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BACKGROUND PAPER

THE INFORMAL SECTOR IN GHANA:
*A FOCUS ON DOMESTIC WORKERS, STREET VENDORS
AND HEAD PORTERS (KAYAYEI)*

CLARA OSEI-BOATENG
LABOUR RESEARCH AND POLICY INSTITUTE
GHANA TRADES UNION CONGRESS (TUC)



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1. BACKGROUND

1.1. Introduction

The 2010 provisional census results estimated Ghana's population at 24,233,431 made up of 11,801,661 males (48.7 %) and 12, 421,770 females (51.3 %). Ghana's population growth rate declined from 2.7 percent per annum to 2.4 percent between 2000 and 2010 (Ghana Statistical Services (GSS), February 2011).

In November 2010, Ghana was deemed to have attained a lower middle income status after rebasing of the National Account to reference year 2006. The rebased Gross Domestic Product (GDP) was GH¢44 billion, 60 percent more than what had been previously estimated. A revised 2010 GDP was GH¢ 46bn, giving a per capita income of GH¢ 1,907 (US\$ 1,343) (GSS, May 2011). Ghana's GDP growth rate has averaged 5 percent in the past 25 years. In the last three years, average growth has exceeded 6 percent. According to the Ghana Statistical Services, Ghana's GDP growth rate in 2008 was 8.4 percent, the highest in two decades. In 2009, Ghana registered a decline in GDP growth rate (4.0 %) but that was attributed to the global economic crisis and other domestic fiscal challenges. Revised GDP growth rate in 2010 was 7.7 percent (GSS, May 2011)

Table 1 : Growth Rate of Gross Domestic Product (GDP) at 2006 Constant Prices

Sector	2007	2008	2009	2010
Agriculture	-1.7	7.4	7.2	5.3
Industry	6.1	15.1	4.5	5.6
Services	7.7	8.0	5.6	9.8
GDP in Purchasers' Value	6.5	8.4	4.0	7.7

Source: Ghana Statistical Services (May, 2011).

A significant outcome of the rebasing exercise was the takeover by the services sector as the major contributor to GDP from agriculture. In 2010, services¹ (the location of domestic work, street vending and head portering) contributed 51.4 percent compared to 29.9 percent from agriculture and 18.6 percent from industry. The specific contribution of domestic work, street vending and head porting are not available. These

¹ The services sector in Ghana include trade, hotels and restaurants, transport and storage, information and communication financial intermediations, real estate services, public administration and defence, social security , education, health and social work, other community ,social and personal service activities and business and other services,

sub-sectors like others in the informal sector are largely undocumented and undeclared, making an accurate breakdown difficult.

1.2. Labour Market Situation in Ghana

The Ghana Living Standard Survey V (GLSSV, 2005/2006) conducted by the Ghana Statistical Services (GSS) showed that seven out of every ten of the working age population (15 and 64 years) is economically active. Males recorded a higher activity rate (54.9 %) compared to females (53.4 %). Economic activity rate is also higher in rural areas (58.6 %) compared to urban areas (47.3 %). Majority of the employed are concentrated in three major sectors of the economy namely agriculture (55.8 %), trading (15.2 %) and manufacturing (10.9%). Other industry groups employ about 18 percent of the employed. More urban workers are engaged in non-agricultural activities (43 %) whereas their rural counterparts work mainly in agriculture (75 %) (GSS, 2008).

Employment in Ghana is predominantly informal. It is estimated that more than 80 percent of the employed are working in the informal sector². Over half of the employed (55.9 %) are own-account/self-employed workers; 20.4 percent are employed in family enterprises) and 17.6 percent are wage employees. Employers constitute about 4.5 percent of the workforce (GSS, 2008). Own account workers and contributing family workers are predominantly informal whereas wage employees and employers are largely formal.

Domestic workers constitute only 0.2 percent of the employed. There are more female domestic workers (0.2 %) than males (0.1%). Accurate statistics on both head porters and street vendors remain a challenge. Generally, these sub-sectors are dominated by women. Head porters in urban centres in Ghana popularly known as *kayayei* are predominantly young female migrants from the Northern regions of Ghana where poverty is endemic.

1.2.1. Child Labour

A significant feature of Ghana's labour market is a relatively high proportion of economically active children. Child labour is prevalent in the informal sector. The Ghana Child Labour Survey (GCLS) showed that 2.47 million children aged 5–17 years (that is, about 39 percent of the estimated 6.36 million children in the age group) were

² The informal sector consists of a host of activities which are unregulated.

engaged in economic activities. Half of rural children and one-fifth of urban children were economically active. Eighty-eight (88) percent of the working children were unpaid family workers and apprentices, while 5.9 percent were self employed. As many as 1.59 million children were working while attending school. Nearly 20 percent of children (about 1.27 million) were engaged in activities classified as child labour. The phenomenon is prevalent in all regions of the country (GSS, 2003; MMYE, 2006).

Majority (89.3%) of these children are engaged in agriculture, which is also the main economic sector in the rural areas. In the urban areas, however, the children are engaged in two main activities: two-thirds are engaged in agriculture and one-fifth in trade. Nearly three percent of the working children are also engaged in the fishing as well as the hotel and restaurant sectors.

Domestic work, street vending and head portering have characteristics of child labour. The child domestic worker is sometimes misconstrued as fostered to have opportunity for better life. Female adolescents migrate from the Northern regions to engage in head portering (*kayayei*) in the major cities. Child domestic workers may also double as street hawkers for their employers.

1.3. *The Informal Sector in Ghana*

Informal sector workers are largely self-employed persons such as farmers, traders, drivers, food processors, craftworkers, artisans and food vendors to mention but a few. The majority of self employed are into agriculture (without employees) (30.5 %). This is followed closely by contributing family workers also into agriculture (without employees) (23.6 %). There are also employees, contributing family workers and apprentices engaged in non-agricultural economic activities (e.g. domestic workers, traders, head porters etc.).

