



# **“Self Organization by Migrant Domestic Workers”, “Good Practice Policies and Legislation for migrant Domestic Workers**

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# Outline

- What influence did domestic workers organizations have in ensuring the introduction of protective labour legislation in Ghana?
- What strategies did they use to effect this?
- How does this legislation impact in its formulation and implementation, including with respect to access to justice—Strengths and challenges?
- What key recommendation would you make for further action?

# INTRODUCTION

## ▶ Legal Framework

Ghana's fourth Republic Constitution of 1992 provides the overall framework for conditions of work for workers in Ghana. Under the segment on economic rights, Article 24(1) gives every person the right to work under satisfactory, safe and healthy 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) guarantee the right to form or join trade union for the promotion and protection of economics and social interests.

Article 36(10) enjoins the state to safeguard the health, safety and welfare of all persons in employment, while Article 36(11) requires the state to encourage the participation of workers in the decision-making processes at their workplaces

These constitutional provisions are elaborated in the Labour Act, 2003 (Act 651)

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# Influence of Domestic Workers Organisation in the introduction of protective labour legislation in Ghana

Traditionally, trade unions have concentrated organizing activities on formal sector employees, who are easy to mobilize and engage.

In 1996 the Ghana TUC adopted a policy on the policy on the informal sector and subsequently established an informal Sector Desk within its Organization's Department. The policy noted that the TUC can only represent all workers in Ghana by organizing workers in the informal sector who constituted over 80 percent of the employed. The organization of the informal sector was necessary to ensure the application of the minimum labour standard

The policy on the informal sector was adopted along with a social protection policy.

- ▶ The TUC'S policy on social protection sum up attempt “to explore the possibility of SSNIT as well as other insurance schemes as the framework for guarantee against losses during sickness and for workers' compensation and pension” (TUC Policy on Social Protection, 1996).
- ▶ In line with this policy, the TUC advocated for the extension of social security to the informal sector. It participated in the pension review that led to the passage of the National Pensions Law (Act 766) to establish the three

Tier Pension scheme. TUC AS a member of the Board of Governors of the SSNIT and the National Pensions Regulatory Authority (NPRA) has also been part of the implementation of the Three tier pension scheme.

However, a review of trade unions' activities in the informal sector shows little progress, particularly in organizing domestic workers.

The union believed in the fact that there is strength in numbers hence the decision to organize domestic workers so they could speak with one voice on issues that affect their lives has been revived

The union have also been working with civic society organizations such as Leadership and Advocacy for Women Advancement (LAWA) to draw attention to the plight of domestic workers.



# Strategies Used

Over the past four years trade union together with LAWA-Ghana have organized workshop to inform unions ,domestic workers as well as the broad society on the fact that those who work in domestic setting have rights that need to be protected and upheld in national legislation. In December 2009 IUF,IDWN,LAWA, and LADREC organized an advocacy campaign on the key issue that affect domestic workers this included

- ▶ Hours of work
- ▶ Wages
- ▶ Rest days
- ▶ Social protection (medical insurance, maternity and sick leave)

- ▶ In the process of forming a domestic workers organization awareness raising workshop have been carried out to identify domestic workers. Some of the key issues that came at such workshops which they expect the labour legislation to cover are
  - ▶ Health insurance
  - ▶ Maternity leave
  - ▶ Freedom of Association
  - ▶ Health and Safety
  - ▶ Payment of Social security

One such workshop supported by IUF/IDWN was carried out in Accra in July 2011 at the end an interim executive was elected to serve their interest.

Similar workshops have been planned for other regions before the end of the year. The reason for organizing these regional workshops is to identify the domestic workers , where they work as well as their needs. It is also expected that out of these workshops, they will be able to elect their own regional as well as national representative to speak on their behalf

## Strength to impact on formulation, implementation of legislation

- ▶ Trade Unions are forces for social and political change which can influence policies and decision making at the highest level due to their numbers. This is one reason why participation of women in unions are important as such the need to rope domestic workers into its fold
- ▶ Trade unions have opportunity to consolidate or build new relationships with civil society organizations for broad-based campaigns, and to organize domestic workers into trade union around the campaign for the ratification of ILO C189

- ▶ At the national level there is a political will to develop policies that protect domestic workers and trade unions and civil society organization are members of the government task force that has been established to deliberate on the process and procedures arriving at a policy as well as legislation that captures and protect the concerns and rights of domestic workers in Ghana.

# Challenges

There are three primary concerns about domestic work:

- ▶ Invisibility of domestic work
- ▶ The gap between Law and practice
- ▶ The organization of domestic workers

# Recommendation

- ▶ To mobilize and give more education to domestic workers on their rights.
- ▶ The achievement of decent work for domestic workers ultimately depends on their capacity to organize and engage in collective action.
- ▶ Trade unions can play a role in “mapping” the number of domestic workers through using its own source of local knowledge and organizing.
- ▶ Gender awareness training for labour inspectors to ensure the implementation of equality legislation.
- ▶ Call for ratification of the ILO Convention 189 through workers organization in partnership with other civil society organisations which can mobilize different section of public opinion

# Conclusion

“When we are isolated we are weak. How can there be a noise from a single hand? But if we form a group and then clap, a loud noise can be made” –Organizing for change

Domestic workers must move out of their “invisible ”or subordinate roles for their voices to be heard. And that is NOW!!!!.