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The law provides a framework for collective bargaining. A union must obtain a collective bargaining certificate from the chief labor officer in order to engage in collective bargaining on behalf of a class of workers. In cases where there are multiple unions in an enterprise, the majority or plurality union would receive the certificate but must consult with or, where appropriate, invite other unions to participate in negotiations. The certificate holder generally includes representatives from the smaller unions. Workers in decision-making or managerial roles are not provided the right to collective bargaining under the law, but they may join unions and enter into labor negotiations with their employers.

The National Labor Commission is a government body with the mandate of requiring employers and unions to comply with labor law. It also serves as a forum for arbitration in labor disputes. The government effectively enforced applicable laws, but penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

The law allows unions to conduct their activities without interference and provides reinstatement for workers dismissed under unfair pretenses. It protects trade union members and their officers against discrimination if they organize.

The government generally protected the right to form and join independent unions and to conduct legal strikes and bargain collectively, and workers exercised these

rights. Although the law makes specified parties liable for violations, specific penalties are not set forth. An employer who resorts to an illegal lockout is required to pay the workers' wages. Some instances of subtle employer interference in union activities occurred. Many unions did not follow approved processes for dealing with disputes, reportedly due to the perceived unfair and one-sided application of the law against the unions. The process was often long and cumbersome, with employers generally taking action when unions threatened to withdraw their services or declare a strike. The National Labor Commission faced obstacles in enforcing applicable sanctions against both unions and employers, including limited ability to enforce its mandate and insufficient oversight.

Trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. No union completed the dispute resolution process involving arbitration, and there were numerous unsanctioned strikes.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. The penalties for forced labor were not commensurate with those for other analogous serious crimes such as kidnapping, but the government prosecuted and imposed penalties in some cases of labor trafficking. Human trafficking, including forced labor, persisted with insufficient investigation and prosecution. NGOs, civil society, and human rights activists reported corruption within police ranks, the justice system, and political authorities that impeded prosecution, with perpetrators accumulating significant wealth from trafficking and forced labor and senior police officers intimidating NGO staff to deter their investigations.

There were reports of forced labor affecting both children and adults in the fishing sector, as well as forced child labor in informal mining, agriculture, domestic labor, portage, begging, herding, quarrying, and hawking (see section 7.c.).

Legal counsel encountered difficulties in investigating trafficking and gathering witnesses to testify, especially in cases perpetrated by a family member or involving victims from another country. Due to a lack of training on trafficking,

officers did not classify cases as criminal, but issued warnings and freed perpetrators. Some police officers who were trained were sidelined for unknown reasons.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The government did not prohibit all of the worst forms of child labor. The law sets the minimum employment age at 15, or age 13 for light work unlikely to be harmful to a child or to affect the child's attendance at school. The law prohibits night work and certain types of hazardous labor for those younger than age 18. The law allows for children age 15 and older to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Although the government prohibits some hazardous work for children, the existing hazardous work list did not cover all occupations or activities in which child labor was known to occur, including in cocoa production.

Inspectors from the Ministry of Employment and Labor Relations enforced child labor regulations. Labor inspectors conducted inspections specifically targeting child labor in the informal sector, but the inspections were insufficient to deter child labor, and penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

The ILO, government representatives, the Trades Union Congress, media, international organizations, and NGOs continued efforts to increase institutional capacity to combat child labor.

The government continued to work closely with NGOs, labor unions, and the cocoa industry to eliminate the worst forms of child labor in the industry. Through these partnerships the government created several community projects, which promoted awareness raising, monitoring, and livelihood improvement.

In 2018 the government approved the *National Plan of Action Phase II on the Elimination of the Worst Forms of Child Labor (NPA2)*. While the NPA2 aimed to

reduce the prevalence of the worst forms of child labor to 10 percent by the end of the year, and specifically targeted the cocoa, fishing, and mining sectors, the government of Ghana did not release any updated statistics. The government, however, continued to take action under the framework of the *NPA2*. The National Steering Committee on Child Labor, for example, carried out a monitoring exercise in seven districts to ascertain the impact of child labor. The Ministry of Employment and Labor Relations established guidelines for Child Labor Free Zones and began pretesting the Ghana Child Labor Monitoring System.

Authorities did not enforce child labor laws effectively or consistently. Law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children.

Employers subjected children as young as age four to forced labor in the agriculture, fishing, and mining industries, including artisanal gold mines, and as domestic laborers, porters, hawkers, and quarry workers. NGOs estimated that almost one-half of child trafficking cases occurred in the Volta Region. In the fishing industry, victims engaged in hazardous work, such as diving into deep water to untangle fishing nets caught on submerged tree roots. The government did not legally recognize working underwater as a form of hazardous work. Officials from the Ministry of Fisheries and Aquaculture Development received training as part of a strategy to combat child labor and trafficking in the fisheries sector.