The informal sector in Ghana is fast expanding. According to Nyameky (2009), the size of informal sector employment in the 1980s was twice that of the formal sector. However, by the 1990s, informal sector employment had increased by five and half (5½) times that of the formal sector (ibid). Informality in Ghana is partly explained by low educational attainment. About 31 percent of Ghanaians aged 15 years and above have never attended school. A total of 55.7 percent of Ghanaians have attained only basic education and 13.6 percent have attained secondary education or higher. Generally,

Ghanaian men have higher educational attainment than women (Ghana Statistical Services, 2008).

The inability of the formal private sector to generate jobs in their required quantities has also pushed many into the informal sector. As government continue to maintain a policy of net hiring freeze into the public sector and private sector firms fold up or switch to importation due to unfair competition from foreign companies, the formal sector continues to lose ground in terms of its share of total employment. From 1985 to 1991, formal sector employment was estimated to have declined from 464,000 to 186,000 (Anyemedu, 2000).

In the absence of appropriate social protection mechanisms (e.g. unemployment benefit) informal activities have become survival strategies for many Ghanaians; old and young. The Institute of Economic, Social and Statistical Research (ISSER, 2005) estimated that a total of 5000 out of 240,000 (2 %) new entrants into the Ghanaian labour market in 2004 were absorbed by the formal sector. The remaining 98 percent either remained unemployed or engaged in informal activities.

1.3.1. Domestic Work

Section 175 of the Labour Act (Act 651, 2003) defines a domestic worker as “a person who is not a member of the family of a person who employs him or her as house-help”. The Legal Advocacy for Women in Africa (LAWA-Ghana, 2003) estimates that there is at least one domestic worker in every household and large houses could have as many as six. While this does not support official statistics from the Ghana Statistical Services, it is supported by general knowledge of domestic work arrangements in Ghana. Traditional arrangements for domestic workers make it hidden and unaccounted for.

Accounting for domestic workers is difficult because of the hidden nature of their work, which is carried out in private homes, the use of under-age domestic workers who are not likely to have a consciousness of themselves as workers and the practice of using poor family relations as unpaid domestic workers is common (Tsikata, 2009). Domestic workers in Ghana usually come from economically deprived households and work for a wide range of households, both rich and poor (LAWA, 2003). They consist of house-helpers, gardeners, private security workers, cleaners, laundry men/women, drivers, cooks and nannies among others.

Domestic work is characterized by child labour. It is a common practice among many ethnic groups in Ghana to give their children to people (foster parents) who have better socio-economic standing than their own families, and who have good reputation in

society (Clark, 2002). Although such children perform household chores, sometimes to the detriment of their development (e.g. education), they are usually considered kins and not domestic workers.

1.3.2. *Street Vending*

Street vending in Ghana is predominantly located in urban centres particularly in the major cities. Accurate statistics on street vending, in particular adult street vendors are lacking. Mittulah (2003) in case studies of street vendors in six African countries including Ghana found that the majority of them are women made up of all marital status groups; though widows and women who have been deserted by their spouses opt for street trade. Men tend to join street trade while young and leave for other jobs but women do so later in their life and continue till old age.

Street vendors are also reported to have very low education. About 52 percent of street food vendors in Accra had basic education and 36 percent had no education (Obeng-Asiedu, 2000).

Obiri (1996) and Anarfi (1997) found that poverty is the major factor causing street hawking or street living in Ghana and elsewhere. Majority (92.5%) of street vendors in the capital city (Accra) were found to be migrants from the six regions- central (17.5 %), Ashanti (28.8 %), Eastern (25 %), Brong Ahafo (6.3 %) and Western (5 %) regions. None of the respondents came from the three Northern regions. Only six (7.5 %) were born in the Greater Accra region. On the other hand majority of *kayayei* in Ghana are from the northern regions.

A characteristic of street vending in Ghana is child labour. Most children into street hawking do so after school or during school holidays. Others are engaged in street hawking full time. Children domestic workers may also double as street hawkers for their employers/foster parents. Kwankye et al (2007) found a link between fosterage and street hawking. In a study on street hawkers in Accra, about 15 percent of hawkers stated that they initially came to live with their relations and eventually took to hawking on the streets of Accra. They believed that such a system of networking brings to the fore issues pertaining to fosterage, a situation that could result in child labour.

1.3.3. Head Porterage (“*kayayei*”)

Traditionally, carrying load on the head is common in Ghana. In the urban centres, some group of head porters have earned a unique brand and are known as *kayayei*. *Kayayei* is a combination of words in Ga and Hausa languages meaning female head porters. In Ghana *kayayei* are mainly young women (including adolescent girls) who migrate from the Northern regions to the major cities. The main reason cited for the migration of head porters is poverty in addition to their desire to enhance their living standards. Abject poverty is prevalent in the places where the *kayayei* come from which tends to push them out to improve their economic position (Opare, 2003). The 2007 UNDP’s Ghana Human Development Report noted that the three northern regions (Northern region, Upper East and Upper West) “harbour the poorest of the poor”. While Ghana saw a drop in the incidence of poverty from 52 percent to 28.5 percent between 1991/92 and 2005/2006, the incidence of poverty in the Northern region declined only slightly over the same period from 63 percent to 52 percent. Likewise the Upper East saw a marginal decline from 88 percent to 70 percent while the Upper West Region recorded an increase of 4 percent from 84 percent to 88 percent (Ghana Statistical Services, 2007). The three Northern regions lack most of basic social amenities required for adequate standard of living such as good roads, portable water and schools to mention but a few. There are also a number of trafficked young women from Northern Ghana who end up in the *kayayei* business.

Kayayei operate from major city markets, where they assist buyers to carry their shopping to board vehicles³. In addition to head porting, most *kayayei* provide assistance to shop owners at the markets in stocking and re-stocking their malls, packing and tidying up.

³ Road transport is the commonest means of transportation in Ghana.

