

PN-ACU-182

National Labour Forum

**Villa Cisneros
Sogakope, Ghana
May 24-28, 1999**

May 1999



Sigma One Corporation

**National Labour Forum
“Reforming Labour Laws For the Next Millennium”**

**Villa Cisneros, Sogakope, Volta Region, Ghana
May 24-28, 1999**

Submitted to:

**U.S. Agency for International Development
Mission to Ghana**

for:

**Trade and Investment Reform Program (TIRP)
Improved Policy Reform and Financial Intermediation
USAID Contract Number: 641-C-00-98-00229**

by:

Sigma One Corporation

In fulfillment of the following milestones:

**1.11 Annual National Economic Forum in Fall (September)
Year 1**

May 1999

Sigma One Corporation

List of Attendees, Topical Program and Communiqué

From the

National Labour Forum

“Reforming Labour Laws for the Next Millennium”

Convened by:

**The Ministry of Employment and Social Welfare
The Republic of Ghana**

Background

The liberalization of the economy of Ghana, and Government's determination to bring the country to a middle income status by the year 2020 (Ghana's Vision 2020 Document), makes it imperative for Ghana to put in place the right policies which will ensure sustainable economic growth.

It thus becomes essential to strengthen the public institutional support systems in order to smoothen the path for private sector growth and expansion. A good labour code is one of such public support systems for attaining sustainable economic growth.

The laws governing labour in Ghana are many and vary with the subject matter of each enactment. Some have been in existence for as long as 50 years. Consequently, some of them do not conform to modern trends in the labour market. Various dichotomies exist between the laws and labour practices. It is to help enact labour laws, which will eliminate contradictions, repetitions and above all promote flexibility in the labour market that a national forum on labour law review was organized.

The Forum

The Forum on "Reforming Labour Laws for the Next Millennium" was organized by the Ministry of Employment and Social Welfare in consultation with its social partners- Employers and Workers, and was sponsored by Sigma One Corporation through funding by USAID Mission To Ghana.

The Forum, involved all social partners discussing issues relating to the laws that govern labour in the country. It aimed at providing a broad framework for the drafting of a new labour legislation that would promote the flexibility of the Ghanaian labour market, keeping in view the 1992 Constitution, International Labour Conventions and best practices in the international community. The main objective of the Labour Forum was to discuss issues as a means to evolving a legal framework for the new labour code, there were several issues raised and discussed at the group and plenary levels. These issues were guided by a legal review memo commissioned by the planning committee, discussions and workshops organized by the different social partner group. The pre-conference dialogue was supplemented by presentations on the economic and legal issues in the initial plenary sessions and background talks presented each day. The topics discussed are listed in the topical program for the conference. This document is attached to this transmittal note.

Participants

Participants were drawn from various Workers Associations, Employers Association, Government ministries, NGOs and International Organizations. These included: The Ghana Employers' Association, the Trades Union Congress, the International Commercial Workers Union, Agricultural Workers Union, Ministry of Employment & Social Welfare, Labour Department, Inspectorate Division, University of Ghana, Attorney General's Department, Ministry of Finance, Ministry of Local Government, Sigma One Corporation and the media. A complete list of participants is attached.

Outcomes

Two key outcomes from the conference were a clear identification of the issues left unresolved and a way forward for negotiating these unresolved issues. A brief note presented on the final day of the forum is attached as well as the communiqué of the forum outlining the commitment on the social partners to work for a new labour code for Ghana.

Organization of the Program and Workgroup Topics at the National Labour Forum.

Day 1 -Tuesday May 25, 1999

Theme: Reforming Labour Laws for the Next Millennium

Opening Ceremony
Economic Perspective,
Legal Perspective.

Day 2 – Wednesday, May 26, 1999

Theme: Modern Labour Codes and Employers and Workers Organizations -Definitions

Orientation Talk: Modern Labour Codes.

Morning Sessions: Rethinking the Labour Code - What do we want?

Scope and Application of Bill
Role of Workers & Employers
Bureaucracy
Formulation of Government Policy

Afternoon Sessions: Employers' & Workers' Organizations- Definitions and Roles.

Employment & Redundancy
Remuneration -salary, allowances, benefits
Freedom of Association
Employment Service

Day 3 –Thursday, May 27, 1999

Theme: Industrial Relations and Dispute Resolution

Orientation Talk: Labour and Trade.

Morning Sessions: Industrial Relations & Dispute Resolution.

Labour/Industrial Relations - Collective bargaining
Strikes/Lockouts/Damages/Strike balloting.
Dispute Settlement

Afternoon Sessions: Minimum Standards/Conditions of Service and Institutions

Health and Safety of Workers
Employment of Disabled Persons and Young Persons
Forced Labour
Institutionalizing Tripartism

Day 4 – Friday, May 28, 1999.