Child labor continued to be prevalent in artisanal mining (particularly illegal small-scale gold mining), fetching firewood, bricklaying, food service and cooking, and collecting fares. Children in small-scale mining reportedly crushed rocks, dug in deep pits, carried heavy loads, operated heavy machinery, sieved stones, and amalgamated gold with mercury.

Child labor occurred in cocoa harvesting. Children engaged in cocoa harvesting often used sharp tools to clear land and collect cocoa pods, carried heavy loads, and were exposed to agrochemicals, including toxic pesticides. The government did not legally recognize this type of work in agriculture, including in cocoa, as hazardous work for children.

Employers often poorly paid and physically abused child laborers, and the children received little or no health care. According to the MICS, one in every five children between ages five and 17 engaged in hazardous working conditions, and there were no significant disparities between boys and girls.

Parents or guardians often facilitated child trafficking by selling their children to relatives or others due to poverty or unpaid debts. This was especially prevalent with girls sold into domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law stipulates that an employer may not discriminate against a person on the basis of several categories, including age, pregnancy, refugee status, gender, race, ethnic origin, religion, social or economic status, or disability, whether that person is already employed or seeking employment. The government did not effectively enforce prohibitions on discrimination. Penalties were not commensurate with laws related to civil rights, such as election interference. Discrimination in employment and occupation occurred with respect to women, persons with disabilities, HIV-positive persons, and LGBTQI+ persons (see section 6). For example, reports indicated few companies offered reasonable accommodation to employees with disabilities. Many companies ignored or turned down such individuals who applied for jobs. Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields or seeking related vocational education or training.

There were not sufficient systems in place to protect women from sexual harassment and other violence in the workplace. Employers terminated or laid off some women who resisted sexual harassment or violence under the guise of restructuring due to the COVID-19 pandemic.



## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a national minimum wage for some sectors of the economy. A national tripartite committee composed of representatives of the government, labor, and employers set a minimum wage. The minimum wage exceeded the government's poverty line. There was widespread violation of the minimum wage law in the formal economy across all sectors. Many companies did not comply with the law.

The maximum workweek is 40 hours, with a break of at least 48 consecutive hours every seven days. Workers are entitled to at least 15 working days of leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. These provisions, however, did not apply to piece workers, domestic workers in private homes, or others working in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime. Penalties for violations of minimum wage laws were not commensurate with those for similar crimes, such as fraud. The Ministry of Employment and Labor Relations was unable to enforce the wage law effectively.

**Occupational Safety and Health:** The government sets industry-appropriate occupational safety and health regulations. By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. This legislation covers only workers in the formal sector, which employed approximately 10 percent of the labor force. Few workers believed they were free to exercise this right. Employers were fined in cases of negligence, but penalties for violations of occupational health and safety laws were not commensurate with those for crimes such as negligence.

The government also did not effectively enforce health and safety regulations, which are set by a range of agencies in the various industries, including the Food and Drugs Authority, Ghana Roads Safety Commission, and Inspectorate Division of the Minerals Commission. The law reportedly provided inadequate coverage to workers due to its fragmentation and limited scope.

The government did not employ sufficient labor inspectors to enforce compliance. Inspectors were poorly trained and did not respond to violations effectively.

Inspectors did have the authority to make unannounced inspections. Inspectors did not impose sanctions and were unable to provide data as to how many violations they addressed. In most cases inspectors gave advisory warnings to employers, with deadlines for taking corrective action. Penalties were insufficient to enforce compliance.

Accidents in the mining sector were common, often in illegal mining. In May an illegal pit mine collapsed in Upper West Denkyira killing three. The unregulated mining sector attracted Chinese nationals who collaborated with citizens to run illegal mines. In June, four Chinese nationals were deported after being convicted of using fraudulent means to acquire residence and working without a required permit. The Chinese nationals were found prospecting for gold in Obuasi, the site of a productive mine owned by AngloGold that was suspended for months following the death of a miner in an accident in May. Civil society organizations stated that corruption and lax enforcement allowed unsafe illegal mining practices to continue.

**Informal Sector:** Approximately 90 percent of the working population was employed in the informal sector, according to the Ghana Statistical Service's *2015 Labor Force Report*, including small to medium-scale businesses such as producers, wholesale and retail traders, and service providers made up of contributing family workers, casual waged workers, home-based workers, and street vendors. Most of these workers were self-employed.

Authorities did not enforce the minimum wage law in the informal sector. Legislation governing working hours applies to both formal and informal sectors. Employers largely followed the law in the formal sector, but they widely flouted it in the informal sector, and the government did not enforce it.