2. WORKING CONDITIONS OF THE INFORMAL SECTOR WORKERS IN GHANA

2.1. *Employment Relations*

Ghana's labour law (Act 651, 2003) requires that employment relationships are formalized with the signing of a written contract between employers and employees. Section 12 of the Labour Act requires that *"the employment of a worker by an employer for a period of six months or more or for a number of working days equivalent to six months or more within a year shall be secured by a written contract of employment"*. The contract of employment stipulates the rights and obligations of the employer and the employee. The Act further stipulates grounds for termination of contract. However, these provisions are hardly complied with by employers in the informal sector. Although enforcement of labour regulations in Ghana is generally low, the informal sector in particular is largely unregulated and escape the attention of law enforcers. Most wage employees and apprentices in the informal sector do not have written agreements.

The commonest channel of recruitment of domestic workers in Ghana is through friends and relatives. Under such arrangements, verbal agreements are reached. In most cases, family or friends facilitating the engagement remain the contact persons and arbitrators when disputes arise. In the urban centres, notably Accra and Kumasi, the activities of private recruitment agencies are prevalent. There are two kinds of recruitment agencies; recruitment companies and recruitment agents. Domestic workers employed through recruitment companies usually have contracts. The contract is either signed between the domestic workers and the employer or between the recruitment agency (on behalf of the worker) and the employer. In the case of recruitment agents, the role of the agent ends once verbal agreements are reached between the employer and the worker.

A study on domestic workers in Accra in 2010 showed that many were engaged through informal contacts (friends and family) without written contracts (Osei-Boateng, Unpublished). The absence of contracts had given rise to unfair termination of employment relations. Workers on the other hand quit without advance notice to employers.

As noted, both street vendors and head porters are predominantly self-employed. However, some street vendors in particular food vendors have employees. Employment

relations among street vendors and their employees like other informal sector employment relations are usually established verbally.

2.2. *Incomes/Wages*

Ghana has a National Daily Minimum Wage (NDMW) which applies to all forms of employment and is determined annually by the National Tripartite Committee (NTC). The 2011 National Daily Minimum Wage (NDMW) is GH¢3.73 (US\$2.53). Although quite low, majority of informal sector operators earn below the NDMW. In 2007, it was estimated that more than half of workers in the informal sector earn below the legislated national minimum wage (Baah, 2007)

The GLSS V (2005/2006) data showed that 46 percent of food crop farmers and 17 percent of informal sector workers earn below the national daily minimum wage. Ironically, some public sector workers (8%) earn below the national minimum wage and 10 percent of private formal workers were earning below the national minimum wage.

In a study on domestic workers in Accra in 2010, Osei-Boateng (Unpublished) found that the respondent domestic workers earned monthly wages of between GH¢80 (\$57) and GH¢100 (\$71). Though low, it was above the minimum wage. The workers also mentioned they sometimes receive payment in kind. Payments in-kind in some cases were substantial. Domestic work in Ghana is a predominantly on live-in basis. Workers are thus provided free accommodation and in most cases free meals. In addition, many of the workers involved in the study received in-kind payments in the forms of toiletries and clothes. Nannies may be employed on live-out basis required to provide cover for working parents (usually from morning till evening).

Some domestic workers (e.g. notably laundry attendants and cleaners) earn piece rate based on the workload or on fixed time basis. These workers usually work on casual basis, that is, they are engaged to perform specific task as and when their services are required.

Domestic workers who are employed through recruitment companies receive less (sometimes half) the amount paid by the employer. The recruitment companies deduct a portion of the wage as fees. Recruitment agents on the other hand charge workers a one-off fee for facilitating the employment. This may be a percentage of the monthly wage agreed between the employer and the worker. The fee may be taken even before

the employment begins. The Labour Act mandates a recruitment agency to refund 50 percent of fees paid by clients (job seekers) if it (the agency) is unable to secure a job placement after expiration of three months; but this is hardly complied with.

Majority of informal sector workers are self-employed and are in control of their income. The incomes of the self-employed are irregular and can be subjected to environmental (weather) and market factors (demand and supply). Street vendors earn income from profits on sales. *Kayayei* charge between GH¢1.00 and GH¢10.00 per load depending on the weight and distance involved. *Kayayei* helping out shop owners earn additional GH¢1.00 to GH¢2.00 per day.

It is important to recognize the wide range of incomes in the informal sector. While most informal workers earn low incomes, a number of them earn relatively high incomes, over and above the incomes of many formal sector workers.

2.3. Hours of Work

Sections 33 and 34 of Ghana's labour law, Act 651(2003) provides standard working hours of forty (40) per week. This translates into 8 hours of work per day. Any extra hours worked must be paid for as overtime. The law provides for every worker thirty minutes break in between continuous work.

The Labour Act also provides for daily rest of not less than 12 hours. In addition, workers are entitled to a rest period of 48 consecutive hours in every seven days. However, section 44 exempts task workers and domestic workers in private homes from provisions of sections 33 and 34 as well as rest periods. Osei-Boateng (Unpublished) found most domestic workers work longer hours. They are usually first to wake in the household at 5:00 am and last to retire to bed at 10:00 pm. On rest periods, it was found that employers hardly grant. Where employers comply, they (employers) choose days that they would not need the services of the domestic worker. For some domestic workers, jobs left undone during their rest periods await their return, thus, increasing their workload during the next working day.

The situation may be similar with employed street vendors depending on the nature of business. Most street vendors and head porters are own account workers and thus have control over their working hours. More often however, they work longer hours. The

average working hours in Ghana for informal sector workers is 12 hours (Baah, 2007), four (4) more hours than the standard working hours (8 hours) stipulated by the Labour Act (Act 651).

2.4. *Non-Wage Benefits*

The Labour laws of Ghana require employers to provide some statutory benefits to employees. These include social security contribution, paid sick leave, paid maternity leave, severance pay and paid annual leave. However, most informal sector workers in Ghana do not have access to some or all of these statutory benefits.

