



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

During the 3rd UPR cycle in 2017, Ghana received and accepted 14 recommendations on the rights of citizens to Labour (Work). Including 146.17 by Sudan to 'Accede to the ILO Domestic Workers Convention, 2011 (No. 189)'.

NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK

1. Labour Act 2003, (Act 651).
2. National Labour Commission established under the Labour Act 2003, (Act 651).
3. Draft Domestic Worker (Labour) Regulations 2016 (An Initiative of the Ministry of Gender, Children and Social Protection with support from the Ministry of Employment and Labour Relations).
4. Labour (Domestic Workers) Regulations, 2020. LI 2408 (An Initiative of the Ministry of Gender, Children and Social Protection with support from the Ministry of Employment and Labour Relations).
5. Article 36(1) of the 1992 Constitution of Ghana states: "The State shall take all necessary actions to ensure that the national economy is managed in such a manner as to maximise the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy".
6. Technical and Vocational Education and Training (TVET) Policy for Ghana, 2004
7. Ghana Technical and Vocational Education and Training (TVET) Service
7. Commission for Technical and Vocational Education and Training (TVET)

CURRENT ISSUES , CHALLENGES / IMPACT

CHALLENGES/IMPACT.

Socio-Economic and Health : The non-ratification of the ILO Convention 189 has a negative influence on the individual's (domestic workers) economic activity which is negatively impacting domestic workers and rendering them poorer and affecting their health and lifelong learning.

Sexual Harassment in the Workplace: The non-ratification of the ILO Convention 190 has a negative impact on especially female workers hindering their economic stability. There are several reports on sexual harassment which are not reported and some losing confidence in State institutions for lack of action on reports received. Companies/businesses have failed to enforce sexual harassment reports and in most cases lack a sexual harassment policy.

Social Welfare and Pension Scheme : The non-ratification of ILO C189 by the State and its negative impact on the social security entitlements of domestic workers infringes on the human rights of these domestic workers as employers are not mandated to pay their monthly social security deductions.

Collective Bargaining : There is no formal and formalised approach to collective bargaining of salaries. Problematic clauses in the Labour Act 2003, (Act 651) as well as some clauses in the Act which do not have clear definitions have led to several abuses of employees against employers going a long way to affect livelihood and other rights. This has led to continuous infringement on the rights of domestic workers in terms of equal pay for equal work. Consequently, the lack of clear definitions of who a domestic worker is and whether domestic work is in the formal or informal category hinders the work of domestic workers and infringes on their human rights and as such the need to review Labour Act 2003, (Act 651) to reflect clear definitions.

Registration of Service : Registration of more service providing projects or companies than manufacturing and agricultural projects or companies. Data from the Ghana Investment Promotion Council (GIPC) show that in the 2021 annual report 271 projects were registered (both old and new). Out of the 271 projects registered, the services sector recorded the highest number of projects (139). It was followed by manufacturing and general trading with 50 and 35 projects respectively. Oil & gas,

export trade and building & construction recorded 19, 12 and 11 projects respectively. This does not encourage direct investment into sectors and areas that will help create jobs and add value to the country's natural resources.

RECOMMENDATIONS

1. Conduct in the nearest possible time, a comprehensive survey to know the status of the unemployment rate, assess the impact of the rate in Ghana and implement effective measures to solve the problem.
2. Set clear employment targets for each region and district in Ghana with reference to the mandate of the Technical and Vocational Education and Training (TVET) Commission of Ghana and Ghana TVET Service established per the TVET Policy, 2004.
3. Review the Labour Act 2003 (Act 651) to meet current needs in accordance with best international labour practices.
4. Expedite the ratification of the International Labour Organisation Domestic Workers Convention, 2011 (No. 189).
5. Expedite the ratification of the International Labour Organisation Sexual Harassment in the Workplace Convention, 190
6. Ratification of remaining 11 out of 51 International Labour Organisation Conventions.
7. Initiate further efforts in order to fight child exploitation in dangerous work and work more seriously through the promulgation of laws to combat this phenomenon.

ABOUT THIS FACTSHEET

This factsheet was drafted under the auspices of the Ghana UPR Civil Society Platform by the following CSOs:

- POS Foundation
posfoundation.org/posjonathan@gmail.com
- ROH Foundation
<https://www.facebook.com/ROH-Foundation-1599621746961763>
- Women in Law and Development in Africa (WILDAF) Ghana
www.wildaf-ghana.org info@wildaf-ghana.org

REFERENCE

Links

<https://mofep.gov.gh/sites/default/files/news/2022-Budget-Statement.pdf>

1. Labour Act 2003 (Act 651)
2. ILO Conventions 189 and 190
3. The Draft Domestic Worker (Labour) Regulations 2016
4. Constitution of the Republic of Ghana 1992
5. Labour (Domestic Workers) Regulations, 2020. LI 2408