

PN-ACU-184

**Draft Labor Bill Review with Partners**

**Medina, Ghana**

**April 2000**



**Sigma One Corporation**

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**Submitted to:**

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

**for:**

**Trade and Investment Reform Program (TIRP)  
Improved Policy Reform and Financial Intermediation  
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**by:**

**Sigma One Corporation**

**In fulfillment of the following milestones:**

- 1.17 Town Hall meeting in one or two regional cities to increase public awareness (Year 2)**

**April 2000**

**Sigma One Corporation**

## **Report on Town Hall Meeting on Proposed New Labor Law, Held April 6-7, 2000 at Madina, Ghana**

On April 6-7, 2000 a Town Hall Meeting was held at the Institute of Local Government Studies, Madina, Ghana. The purpose of the meeting was to hold a final review of the draft labor law that was to be submitted to Parliament for passage. Before submission to Cabinet for approval to forwarding to Parliament, the Tripartite Technical Committee wanted to hold a final review with the expanded membership of the Committee, to resolve as many of the remaining differences between members as possible, before submission to Cabinet. Any remaining differences would then need to be decided by Parliament.

The meeting opened with an introductory presentation by the Deputy Minister of Employment and Social Welfare, Honorable Austin Gamay. In his introductory statement, the Deputy Minister made the following points:

- the focus of the meeting is on dialogue to arrive at consensus where possible;
- everyone should remember they are here to dialogue in terms of the interest of the nation;
- positions advanced must be consistent with the constitution;
- there are also the International Labor Organization (ILO) conventions that Ghana has ratified and law must be consistent with them;
- may need a seminar for Parliament legal and labor sub-committees to help inform them of the issues;
- the Town Hall Meeting is not the final chance to discuss the issues, as the Parliamentary process will allow for further public discussion;
- the focus of the Town Hall Meeting should be on dialogue not bargaining;
- if consensus cannot be reached on any issues, the different points of view will be conveyed to the Cabinet and the Parliament.

The Trades Union Congress and the Employers Association representatives in their response both called for careful discussion and agreed that everything going to Cabinet should have the broadest agreement possible.

The Ghana Employers Association (GEA) comments over the two days of discussion were quite extensive, but mostly on comments to improve the draft law rather than representing major changes. The principal issues observations raised by the GEA were: 1) the law should use language to promote cooperation rather than threaten members (often wording seemed to be assume that the law would not be observed, so penalties often came across as threats); 2) the function of the Labor Commission was not clear to the GEA; 3) the employers had an issue with the check-off system. They agreed that it was the best way to collect dues, but preferred that the use of the check-off should be part of labor-management negotiations rather compulsory by law; 4) also the GEA objected to the sexual harassment section of the draft law - they argued sexual harassment was an individual issue, not the responsibility of the firm.

The TUC's general position on the law was that they see law as protecting labor, not just ordering relationships. While the TUC, like the GEA had a number of comments and observations, their principal concerns were the following issues:

- Sympathy Strikes. The new law makes sympathy strikes illegal. The TUC felt that the law did not adequately take into account the relative power of labor and management. The TUC saw the sympathy strike as providing support in the form of solidarity and that labor had the right to use all means to defend workers.
- Denial of Strike for Essential Services. The TUC did not disagree with the principal of denial of the right to strike for essential service workers, but felt the list in the law was too extensive and should be reduced.
- Certificate of Collective Bargaining. The TUC (and the GEA) were against the concept, accepted in the legislation, that more than one union in a firm could have a certificate of collective bargaining. Both the TUC and GEA felt that a multiplicity of unions in one work place would promote rivalry and disrupt the workplace.
- Union Dues. The TUC argued forcefully that the present check-off system by the employers should be retained.
- Freedom of Association. The TUC felt that the present draft labor bill was subject to too many interpretations and they wanted restrictions on those employees who could be classified as agents of the shareholders (and thus not eligible to be unionized).

The above issues were discussed in detail While a number of minor changes were accepted to the Bill, the principal issues discussed above, were left for consideration by the Cabinet and Parliament. While not resolving the major outstanding differences, the Town Hall Meeting served as an opportunity for both Labor and Management to re-state their concerns and have them noted and recorded for the Cabinet and Parliament. The concerns noted will be discussed carefully in both Cabinet and Parliament and the Town Hall Meeting will have helped to put the concerns on record for further review. Moreover, the meeting and accompanying discussion, help to increase the spirit of trust that the Government was being "fair" and supporting an open process.

The list of the attendees are attached with this report.

From: Mrs. Bernice Welbeck, MESW

**LIST OF PARTICIPANTS AT THE EXPANDED TECHNICAL COMMITTEE ON THE DRAFT LABOUR BILL**

**GOVERNMENT**

- Hon. Austin A. Gamey - Deputy Minister of Employment and Social Welfare/Chairman of the Technical Committee
- Mrs. Bridget Katsriku - Chief Director, MESW
- Mr. Ebenezer Asiedu-Nyarico - Principal Labour Officer, Labour Department
- Mrs. Bernice A. Welbeck - MESW, Secretary to the Technical Committee

**GHANA EMPLOYERS' ASSOCIATION (GEA)**

- Mr. George Osei - Chamber of Mines
- Mr. Andrew Quayson - Executive Director, AGI
- Mr. Sal Amegavi - Executive Secretary, Chamber of Mines
- Mr. Osei - Legal & Industrial Relations Co-ordinator, GEA
- Mr. K. Amossi-Andoh - Executive Director, GEA
- Mr. Alex Frimpong - Industrial Rel. Manager, GEA
- Mr. K. Ampadu Yeboah - Industrial Rel. Manager, GEA

**ORGANIZED LABOUR**

- Mr. K. Adu-Amankwah - Secretary-General, TUC
- Mr. Antwi - General Secretary, TEWU
- Mr. A.T.D. Okine - Ag. General Secretary, PSWU
- Mr. Ofei-Nkansah - Dep. General Secretary, GAWU
- Mr. Essiful-Ansah - President, GFL
- Mr. Abraham Koomson - Secretary General, GFL

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