2.4.1. *Annual Leave, Maternity Leave and Sick Leave*

Section 20 of the Labour Act provides that every worker is entitled to not less than 15 days leave with full pay in any calendar year of continuous service. Female employees in addition to annual leave are entitled to at least 12 weeks maternity leave on confinement. Absence from work as a result of sickness or maternity shall not constitute part of annual leave entitlements. However, most wage employees in the informal sector do not enjoy these statutory benefits. Indeed most do not even know that they are entitled to these benefits. Domestic workers are likely to lose their jobs if they suffer prolong illness or become pregnant in the case of women (Osei-Boateng, Unpublished). Few employers provide basic medical care to cover illness such as common headache, malaria or fever.

2.4.2. *Social Protection*

Statistics on the number of domestic workers, street vendors and head porters covered by social security schemes and programmes is unavailable. Social security laws mandate pension contribution by employers on behalf of their employees. Self-employed persons like street vendors and head porters could voluntarily join schemes based on regular contribution on declared income. As yet the number of informal sector workers who have access to pension and related benefits are negligible. In the case of pension it was believed that regular contribution as mandated by the social security law was incompatible with the self-employed in the informal sector who earned low and irregular income. In 2009, the Social Security and National Insurance

Trust (SSNIT) had 70,000 self-employed persons among its total active membership of 880,760; representing 8 percent. These self-employed workers are however believed to be professionals (e.g. lawyers, consultants, doctors etc) and people who were previously in formal employment.

In 2008 the SSNIT established a special scheme for the informal sector. The scheme is a defined benefit and accepts contributions of any amount on daily, weekly or seasonal basis. By March 2011, the SSNIT Informal Sector Fund⁴, had enrolled 83,448 members; 85 percent of whom were informal sector members (SSNIT Informal Sector Fund, May 2011).

Ghana operates a National Health Insurance Scheme (NHIS) based on premium subscription. Formal sector workers who are members of the SSNIT pension scheme are covered but informal sector members pay direct premium of between GH¢7.20 to GH¢48.00 (US\$ 5.14 - \$34.29). The NHIS Act provides exemptions to premium payment to children, people aged 70 years and above and the indigent. Children's registration is however tied to a parent or guardian.

By 2009, premium contributors (mainly informal sector workers) numbered 4,132,783, representing about 29 percent of the scheme's total membership. The number also represents about half of estimated informal sector workforce in Ghana. The Government of Ghana in 2008 established free maternal care policy through the NHIS. By this policy, all pregnant women are entitled to free pre-natal and post-natal health care from accredited NHIS service providers. The NHIS covers about 95 percent of ailment commonly reported in Ghanaian health institutions excluding HIV/AIDS, cosmetic surgery, cancer (except cervical and breast cancer), dialysis for chronic and renal failure. The NHIS patient is entitled to full out-patient department and admission treatment cost (medical and surgical), meals, referrals and full payment of medicines, provided they are within the inclusive list. In practice however, some patients encounter challenges in accessing services particularly with medicines.

The government also operates other social assistance programmes which are relevant to domestic workers, street vendors and head porters. The Capitation grant offers US\$3.00 per pupil per annum to public schools. Government also provides school feeding to selected public schools across the ten regions. By October 2009, the school feeding

⁴ The SSNIT Informal Sector Fund began full operation in 2008 after three years pilot

programme covered about 22 percent of all kindergarten and primary school pupils in Ghana. A pilot cash transfer currently ongoing covers people described by the Department of Social Welfare as extremely poor and vulnerable.

There is also evidence of traditional practices of social assistance among people in the informal sector. Traditional microfinance mechanisms such as '*susu*' and rotating savings schemes are common among informal sector operators. Kwankye et al (2007) in a study on street hawkers in Accra found that almost 60 percent of them engaged in *susu*. The *susu* collector visits clients at their homes or businesses to collect daily contributions and returns the accumulated savings at the end of the month less one day's contribution. *Susu* like other savings schemes allow operators accumulate savings that can be used on occurrence of life contingencies such as maternity, death or unemployment.

Traditional social networks have also been a source of social assistance to many operators in the informal sector. Extended family members provide for the aged and the disabled, the sick and the unemployed members of the family, the new born child and the mother, the orphaned and even the complete stranger (Kumado and Gockel, 2003). Mutual help associations based on either neighbourhood or trade provide avenue for sharing financial and social risks are common among informal sector operators. For instance, the StreetNet impose levies on its members to support those who suffer bereavement. *Kayayei* on the other hand enjoy benevolent support from NGOs from time to time⁵.

There are however widespread evidence of failures of informal social security arrangement. Growing economic constraint and urbanization have affected kinship ties and ability for family members to provide support. More often, members of the family are either too poor themselves or have other competing demands for their resources. Traditional savings mechanisms are also often characterized by theft and misappropriation.

⁵ The Joy FM Easter Soup kitchen held annually has over the years provide food, clothing and other household items to people living on the street including *kayayei*. The programme facilitates donations from individual, households and organizations to the needy. Some NGOs have enrolled *kayayei* in skill training programme.

2.5. Occupational Safety, Health and Environment

The informal sector in Ghana is characterized by poor environmental conditions. Majority of informal sector workers operate from their residential premises and others work in temporary shed and structures; under trees or open spaces. Poor public and environmental health, in both the residential and market areas where informal sector workers operate is a major urban problem in Ghana and jeopardizes the health of many informal workers (Apt and Amankrah, 2004; King and Oppong, 2003; Kwankye et al, 2007). Heaps of garbage remain the common sight on the streets of the major cities even as vendors do brisk business. Many workers in the informal sector are either ignorant about hazardous practices or substances or simply cannot afford protective gadgets.

Most domestic workers in Ghana live in the homes of their employers in varied structures. While some domestic workers lived in the boys' quarters or same apartment as their employers, others sleep in poorly ventilated rooms or store rooms without toilet facilities.

