

PNACU-183

**Tema Meeting to Review Draft Labour Code, 2000
March 24, 2000**

March 2000



Sigma One Corporation

2

Sigma One Corporation (U.S. Office)
Post Office Box 12836
Research Triangle Park, North Carolina 27709-2836

Phone: (919) 361-9800

Fax: (919) 361-5858

Email: sigma1@sigmaone.com

**Tema Meeting to Review Draft Labour Code, 2000
March 24, 2000**

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:

1.17 (Y1) Town Hall meeting in one or more regional cities to increase public awareness.

March 2000

Sigma One Corporation

Report on the Tema Town Hall Meeting to Discuss the Draft Labour Law-2000

On Friday, March 24, the first TIRP Town Hall meeting was held at the Hospitality Services Centre building in Tema, Ghana to discuss the draft labour law that is to be presented to Parliament in April/May 2000 for consideration. Attending the Town Hall meeting were 65 participants representing primarily labour and company personnel managers. The meeting began at 9:30 a.m. and ended at 8:30 p.m. on the 24th.

The Meeting began with presentations by the Deputy Minister of Employment and Social Welfare, Honorable Austin Gamey, Dr. Kofi Komadu, Professor of Law at the University of Ghana and Dr. Goodwin, the Sigma One Corporation Chief of Party for the TIRP. -

Deputy Minister Gamey opened the meeting with a brief discussion on need for new labour legislation and the importance of the development of the legislation being done through a participatory process. Professor Komadu, as one of the consultants involved in the development of the legislation reviewed the background to the formation of the law, the rationale for the preparing new legislation and highlighted the significant changes that the law contains. Dr. Goodwin, discussed the importance of a more flexible labour market to Ghanaian competitiveness in the global economy of today.

After the opening presentations the participants divided into five groups to review and discuss the 18 Parts into which the Bill had been divided. Group 1 reviewed Parts 1-3; Group 2 Parts 4-7; Group 3, Parts 8-11; Group 4, Parts 12-15; and Group 5, Parts 16-18. The Groups were assigned separate meeting rooms and the review period was 10:30 a.m. to 2:30p.m. A lunch break was taken at 2:30 and then the Groups met in plenary session from 3:30 p.m. to 8:30 p.m..

In the plenary session the rapporteur for each Group made a brief summary presentation of the Group discussions, conclusions and concerns. Immediately following the presentation of each rapporteur a general discussion was held. A summary of each report is as follows:

Group 1. The focus of the discussion from group 1 was the National Labour Commission. Group 1 questioned the length of tenure of Commission members (10 years) and the terms of Service (same as a High Court Justice, including a pension after 10 years). The Group also proposed nine rather than six members. The Group was also concerned that charging fees for services by the Commission would create conflict of interest situations.

Group 2. The discussions from this Group focused on issues of "Terms of Service". The focus of concern from this Group was the need to be clearer as to what was meant by particular terms and conditions. Examples where the question as to what termination meant in Article 28.1.a. Was the termination absolute or did it refer to specific conditions that then should be stated. Likewise, in Article 42.3 what period did the 200 days listed refer to? Continuous employment? Total days of employment during the year? Etc.

Group 3. The focus of discussions in this group was on reduction in staff issues. Like Group 2, this Group requested clarification on several issues. There was concern by some that employers

could abuse the provisions in Article 81.a. Examples of concern were the redefinition of jobs to get rid of "troublemakers". It was also suggested that incompetency is poorly defined in the same Article. There was a question as to whether it was practical to expect firms to give unions three months advance warning of reductions in employment or closure of facilities.

Group 4. The principle concern highlighted in this section was the collective bargaining provision in Article 116, that permits multi-union representation in the same firm. The concern was how this would work in practice. Since there were no clear provisions to force unions to collaborate there was concern that employers would face escalating demands in negotiations and that any agreement that did not apply to all workers would quickly be discarded.

Group 5. The discussions in Group 5 seemed to focus more on definitional issues. For example; Article 140.3 there is a need to define "intimidate"; Article 142.1, define "reasonable facilities"; 143.0 define "interference"; Article 152.5, what is "reasonable notice"? It also recommended that sexual harassment needed to be defined and the responsibilities stated. What is the obligation of the firm to address/correct sexual harassment? A point raised by this Group, but which all Group felt was a deficiency in the law was the failure to clearly define what penalties/recourse firms, organizations or individuals had, if the Commission did not act within the specified times.

The Town Hall meeting was successful in attracting a group of 65 people, many, who, for the first time, had an opportunity to provide their input into what is a very important piece of legislation. Their comments have been duly noted by the drafters and will as appropriate be incorporated into the draft law.

