate is set at 75% of the prevailing government Treasury bill rate.

Sources: § 70, 75-76 of the National Pensions Act 2008(Act 766); ISSA Country

Profile 2017; §60 and 77 National Pensions (Amendment) ACT, 2014 (Act 766)

Dependents' / Survivors' Benefit

National Pensions Act, 2008 provides for survivor benefit. Eligible survivors are named by the deceased; if beneficiaries are not named, eligible survivors are persons specified in the rules of the scheme.

The lump-sum survivors' benefit is paid if a worker dies after attaining retirement age (60 years) and before reaching 75 years of age. If the insured was not a pensioner, a lump sum of the present value of 15 years of pension is paid. The present value of the pension is calculated using the prevailing monthly Treasury bill interest rate or 10%, whichever is lower. The current 91-days Treasury bill rate is 11.9324% (June, 2017).

Mandatory occupational pension is paid as a lump sum of the total value of contributions plus interest, if the insured person dies before retirement.

Survivor grants are not payable abroad. These benefits are reviewed annually and may be adjusted based on the average increase in the wages of contributors to the scheme.

Sources: § 73 & 78 of the National Pensions Act 2008 (Act 766); ISSA Country Profile 2017

Unemployment Benefits

No provision in the law for unemployment insurance and benefits.

Invalidity Benefits

National Pensions Act, 2008 provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If an insured worker has made at least 12 months of contributions in the last 36 months and is certified by a medical board on his inability to engage in any gainful employment, he/she is entitled to invalidity benefit either as the minimum pension (which is 37.5% of a workers' best 3 years average salary plus 0.09375% of average annual earnings for each month of contributions exceeding 180 months) or earned pension whichever is higher.

If the insured person does not meet the qualifying conditions for the disability pension (social insurance), disability grant is paid as a lump sum of the present value of total contributions plus interest. The interest rate is set at 75% of the prevailing government Treasury bill rate. The current 91-days Treasury bill rate is 11.9324% (June, 2017).

A lump sum of the present value of total contributions plus interest is paid as a mandatory occupational pension. The insured person must be assessed with a total or permanent disability.

Sources: § 71 & 79 of the National Pensions Act 2008 (Act 766); ISSA Country Profile 2017

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Ghana has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Labour Act, 2003 (Act 651)
- Constitution of Ghana 1992
- Criminal Code, 1960 (Act 29)
- Labour Act 2003
- Persons with Disability Act, 2006 (Act 715)

Equal Pay

The Constitution of Ghana recognizes the right to fair remuneration and equal pay for work of equal value. In accordance with the Labour Act, every worker should receive equal pay for work of equal value without any discrimination.

Sources: §24(1) of the Constitution of Ghana 1992; §68 of the Labour Act, 2003 (Act 651)

Sexual Harassment

Labour Act defines sexual harassment as any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker, whether the worker is a man or woman.

There are no specific laws to protect women from sexual harassment however Labour Act requires the employer to take action against harassment at workplace. If a worker terminates employment contract because his/her employer did not take action against sexual harassment at workplace, such termination amounts to unfair dismissal.

The Criminal Code has provision on indecent assault which includes sexual bodily contact with another person without the consent of the other person or sexual

violation of the body of that person in any manner not amounting to carnal knowledge or unnatural carnal knowledge. The indecent assault is a liable offence and on conviction, the perpetrator may have to face an imprisonment term of at least 6 months.

Sources: § 15, 63 & 175 of the Labour Act 2003; §103 of the Criminal Code, 1960 (Act 29)

Non-Discrimination

In accordance with the Constitution of Ghana, all human being are equal before the law and no person can be discriminated on any ground, including gender, race, colour, ethnic origin, religion, creed or social or economic status.

The Labour Act adds disability and politics to the list of protected class. A person who discriminates against any person with respect to the employment or conditions of employment on the basis of gender, race, colour, ethnic origin, religion, creed, social or economic status, disability, politics or because that other person is a member or an officer of a trade union is guilty of unfair labour practice. An employer cannot compel a person, seeking employment or already in employment, to form or join a trade union or to refrain from forming or joining a trade union of his or her choice.

A trade union or employers' organization are prohibited to discriminate in its constitution or rules against any person on grounds of race, place of origin, political opinion, colour, religion, creed, gender or disability. The Chief Labour Officer does not register unions and organisations with discriminatory rules or constitution.