Street vendors have no fixed abode; they move from one street to another in search of patronage of their wares. In addition to selling on the street, some street vendors live on the streets. Kwankye et al (2007) noted that once on the street as hawkers, street vendors are involved in several behaviours and practices for the sake of survival including sexual relationships. One in four street vendors in Accra involved in the study lived in kiosk, containers with six percent living either on the street or in uncompleted buildings. They receive sexual advances from their male colleagues and customers. Some female street hawkers (in particular migrants) are sometimes compelled to give in to sexual favours in return for roof over their heads. *Kayayei* have taken over lorry parks as their homes, where they live under very deplorable conditions. In addition to being exposed to the vagaries of the weather, they face theft, physical and sexual abuse. Street hawkers face high risk of car accidents. News of vehicles knocking down street vendors has become a common phenomenon in the major cities of Ghana.

3. THE STATE OF ORGANISING THE INFORMAL SECTOR WORKERS

3.1. General Overview

The growing informalisation of employment has gone parallel with declining trade union membership. In 1999, about half (50 %) of all who had employment also had trade unions represented at their workplace. By the 2006, the proportion of the workforce that had trade unions at their workplace had decreased to 37 percent. In the 1980s, before the large-scale retrenchment in the public sector, the membership of the Ghana Trades Union Congress (TUC) was estimated about 700,000. Presently, the membership of the TUC stands at about 350,000⁶.

Organising in the informal sector by trade unions started much earlier. The Ghana Private Road Transport Union (GPRTU) which organises transport owners, drivers and their assistance is a “fully-fledged informal sector union” (Adu-Amankwah, 1999). The GPRTU can be described “men’s trade union” with an estimated membership of about 120,000 (GPRTU, June 2011). The General Agricultural Workers Union (GAWU) also extended organizational activity to self-employed agricultural workers in the informal sector in 1979. By 2009, the membership of GAWU stood at 47,000 made up of 25, 000 small scale farmers and 22, 000 formal sector employees of agricultural enterprises.

Currently seven (7) of the national unions affiliated to the TUC and the Industrial and Commercial Workers Union (ICU) organize in the informal sector as shown on Table 1. The Food and Allied Workers Union, an affiliate of the Ghana Federation of Labour (GFL) also organizes food and allied workers in the informal sector.

Table 2 : Trade Unions organizing in the Informal Sector

	Trade Union	Association/Groups organized
1	Ghana Private Road Transport Union (GPRTU)	<ul style="list-style-type: none">• Transport owners• Transport drivers• Transport station attendants
2	General Agricultural Workers Union (GAWU)	<ul style="list-style-type: none">• Self-employed rural workers• Tenant farmers• Inland canoe fishermen• Rice farmers• Cassava farmers

⁶ Other trade unions exist outside the TUC. The Ghana National Association of Teachers has a membership of over 140,000. One of the largest trade union, the Industrial and Commercial Workers’ Union (ICU) broke away from the TUC in 2005.

		<ul style="list-style-type: none"> • Cotton farmers • Women's group • Tree farmers • Oil palm farmers • Irrigation farmers • Tractor operators
3	Timber and Wood Workers' Union (TWU)	<ul style="list-style-type: none"> • National Sawyers Association • Small-Scale Carpenters Association • Wood Working Machine Owners' Association • Cane and Rattan Workers' Association • Chainsaw Operators • Small scale Carpenters • Wood carvers • Rattan and cane weavers • Charcoal burners • Sawn timber sellers at timber market
4	Communication Workers' Union (CWU)	<ul style="list-style-type: none"> • Ghana Electronics Servicing Technicians' Association • Postal Agents Association
5	Local Government Workers' Union (LGWU)	<ul style="list-style-type: none"> • Petty traders (in containers) • Craftsmen • Refuse and waste collectors • Butchers' Association • Charcoal sellers
6	Public Service Workers' Union (PSWU)	<ul style="list-style-type: none"> • National Lotto Receivers' Association • Ghana Union of Professional Photographers
7	Maritime and Dockworkers' Union (MDU)	<ul style="list-style-type: none"> • Casual workers in the shipping industry are organized into a labour pool called Ghana Dock Labour Company
8	Industrial and Commercial Workers' Union (ICU) ⁷	<ul style="list-style-type: none"> • Ghana Hairdressers' and Beauticians Association • <i>defunct domestic workers association</i>
9	Ghana Federation of Labour (GFL)	<ul style="list-style-type: none"> • Food vendors • Tie and Dye and Batik makers • Farmers

Source: Adapted from Nyameky et al (2009)

⁷ The ICU broke away from the TUC in 2005.

The TUC adopted a policy in 1996 which sought to encourage its affiliates to organize in the informal sector (Baah 2009). The TUC also established an Informal Sector Desk at its national headquarters to assist the national unions in their difficult task of organising the informal sector. According to Nyamaky et al. (2009) since the TUC adoption of the policy and the establishment of the informal sector desk, the unions have made significant inroads in organizing in the informal sector.

The commitment of the TUC to organize in the informal sector is re-stated in the policy document for the 2008 - 2012 quadrennial. As part of its policies for the quadrennial, the TUC reinforced its commitments to organisational work in the informal sector. The objectives of this policy are:

- Increased union membership in the informal sector and
- Application of minimum labour standards in the informal sector.

The TUC has also granted associate membership to five (5) informal sector trade associations. These informal sector associations are:

- The New Makola Traders Union
- The Ga East Traders Association
- Actors Guild
- The Greater Accra Tomato Traders Association
- The Musicians Association of Ghana (MUSIGA)

3.2. *Organising Domestic Workers*

The Industrial and Commercial Workers Union (ICU) began organizing cooks and stewards in 1991. Later, it incorporated other categories of domestic workers including gardeners, drivers, private security workers and nannies. However, organizing activities stalled due to a number of challenges. Identifying and organizing domestic workers involved a huge cost, and so once the donor funds were exhausted, enthusiasm declined. As domestic workers are located in private homes, the union faced strong resistance from employers and even the workers who were afraid to lose their job.