Group

**LIST OF PARTICIPANTS AT THE WORKSHOP ON THE DRAFT LABOUR
ACT 2000**

NAME	ORGANIZATION	DESIGNATION
Joyce W. A. Opoku	La Plam Royal Beach Hotel	Manager Human Resource
B.K. Amonoo	Ghana Airways	Head Of Administration
Ellen Jonah	Tema Steel Company Ltd.	Manager -Pers. & Admin
Chris M. Asakie	RoRo Services	Personnel Officer
Isaac Baah	Ecobank	Head - Human Resource
Kingsley S. Agomor	Provider Consult (Gh) Ltd.	Staff
Emmanuel B. Kpabitey	Provider Consult (Gh) Ltd.	Administration Director
Samuel D. Lamyoh	Provider Consult (Gh) Ltd.	Administration Manager
G. K. Yeboah	Ghacem Limited	Administration Manager
Victor Seddoh	Mankoadze Fisheries	Deputy Pers. & Admin
Morlo E. Annor	Ministry of Health	Chief Personnel Officer
S. B. Offei	Ghacem Limited	Snr. Admin. Manager
C. T. Dodoh	Tema Lube Oil Co.	Administrative Manager
Mrs Josephine Afful	Tema Lube Oil Co.	Employer Relation Officer
T. Nyarko - Danquah	Ashanti Goldfields	Administrative Manager
Araba N. Ghartey	Atlas M&E (Gh) Ltd.	Human Resource Manager
Fred E. K. Ekuban	Atlas M&E (Gh) Ltd.	Human Resource Manager
Kwasi Asokwa-Boateng	VRA	Snr. Admin. Officer
Mrs Adina Quarshie	VRA	Snr. Admin. Officer
Emmanuel G. Dziko	Ghana Telecom	HRM
Dela Heloo	VAT Service	SRO
Aseye Nanemeh (Mrs)	VAT Service	Head Admin.
Annie Ayesu (Mrs)	VAT Service	ARO
A. K. Ackah Mensah	VAT Service	Acting Head - Training
Kwesi Ackaah	VAT Service	Trainer
Michael A. Sam	VAT Service	Chairman VAT - PSWU
Wallace Dankwah	Aluworks Limited	Personnel Manager
John Agbenorku	Scoe Ghana Limited	HR /Admin. Manager
Kwesi Nyankakyi	First Atlantic Bank	Legal Officer
J. E. Hagan	GIMPA	
Jane Quaye	OSA Transport	Legal Officer
F. E. Ackah	F.E.Ackah French Consult	Managing Director
Samuel Boadi	VAT Service	Vice Chairman PSWU
Timoty T. Ayerson	World Vision Ghana	Human Resource Manager
Richard Baffour-Awuah	DATATEL Ghana	Human Resource Manager
Godfred R. Twumasi	State Insurance Co.	Personnel Manager
James C. E. Badoe	Techvart Trading Co.	Personnel Manager
Seth Asante	Volta River Authority	HR Manager
J. S. K. Gborgah	Agric. Dev. Bank	Administrative Manager
D. K. Opoku	Pioneer Food Camery Ltd.	Ast. Admin. Manager
Kwame Buah	Tema Development Corp.	Human Resource Manager
Godwin Ntony	Metropolitan & Allied Bank	Legal Manager
Daniyal Abdul-Karim	Metropolitan & Allied Bank	Officer - Legal Dept.
Nicholas Agyen -	Ghana Water Company	Human Resource Manager

Frimpong		
Kofi Bayitse	GTP Co. Ltd.	Human Resource Manager
Martha A. Clerk	GTP Co. Ltd.	Human Resource Manager
Barbara Oteng -Gyasi (Mrs)	GTP Co. Ltd.	GRP Admin. Manager
Theophilus Appoh	GTP Co. Ltd.	GRP Admin. Manager
I. B. Arku	Nestle Ghana Ltd.	Personnel Manager
Mrs Frances Williams	CAL Merchant Bank	Director of Personnel
Francis O. Donkor	Agric. Dev. Bank	Head / Administration
Frank C. Ocran	Danbri Co. Ltd.	Human Resource Manager
Peter Maasodong	Ghana Telecom	H R Manager
Rev. H. W. Awuah- Borbornyo	Bethel Prayer Ministry International	H. R. Manager
K. Ampiaw-Osei	Freelance	H. R. P.
J. Essiful -Ansah	JUSTAG	Unionist
Marie - Louise Prah (Mrs)	First Atlantic Merchant Bank	Human Resource Manager
Philomena C. Cobbinah	Shell Ghana Ltd.	H.R. Dev. Manager
Emmanuel R. Oboro	Abosso Goldfields Ltd.	Personnel Assistant
K. Asiedu Aboagye	Frontline Legal Consult	Lawyer
J. M. Kpordzih	Elect Company	Ind. Relations Manager
Jonathan Ocansey	Fan Milk Ltd.	Human Resource Manager
Mrs Efua S. Eyi Acquah	Bank of Ghana	Human Resource Manager
Joseph Garbrah	Valco	Human Resource Dept.
Hon. Austin Gamey	Ministry of Employment & Social Welfare	President GIPM

GHANA INSTITUTE OF PERSONNEL MANAGEMENT (GIPM)

ONE-DAY WORKSHOP ON DRAFT LABOUR LAW, 2000

FRIDAY, MARCH 24, 2000

HOSPITALITY SERVICES CENTRE, TEMA

PROGRAMME

<u>TIME</u>	<u>ACTIVITY</u>
8.00 a.m. – 9.00 a.m.	Arrival of Members/Participants
9.00 a.m.	Opening Prayer
9.05 a.m.	Welcome Address by Hon. A.A. Gamey, President, GIPM
9.10 a.m.	Remark by Director, Sigma One Corporation
9.15 a.m.	Introduction of Resource Person
9.20 a.m.	Brief Remarks by Resource Person
9.25 a.m.	Commencement of Discussions
10.30 a.m.	Snacks Break
10.45 a.m.	Continuation of Discussions
12.30 p.m.	Lunch
1.15 p.m.	Continuation of Discussions
3.15 p.m.	Break
3.20 p.m.	Continuation of Discussions
6.15 p.m.	Summary/Path Forward
6.30 p.m.	Supper/Closing

PROGRAMME FACILITATOR

JOSEPH C. GARBRAH - GENERAL SECRETARY