

FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

RIGHT TO WORK

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

During the Second Cycle Review in 2012, Ghana received a key recommendation relating to right to work requesting Ghana to ratify ILO Convention 189 (2011) concerning decent work for domestic workers.

Setbacks in the Ratification of ILO Convention 189

The delay in ratification of ILO C 189 by the State is due to bureaucratic processes. The ILO C189 enjoins member countries that ratify the Convention to, among other obligations, promote the human rights of all domestic workers as set out in the Convention, as well as the fundamental principles and rights at work, including freedom of association and right to collective bargaining, elimination of all forms of forced or compulsory labour, abolition of child labour and elimination of discrimination in respect of employment and occupation.

Current Status of the Ratification Process

A Committee comprising persons from the Ministry for Employment and Labour Relations, Ministry of Gender, Children and Social Protection, Attorney General's Department and the Trades Union Congress is currently working on **Draft Domestic Worker (Labour) Regulations 2016**. The process was initiated by the Ministry of Gender, Children and Social Protection. The Regulations which will enable the ratification of the ILO C 189 as the Labour Act 2003, (Act 651), is not explicit on who a domestic worker is.

The Issue

Though ILO C189 on Domestic Workers 2011 adopted at the 100th Session defines domestic work as any work performed in or for a household or households and domestic worker as any person engaged in domestic work within an employment relationship, Ghana as a member of ILO, had not ratified the Convention which safeguards the rights of domestic workers. A one (1) year old Domestic Services Workers Union (DSWU) of over seven hundred (700) membership is urging the State to expedite action on the process of the passage of the Regulations to the Labour Act 2003, (Act 651).

In addition, there are problematic clauses in the Labour Act 2003, (Act 651) per the definition of domestic worker and whether a domestic worker is the formal or informal sector.

NATIONAL FRAMEWORK

1. Labour Act 2003, (Act 651).
2. National Labour Commission established under the Labour Act 2003
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).

Article 36(1) of the Constitution 1992 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”.

CHALLENGES

Socio-Economic and Health

The non-ratification of the ILO Convention 189 has negative influence on the individual's (domestic workers) economic activity.

IMPACT

1. The continuous non-ratification of the Convention is impacting negatively on domestic workers and rendering them poorer and affecting their health and lifelong learning.



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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.

Collective Bargaining

There are no formal and formalised approach to collective bargaining of salaries.

Problematic clauses in the Labour Act 2003, (Act 651)

Some clauses in the Labour Act 2003, (Act 651) do not have clear definitions

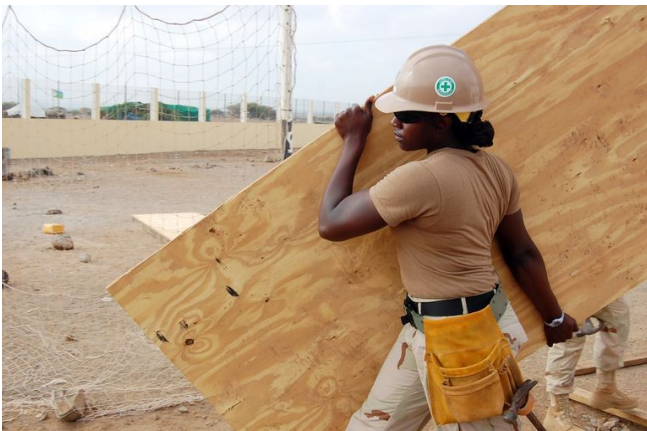
2. The non-ratification of the Convention infringes on the human rights of domestic workers as employers are not mandated to pay their monthly social security deductions.

This infringes on the rights of domestic workers in terms of equal pay for equal work.

4. 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. There is the need to review Labour Act 2003, Act 651 reflect clear defini-

RECOMMENDATIONS

1. Fast track work on the process for the ratification of the ILO Convention 189 (2011) on decent work for domestic workers as soon as possible.
2. Fast track and complete work on the Draft Domestic Worker (Labour) Regulations 2016 by the next review cycle.
3. Review the Labour Act 2003, Act 651 which has been in existence fourteen (14) years now.
4. Initiate the process for the ratification of the remaining 11 out of 51 International Labour Organization (ILO) Conventions



ABOUT THIS FACT SHEET

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REFERENCES:

1. Labour Act 2003 (Act 651)
2. ILO Convention 189
3. The Draft Domestic Worker (Labour) Regulations 2016
4. Constitution of the Republic of Ghana 1992