The ICU reported a legal constraint which impeded its attempt to secure a collective bargaining certificate from the Chief Labour Officer as stipulated by the Labour Act. Section 80 of Act 651 state that two or more people employed in the same undertaking can form or join a union. It stated that since individual domestic workers have individual employers, it was difficult for them to have a union. An official from the

labour department stated that might have been a misinterpretation of the law, arguing that the same undertaking is not the same as the same employer. Ironically the ICU did not seek legal assistance to gain better understanding of the situation and the options available. It developed three types of contracts for the domestic workers it organised. The union noted that the contracts led to some workers losing their jobs while others secured good bargain. There is high turnover among organized domestic workers by the ICU. About 500 domestic workers remained organized in Kumasi in 2010.

In 2003, the LAWA Ghana Alumnae Incorporated a gender advocacy non-governmental organization that works to promote the rights of women workers in Ghana began organizing domestic workers; a project funded by a donor. It was successful in organizing groups of domestic workers mostly in urban centres such as Kumasi, Accra and Ho. It developed training manuals and offered training programmes to members of organized domestic workers.

Like the ICU, LAWA's organizing activities stalled once projects funds were exhausted in 2006. This has led to loss of membership of the domestic workers' association. LAWA however continue to provide legal support on gratis to domestic workers who suffer injustice from employers. As part of the project, LAWA in collaboration with the Attorney General's Department developed and submitted a Regulation on domestic work in Ghana to the Ministry of Women and Children's Affair for consideration by parliament, but this is yet to be passed. As part of the initiatives toward the development of the ILO Convention on domestic workers, the TUC (in collaboration with the Global Network) undertook a study and subsequently organized a sensitization workshop. The workshop brought together stakeholders including employers of domestic workers. Inputs from the workshop formed part of submissions for the consideration of the ILO in developing the Convention on domestic workers. The Ghana TUC is a member of national Task Force on domestic workers to discuss the ILO Convention for Domestic Work. The Task Force is also to develop a National Policy Framework on Decent Work for Domestic Workers.

3.3. *Organising Street Vendors and Head Porters*

The StreetNet is a network of associations of market traders and street vendors. It currently has establishment in the major cities including Accra and Takoradi. An

initiative to establish branches in Koforidua, the capital of Eastern region and Sampa in the Brong Ahafo region have taken off.

The total membership of the StreetNet Ghana is estimated at 1,000. The Network previously had a membership of 2,000 but lost about 1,000 members after the relocation of traders at the Accra central market to the pedestrian mall constructed at the Kwame Nkrumah circle. Though StreetNet prides itself with the achievement of successfully lobbying government to provide alternative market to the teeming vendors, it decries the loss of membership. Ironically, traders who secured stalls through the StreetNet quit attending meetings thereafter.

The streetNet is not yet affiliated to any trade union or federation; but some of its members- the New Makola Traders Association and the Ga East Traders Association- are associate members of the Ghana TUC. There is currently a negotiation between the TUC and the StreetNet regarding affiliation. The leadership of StreetNet doubling as leaders of the TUC associate informal sector groups have been very active at the TUC.

Unlike domestic workers and street vendors, *kayayei* have not received attention from trade unions. They however enjoy attention from Non-government Organisation (NGOs), some of which are assisting them with basic needs such as shelter, clothing and vocational training skills. Some NGOs aimed at providing alternative livelihoods for *kayayei* in their hometowns as an incentive to get them repatriated.

3.4. Giving Informal Sector Voice through Trade Unions

Trade unions in Ghana have achieved some modest success in improving the conditions of work of informal sector operators. Baah (2009) noted that informal sector operators have special needs which require special attention from trade unions in order to get these special needs addressed. By organizing in the informal sector trade unions can provide legal and social protection for the informal sector operators (ibid).

Policy Advocacy

At the policymaking level, the Ghana TUC has been very instrumental in securing vital concessions for the working poor with the majority of them operating in the informal sector. For example, in 2005 the TUC successfully advocated for tax exemption for minimum wage earners. This was based on analysis undertaken by the TUC which

showed that minimum wage earners when taxed are pushed below the national poverty threshold. On the basis of this, the social partners including government agreed that the national minimum should be tax exempt and this was ratified by parliament.

Through organizing in the informal sector, trade unions have offered some space and voice to some informal sector operators in Ghana. For instance Nyameky et al. (2009) asserted that through mass publicity by the medium of radio and Television, the General Agricultural Workers Union (GAWU) of TUC and some farmers groups have voiced their concerns over the Economic Partnership Agreement (EPA) being negotiated between the Ghana government and the European Union (EU). These concerns have been made known to government through series of position papers on the subject submitted to government. The StreetNet has participated in policy dialogues regarding city planning that affect its members.

Social Dialogue

Trade unions have also facilitated dialogue between informal sector groups and government. The StreetNet between 2003 and 2008 enjoyed cordial relationship with the government. The leadership of the StreetNet was consulted on various issues affecting members. As noted earlier, the StreetNet successfully lobbied government to construct the Pedestrian Mall as a settlement package for street vendors who were being evicted by the Accra Metropolitan Assembly (AMA).

The General Private Road Transport Union (GPRTU) is consulted by public authorities on many operational issues pertaining to the road transport sector (Adu-Amankwah, 1999). The Timber and Woodworkers Unions (TWU) with a membership of informal sector operators on a number of occasions has intervened to retrieve tools seized from their members by public authorities. It has also negotiated with District Assemblies for resettlement land for evicted carpenters.

Economic Gains and Capacity Enhancement

The GPRTU with the support of government has been facilitating credit to acquire vehicles for its members. The union has been instrumental in collecting daily income tax from drivers for the government. On the other hand the General Agricultural Workers Union (GAWU) facilitates members' access to institutional credit and basic tools and inputs such as cutlasses and fertilizers among others. The GAWU established a revolving fund for the benefit of its members (particularly women) but closed the project due to difficulty in recovering loans. The Timber and Woodworkers Union (TWU) facilitate business registration for its informal sector members.