The Persons with Disability Act requires that no one should discriminate against, exploit or subject a person with disability to abusive or degrading treatment. Employers are prohibited from discriminating against a prospective employee or an employee on grounds of disability unless the disability is respect of the relevant employment.

Sources: §17 of the Constitution of Ghana 1992; §14, 87 & 127 of the Labour Act 2003 (Act 651); §4 & 9-15 of the Persons with Disability Act, 2006 (Act 715)

Equal Choice of Profession

Women can work in the same industries as men. No restrictions could be located in laws. Moreover, the Constitution allows citizens to choose any of the lawful occupations and does not place any restrictions. In accordance with article 41 of the Constitution, "the exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, and accordingly, it shall be the duty of every citizen to work conscientiously in his lawfully chosen occupation".

Sources: §41(e) of the Constitution of Ghana 1992

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Ghana has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Constitution of Ghana 1992
- Children's Act 1998
- Labour Regulations, 2007

Minimum Age for Employment

In accordance with provisions of this Act, a child under the age of 15 years can't be employed while the minimum age for engagement of child in light work is thirteen years. Light work is the work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from education. The minimum age for apprenticeship is fifteen years or after completion of basic education.

It is responsibility of the State to provide free education and to make sure that it is equally accessible to all. Compulsory education age is 15 years.

Sources: § 89-91 & 98 of the Children's Act 1998, §25 of the Constitution of Ghana 1992

Minimum Age for Hazardous Work

The minimum age for hazardous work is 18 years. No person may engage a child in exploitative labour, the labour which deprives a child of his health, education and development. A child may not be engaged for night work (between 08:00 p.m. and 06:00 a.m.).

Hazardous work (which poses a danger to the health, safety and morals of a person) includes going to sea; mining and quarrying; carrying and transporting of heavy loads; manufacturing industries

where chemicals are produced or used; work in places where machines are used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

According to the Labour Regulations, employment of young persons in hazardous work is prohibited. Hazardous work includes manual lifting of loads over 25 Kgs, work on scaffolds over 2.5 meters high, use of dangerous chemicals, places with excessive noise, etc.

Sources: § 87-88 & 91 of the Children's Act 1998, Regulation 7 of the Labour Regulations, 2007

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Ghana has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Regulations 2007
- Human Trafficking Act 2005
- Labour Act 2003 (Act 651)
- Constitution of Ghana 1992

Prohibition on Forced and Compulsory Labour

The Constitution prohibits all forms of forced labour. The Labour Act also prohibits all forms of forced or bonded labour. It is an offence for an employer to exact or cause to be exacted, or permit to be exacted, for his or her benefit forced labour from any worker. An employer convicted of an offence is liable to a fine not exceeding 250 penalty units. Employers are prohibited from employing a trafficked person or a victim of trafficking as defined by the Human Trafficking Act, 2005.

Sources: §16 of the Constitution of Ghana 1992; §116-117 of the Labour Act 2003 (Act 651); Human Trafficking Act 2005, (Act 694); Regulation 21 of the Labour Regulations 2007

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Sources: §17 of the Labour Act 2003 (Act 651)

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week and eight hours a day. However, total hours of work inclusive of overtime are not specified by the law. For more information on this, please refer to the section on compensation.

Source: § 33-35 of the Labour Act 2003 (Act 651)

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Ghana has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Labour Act 2003 (Act 651)
- Constitution of Ghana 1992
- National Labour Commission Regulations 2006 (LI 1822);
- Labour Regulations 2007 (LI 1833)

Freedom to Join and Form a Union

The Constitution provides for freedom of association to the citizens for the protection of their interests.

Labour Act defines a trade union as any association of workers, the principal purposes of which are to promote and protect their economic and social interests. Labour Act allows the workers and employers to establish and join unions. Moreover workers are allowed to participate in union activities outside working hours.

Two or more workers employed in the same undertaking may form a union, and two or more employers (each employing at least 15 workers) in the same industry or trade may form or join an employers' organization. The trade union has the right to draw up its constitution and rules, elect its officers and representatives. Unions organize their administration and activities and formulate their own programmes. They can affiliate to and participate in the activities of international workers' organisations. These unions can take part in the formulation, and become a member of any federation of trade unions or employers' organization and participate in its lawful activities.