Theme: Emerging Issues - the Social Partners speak.

Emerging Issues as Identified by the Social Partners.

GEA
Government
TUC
Informal Sector

Labour Legislation - The Road Ahead

Closing Ceremony

Communiqué

List of Participants at the National Labour Forum, Sogakope, Volta Region, May 24-28, 1999.

“Reforming Labour Laws for the next Millennium”

Ralph Ocloo, ASSI	Emily A. Harley, PSC
Rev. Fugah, ASSI	Hon. Evans Ahorsey, Parliament
Henry Tackey, Attorney-General's Dept	Hon. Nyaunu Michael, Parliament
B. K. Oppong, CHRAJ	Hon. Joe Donkor, Parliament
Henry Asheley, CHRAJ	Johnson Ben Oduro, PEF
J. N. O. Ankrah, CSA	Yao Klinogo, SEC
S. N. Tettey, Factories Inspectorate	A. J. Wilson, TOPP
E. Briku-Boadu, FES	A. Y. Baah, TUC
P. K. Addo, GIPC	A.T.D. Okine, TUC
Dr. N.A Addo, G.M.A	A. K. Bonney, TUC, Chairman Day 3.
Kusi-Atansah, G. N. A.T	S. K. Yalley, TUC
Alice D. Asare, G. R. N. A	Dennis Vormawor, TUC
Alex Frimpong, GEA	Josephine Abakah, TUC
Dr. Seth Twum, GEA	K. Adu Amankwah, TUC
K. Ampadu Yeboah, GEA	K. O. Afriyie, TUC
Mr. K. Amoasi-Andoh, GEA, Chairman Day 2.	K. Ofei-Nkansah, TUC
R. J. Deih, GEA	Peter B. Arthiabah, TUC
Paul Agyiri, GEA/ADB	S. Y. Bonnah, TUC/LGWU
H. Atta Paidoo, GEA/FPIB	J. N. Y. Atopley, TUC/GTPCWU
Rose Karikari Anang, GP&H	John G. Akoto, TUC/HSWU
E. Asiedu Nyarko, Labour Dept	Napoleon Kpoh, TUC/ICU
T. K. Essilfie, Labour Dept	W. Jerry Addo P, TUC/VWU
E.A. Ntim, Labour Dept.	Daniel Odum-Ewuakye, TUC/CWU
Elizabeth Hagan, Labour Dept.	Kofi Asamoah, TUC /MDU
Kofi Asamoah, MDU	Oscar Adinkra, TUC/RWU I
Yaw Nyarko-Mensah, MOTI	Saac A. Oboh, TUC/REU
Hon. A. Gamey, MESW	Dan Antwi, TUC/TEWU
F. B Aasoyir, MESW	Samuel Kangah, TUC/GAWU
J. Y. Amankrah, MESW	John Danchiro, TWU
Mrs B. Katsriku, MESW	Susan Schimmez, U.S. Embassy
Ms. Lesley Dadzie, Min. of Finance	Bernard B. Brocke, Parliament
Philomena Johnson, NDPC	Charles Osei-Bonsu
Kofi Yalley, N. U.S	J. V.L Phillips, Chairman Day 1.
K. A. Twum-Baah, NAEL, Chairman Day 2.	

International Resource Persons & Speakers

Dr. David Franklin, Sigma One Corp. President & Senior Economist, International Resource Person

Dr. Dominique Hachette, Sigma One Corp, Trade and Labour Advisor.

Dr. Robert Fearn, Sigma One Corp., Labour Economics & Industrial Relations Advisor

Local Resource Persons & Facilitators.

Godfried Nikoi, Legal Resource Person

Dr. Kwabia. Boateng, Economics Resource Person, Economics Dept. Legon

Prof. Kwasi Anyemedu, Resource Person, Economics Dept. Legon.

Opanin P. Obeng-Fosu, Industrial Relations Resource Person, OPOF Consultancies

Dr. A. Gockel, Facilitator, Economics Dept, Legon.

Nana T. A Kusi, Facilitator

Mr. H. T. Mbiah, Facilitator

Conference Support, Administration, Operations & Documentation

Ralph Franklin, Sigma One Corp, Labour Policy Advisor, Forum Operations

Beatrice Dovlo, Sigma One Corp. Project Coordinator

Eirene Ng' Nang'a, Sigma One Corp, Field Office Manager

Viivian Aubyn, Chief Rapportuer, Principal MauB.

Dolores Acolatse, Rapportuer, MauB

Mary Offei Acheampomaa, Rapportuer, MauB

Veronica Sackey, Rapportuer MauB

Barbara Annang, Clerical Support, MauB.

Bernice Welbeck, Clerical Support, MauB.