Trade unions that organize in the informal sector in Ghana have facilitated/offered some education and training on health and safety, marketing strategies and social

security to informal sector operators. Other education and training programmes that trade unions through organizing in the informal sector have offered to the operators in the sector include entrepreneurship skills, leadership skills and business and financial management. The GAWU trains self-employed farmers on alternative livelihoods such as soap making, bee-keeping and food processing. Through trade unions, some leaders and members of informal sector associations (e.g. StreetNet) have benefited from participation in workshops both at the local and international levels (Nyameky et al. (2009).

4. LEGAL AND LEGISLATIVE FRAMEWORK APPLICABLE TO DOMESTIC WORKERS, STREET VENDORS AND HEAD PORTERS

4.1. *Legislative Framework Applicable to All Workers*

The Constitution of Ghana (1992) guarantees every citizen economic rights. Article 24 (1) gives every person the right to work under satisfactory, safe and health conditions and to receive equal pay for equal work without discrimination of any kind. Sub-section (2) guarantees every worker rest, leisure and reasonable limitation of working hours, holidays with pay and remuneration for public holidays, while sub-section (3) guarantees the right to form or join a trade union for the promotion and protection of economic and social interests. On the right to organize, article 21(e) of the 1992 Constitution of Ghana, guarantees:

“freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interest”.

Also, article 24(3) of the Constitution provides that:

“every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests”.

In addition to the 1992 Constitution, the Ghana Labour Act (Act 651, 2003) guarantees the rights and responsibilities of both employers and workers. Section 175 of the Act 651 interprets a worker as a *“person employed under contract of employment whether on a continuous, part-time, temporary or casual basis”*. This ostensibly excludes self-employed persons and can be inferred to be applicable to employees.

The Act 651 covers extensively, provisions on employment protection, conditions of employment, remuneration, trade unions rights and termination of employment to mention but a few. It provides for equal pay for equal work, sets out the maximum working hours per day at eight (8) or forty per (40) week and guarantees certain non-wage benefits (e.g. social security, paid annual leave, etc) for workers.

The Labour Act grants every worker the right to form or join a trade union for the promotion and protection of the worker’s economic and social interests. However, some clauses in the Act 651 preclude some categories of workers. For instance, clause 2 of

Article 79 of the Labour Act (Act 651, 2003) precludes workers in policy/decision-making and managerial positions or performing highly confidential duties from forming or joining a trade union. The Security Services Act also forbids military and paramilitary personnel from forming or joining trade unions (Ibid).

The National Pensions Act (2008) reinforces payment of social security by both employers and employees. The Act establishes a three tier scheme with mandatory first two tiers and a voluntary third tier. The Act stipulates monthly contribution of 18.5 percent of employee's gross pay. The contribution is split between the employer and employee at 13 percent and 5.5 percent respectively. The employer is mandated to deduct the employee's contributions through the check-off system and submit to the appropriately agencies within 14 days of each month. Like the old social security law (PNDC Law 247), self-employed persons can voluntarily join the mandatory tiers and make the required contribution based on their declared earnings.

The total contribution is re-distributed to the first tier and second tier trustees at 13.5 percent and 5 percent. The first tier, the Basic National Pension which is managed by SSNIT further remits 2.5 percent of contributions received to the NHIS for health cover on behalf of its contributors. The Temporary Pensions Account at the Bank of Ghana is currently receiving contributions to the second tier through SSNIT, until trustees, fund managers and custodians to manage the funds are approved by the National Pensions Authority. Employees can voluntarily join any third tier scheme (provident funds or corporate/ personal schemes). Contributions to a third tier scheme (e.g. SSNIT Informal Sector) are not fixed. It can be daily, weekly or seasonal. Contributions to employees' provident fund may however be fixed and deducted through the check-off as established by collective agreements. In some enterprises, employers (aside the mandatory contribution) partly contribute to provident funds.

The first tier is a defined benefit scheme which pays monthly pension on retirement at age 60 or reduced pension from 55 years. It requires a minimum contribution of 180 months or 15 years. Monthly pension exhaust on attainment of 75 years but the SSNIT continues to provide for its pensioners until their demise. A validity pension or benefit is paid if an insured suffers incapacitation before attaining age 60. Likewise, a survivor's benefit is paid to the dependents of a deceased insured.

The Children's Act (Act 560, 1998) prohibits exploitative labour including exploitative child domestic labour. The definition of what constitute exploitative labour is further defined under Section 87 of the Act. This is also supported by Article 28 of the 1992 Constitution. The minimum age for employment in Ghana is 15 years. Children aged 13 years and above can be engaged in light work.

Ghana has ratified 50 ILO Conventions including the eight (8) core Conventions⁸. Collective bargaining is entrenched in the labour law and agreements reached are binding on all parties. Section 96 of Act 651 states:

“subject to the provisions of this Act, a collective agreement relating to the terms and conditions of employment of workers, may be concluded between one or more trade unions on one hand and representatives of one or more employers or employer's organisations' on the other hand”.

The National Labour Commission (NLC) was established by the Labour Act (Act 651, 2003) to address industrial disputes. Membership of the Commission is made up of two representatives each; from Government, Employers' Organization and Organised Labour. The NLC is mandated to receive complaints from worker(s), trade union(s) and employer(s) or employers' association. Parties to industrial disputes are obliged under the law to comply with the directives of the NLC. It settles industrial disputes through negotiations, mediation and arbitration. When parties to the negotiations fail to reach an agreement, the commission directs the parties to settle the dispute by mediation by appointing a mediator to attempt to resolve the dispute. If at the end of the mediation process, the dispute remains unresolved, the commission would resort to compulsory arbitration. The decision(s) of the arbitrator or majority of the arbitrators is final and binding on all the parties to the dispute.