A trade union has to apply in writing to the Chief Labour Officer for getting registered. The application for registration includes the

constitution, rules, name of officers and office address of the trade union. When the Chief Labour Officer is satisfied with the process, he/she issues a certificate to the trade union.

The rules or constitution of a trade union includes the name of the organisation; the registered office to which correspondence notice may be addressed; the principal objectives of the trade union; the qualifications for membership; the grounds on which an officer or a member may be suspended or dismissed from office or membership; the procedure for suspension or dismissal of an officer or a member; the membership fees and other subscription payable; the manner of dissolution of the trade union and disposal of its assets; the manner of altering, amending or revoking its constitution or rules; and the power, function and duties of officers of the trade union. A trade union or employers' organization is prohibited to discriminate in its constitution or rules against any person on grounds of race, place of origin, political opinion, colour, religion, creed, gender or disability.

Sources: §21(e) and 24 of the Constitution of Ghana 1992; §79-95 & 131 of the Labour Act 2003 (Act 651)

Freedom of Collective Bargaining

The Labour Act allows for collective bargaining in all enterprises. A collective agreement relates to the terms and conditions of employment of workers. It may be concluded between one or more trade unions on one hand and representatives of one or more employers or employers' organizations on the other hand.

Collective bargaining takes place in good faith between the parties. The representatives of the employees may include the provisions related to the class or category of workers to which it relates; the conditions of work (including the hours of work, rest period, meal breaks, annual leave, occupational health and safety measures); the remuneration and its calculation, the period of probation and its conditions; the notice period of termination of employment, transfer and discipline; the procedures for the avoidance and settlement of disputes arising out of the interpretation, application and administration of the agreement; and the principle of matching remuneration with productivity.

A trade union which wants to obtain a collective bargaining certificate is required to make an application to the Chief Labour Officer for a certificate appointing that trade union as the representative to conduct negotiations on behalf of the class of workers specified in the collective bargaining certificate with the employers of the workers. The application should contain the description of the class of workers and the estimated number of workers of that class who are members of that trade union.

A collective bargaining certificate is issued to a union for the same class of workers at a particular time. The Chief Labour Officer determines which union may hold the collective bargaining certificate. The Officer may, after consultation with the trade union, amend the certificate to cover other class(s) of workers.

The withdrawal of a certificate appointing a trade union does not affect the validity of a collective agreement made by the trade union before certificate was withdrawn. But

any collective agreement which is made by another trade union after withdrawal of the certificate has effect notwithstanding anything in the previous agreement.

After the negotiation the trade union communicates the terms of the concluded collective agreement to the notice of all the concerned workers. The concluded agreement between the parties is written and signed by a duly authorised member of the committee representing each party. Two copies of the agreement are deposited with the Labour Commission and the Chief Labour Officer.

Collective bargaining agreements are issued for a term of at least one year, and they must contain a provision for a final and conclusive settlement of any disputes between parties to whom the agreement applies, using the provision of the Labour Act for such settlement. If a notice is not given by either party within thirty days after the expiration of the collective agreement (in order to start negotiations), the collective agreement is deemed to have continued in force until rescinded by the parties. Collection of union dues is also permitted by the law.

The Labour Act provides for a National Tripartite Committee composed of equal number of representatives from worker, employer and government groups. It is headed by the Minister who acts as the chairperson of the committee. This Committee determines the national daily minimum wage; advise on employment and labour market issues, including labour laws, international labour standards, industrial relations and occupational safety and health; consult with partners in the labour market on matters of social and economic importance; and perform such other functions as the Minister may request

for the promotion of employment development and peace in the labour sector.

The National Tripartite Committee may set up its sub-committees such Regions and Districts as it considers necessary for the effective performance of its functions and the Ministry should provide a sub-committee with such secretarial services as the sub-committee may require.

Sources: §96-115 of the Labour Act 2003 (Act 651)

Right to Strike

Right to strike is recognized by law however this right is strictly regulated. Strike means any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish the output of such service with a view to applying coercive pressure upon the employer and includes sympathy strike and those activities commonly called a work-to-rule, a go slow or a sit down strike.

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Ghana is a product of WageIndicator.org and
www.mywage.org/ghana



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Ghana scored 30 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.