Elizabeth Danso, Clerical Support, MauB

CLOSING REMARKS

THE WAY FORWARD –

Chairman, Planning Committee of the National Labour Forum

Mrs. Katsriku said that the forum was just the beginning of a process that would bring about Labour laws that will serve the purpose of all social partners. She urged all social partners to nominate members to a technical working group that is to be constituted to continue with the process of formulating a new Labour code.

The group would be charged, among other things, to:

- a. study the report of the forum
- b. mark out all gray areas
- c. Make the necessary changes that will help reach their set objectives

The issues for which consensus was not arrived at would be referred to the technical committee these issues were:

- **Definition of 'Worker' and 'Employee'**
- **Freedom of Association**
- **Unionization of Senior Staff**
- **Check-Off System**
- **Pluralism of Trade Unions in an Enterprise**
- **Matching Remuneration to Productivity**
- **Legal/ Illegal Strikes**
- **Strike Pay**
- **Agency Fee/ CBAs**
- **Protection of Employment and Remuneration**
- **Unfair Dismissal**
- **Labour Commission**

WORKERS' GROUP

Mr. Adu-Amankwah, on behalf of the Workers' Group, appreciated and congratulated the Ministry of Employment and Social Welfare. He entreated their partners to take particular interest in the area of organizational rights, as this was an issue very dear to them because it was something they had fought to achieve. He said Workers' Group looked forward to a stronger partnership.

GHANA EMPLOYERS' ASSOCIATION (GEA)

Dr. Seth Twum, on behalf of the GEA, expressed appreciation. He said it was extremely good to see that it has been possible for all partners to come together and sit down to discuss issues which he said had taught them the ethic of tolerance. He urged social partners to carry this forward. He noted that the Labour

market is one area where education is becoming extremely important because it is one area that enables a country to enter into the world market. This, he said was necessary to ensure a better Ghana.

INFORMAL SECTOR

Rev. Fugah, on behalf of the Informal Sector, expressed his appreciation to the organizers of the forum. He thanked the Good Lord for making the Forum a success. He expressed his personal gratitude to social partners for the tolerance they had shown. He hoped that the informal sector would not be left out in anything that would be done.

Closing Comments by Representatives of the International Resource Persons.

Dr. Robert Fearn

Dr. Robert Fearn was very thankful for the opportunity he had to work with social partners. He said he had learnt a lot, and was happy that the meeting had been successful. He noted that there had been a lot of talk about progress, but no mention had been made with respect to productivity, and said this was an important issue that should not be left out, because when the market is good, resources would be well allocated.

Dr. David Franklin

Dr. David Franklin, President of Sigma One Corporation, thanked the social partners for the dedicated way in which they had stayed to address some very important issues. He said one main question that Ghana should ask is "what is it that the rest of the world wants?" Ghana should then direct its attention towards that; by so doing a lot would be achieved economically and financially.

Hon. Austin Gamey, Deputy Minister, MESW

Hon. Austin Gamey, thanked the social partners most sincerely for their time and the important contributions they had made to make the meeting a success. He said in the world today, there is globalization and competitiveness, and the onus rest on social partners to catch up with the world. He said the things that they have committed themselves to do, as partners, should be vigorously pursued. On the issue of productivity, the Minister informed the meeting that the Ministry has appointed a Committee to deal with the issue of productivity improvement in Ghana. He was hopeful that this would be the beginning of better things.

CLOSING REMARKS

The Chairman - Dr. Twum Baah, NACL

Dr. Twum Baah thanked the social partners for making his work easy and operative. He appreciated the spirit of co-operation exhibited. He said he was satisfied and not disappointed, and was hopeful that this was not the end, but only the beginning of the end. He said other processes would be carried out, at which they would talk on some of the issues discussed. He called for unity in all their undertakings.

COMMUNIQUÉ FROM THE NATIONAL LABOUR FORUM

National Labour Forum has provided opportunities for fruitful deliberation by the social partners on issues relating to the current Labour law review.

There has been free, fair and frank discussion of issues that will promote positive review of the law.

The forum acknowledges the following underlying principles of the Labour law-

- ◆ Stability in Labour relations
- ◆ Maintenance of human dignity in Labour relations
- ◆ Creation of a flexible Labour market
- ◆ Conditions for growth
- ◆ The need for equity and social protection
- ◆ Consolidation and accessibility of the law
- ◆ The law to be put in a language that is easily understood by all.

The Social Partners further commit themselves to fully contribute to the process of the review

The Social Partners therefore further commit to the implementation of the provisions of the review when it is over.

S/. GOVERNMENT GROUP REPRESENTATIVE

S/. EMPLOYERS GROUP REPRESENTATIVE

S/. WORKERS GROUP REPRESENTATIVE

DATED 28TH MAY 1999

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