In spite of all these provisions, many workers operating in the informal sector remain far from enjoying their full rights. This is partly because employment relationship in the informal sector remains undocumented, making enforcement difficult. Also, the practicality of the some legal provisions even in the formal sector is constrained by a number of factors. Institutions such as the Labour Department and the National Labour Commission are challenged by inadequate budgetary allocation, shortage of human resource and other logistics. For instance, the National Labour Commission (NLC) until

⁸ Three Conventions including the core Convention 138 (1973) on Minimum Age for employment were ratified in June 2011

June 2011 had only one office (in Accra) handling case nationwide. In June 2011, the National Labour Commission opened its first regional office in Takoradi in the Western region. Non-unionized workers may find it challenging to pursue cases in the law court unless they can afford legal counsels. As noted earlier, the LAWA has in the past provided legal representation for some domestic workers who suffered unfair termination of their employment.

Most Ghanaians remain ignorant about the laws and hence their rights and responsibilities as employees or employers. Most workers in the informal sector (e.g. domestic workers) would voluntarily exit employment when aggrieved about their employers' conduct rather than resort to legal settlements.

4.2. *Laws Impacting on Domestic Workers*

Generally, domestic workers like other workers in Ghana are entitled to Constitutional provisions as outlined above. As already noted, specific provisions in the Labour Act however precludes domestic workers from exercising certain rights. Section 44 exempt task workers and domestic workers in private homes from provisions of sections 33 and 34, which provide for a maximum working hours of eight (8) per day or 40 per week and rest periods. This provision as LAWA (2003) noted gives room for abuse.

Section 32 of the Labour Act exempts persons employed in an undertaking in which only members of the family of the employer are employed from provisions under section 31 that "any agreement to relinquish the entitlement to annual leave or to forgo such leave is void". Given the high use of family relations as domestic workers, such a provision is inappropriate.

On the positive side, Section 2(1) (h) of the Domestic Violence Act of 2007 (Act 732) include house-helpers among the group of persons in a domestic relationship. The Act prohibits all forms of violence occurring in the household environment. This includes acts of physical assault and sexual harassment.

4.3. *Street Vendors, Head Porters (Kayayei) and City Bye-Laws*

The activities of street vendors and head porters are permitted under only specific situation as prescribed by local government bye-laws. The Accra Metropolitan

Assembly (AMA) Bye-Law (1995) (1) stipulates that the “AMA shall publish in the Gazette a notification of the effect that street market has been established specifying the name of the street and notify the Ga Mantse [Ga Chief]”. Bye-law 7 states that “no person shall offer for sale or sell any article in a street market other than in the space of selling allocated to him by the AMA”.

Evidently, the bye-laws are in sharp contrast with current situation in our major cities and towns, where vendors occupy every street available. One might insinuate that the metropolitan assemblies’ bye-laws are out-dated and need to be brought to date with current economic trends in Ghana. This is validated by the day to day scuffle between assemblies’ guards and hawkers, sometimes leading to bloody assault. Street vendors face harassment from city authorities including seizure of wares. When goods are seized, hawkers are fined; and those who fail to settle fine meet prison sentence. It is widespread in Ghana that some female street hawkers negotiate their way sometimes through sexual favours to law enforcers in return for their seized wares. This is corroborated by Mutillah’s (2005) findings that women involved in street vending are pushed to paying bribes to obtain licenses to operate and in some cases, offer sexual favours to law enforcement officers.

CONCLUSION

The informal sector in Ghana is fast growing due to inability of the formal sector to absorb new labour market entrants. It is currently estimated to employ over 80 percent. There is no indication that the rapid growth in the sector would halt. Unemployment, in particular among the youth continue to surge and in the absence of adequate social protection, many are compelled to engage in informal activities. Informal sector work is initially seen as a survival strategy, hence transitional but it eventually becomes a permanent employment for many as opportunities in the formal sector continue to narrow.

The current economic trend in Ghana suggests that some informal sector activities have come to stay and thus requires the appropriate intervention. The sight of street vendors is everywhere in Ghana, particularly in the cities and towns. Yet street vending is viewed by city authorities as recalcitrant behavior and destructive to city planning and other development initiatives. As street vendors take up every available public space, they face resistance from city authorities, who sometimes subject them to inhumane treatment. This has however not deterred the vendors who continue to have brisk business even under such intimidation. Like street vendors, many NGOs have instituted programmes to entice *kayayei* to return home but the influx continue unabated. In most instances, *kayayei* repatriated found themselves back in no time.

Evidently, these are indications of policy failures; and the solution to these issues does not lie in intimidation or short term enticement. It requires comprehensive policy intervention involving radical changes in the educational system. Studies have found a positive correlation between low or no education and informality. Most domestic workers, street vendors and *kayayei* have little or no education. They also lack vocational and technical skills.

Ghana needs a comprehensive employment policy integrating the National Youth Employment Programme (NYEP) and vocational/technical training institutions. The concept of the Junior Secondary School to provide vocational and technical training skills need to be supported with adequate resources. Building linkages between school and enterprises could facilitate transfer of skills to basic school children before joining the labour force.

Local governments need to provide adequate market facilities to absorb the teeming vendors on the streets. Meanwhile, they can introduce licensing regime for various categories of street activities, which spell out conditions of operation. This will not only

sanitise operations of the street vendors but equally facilitate monitoring by law enforcers in addition to boosting tax collection.

The state of organizing domestic workers, street vendors and *kayayei* like other informal sector groups is in crisis. Trade unions bemoan the cost of organizing informal sector workers but at the same time battle declining membership. Trade unions could assist organized informal sector groups to improve productivity through capacity enhancement thereby raising output and incomes to enable them meet dues payment.

There is the need for review of portions of the Labour Act which impact on domestic workers. No restrictions on working hours and rest periods for domestic workers give room to abuse. Likewise, city bye-laws need to be reviewed to accommodate the changing economic trends in Ghana.

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