

END OF PROJECT REPORT

LAW AND INFORMAL ECONOMY PROJECT

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Trades Union Congress, Ghana
Hall of Trade Unions
Accra

1. Introduction

The Trades Union Congress (TUC), Ghana in collaboration with the Women in Informal Economy Globalising and Organising (WIEGO) initiated the Women in Informal Economy law Project in April 2011. The project has been implemented in three phases and focused on three occupational categories namely street vendors, domestic workers and kayayei.

2. Project Objectives

The overall objective of the project was to make a significant contribution to the development of an enabling legal and regulatory environment for informal workers, especially women, which promotes laws, regulations, and policies that provide protection and support to these workers and helps build the capacity of informal worker organisations to engage effectively in processes leading to legal reforms and their legal empowerment.

The specific objectives were to:

- To document and analyse laws/regulations/policies that impinge on the work, working conditions and livelihoods of four different occupational groups of informal workers;
- To identify useful laws, regulations and judgements (“better practices”), and key legal strategies and struggles of these informal workers that can be widely shared;
- To create a platform of demands and model clauses, laws, agreements that are useful for informal worker organisations in their engagement with authorities or employers;
- To help build the capacity of informal worker organisations, and especially women leaders, to understand and engage with legal issues, through advocacy, negotiation and implementation of favourable legal change;
- To contribute to conceptual change concerning notions of “work”, “worker” and “work organisation”.

3. Project Activities

Phase 1

- i. Research paper setting out the socio-economic and legal framework for informal sector work in Ghana
- ii. Separate consultation meeting held with all three categories of workers
- iii. Research report on the situation of street vendors in Ghana highlighting laws impacting on their economic activity
- iv. Research report on the situation of domestic workers in Ghana highlighting laws impacting on their economic activity
- v. Research report on the situation of kayayei in Ghana highlighting laws impacting on their economic activity
- vi. Consultation meeting with legal experts
- vii. Exchange workshop in Bangkok

Phase 2

- viii. Meeting with all three categories of workers to agree on action points from the legal consultation meeting
- ix. Dialogue with Accra Metropolitan Assembly's (AMA) Committee on Social Services on action points from legal consultation meeting
- x. Policy advocacy workshop
- xi. Meeting with the leadership of AMA

Phase 3

- xii. Writing and submission of proposals by the legal team to influence changes in local assembly bye-laws
- xiii. Policy dialogue with Accra Metropolitan Assembly
- xiv. Sensitisation and Policy dialogue with Magistrates

4. Project Achievements

a. Mobilisation of Worker Groups

Organising in the informal sector has been challenging for trade unions in Ghana. In spite of the changing labour trends in favour of the informal sector,

trade unions in Ghana continue to have strong hold in the formal sector. Less than one percent of informal sector workers are organized.

The project initiated contact with the three categories of informal sector workers. It strengthened StreetNet and took forward discussions around its affiliation to the TUC. The TUC designated a Focal Person for domestic workers to spearhead initiatives to organize them. Currently, the TUC has formed the Domestic Workers Association with a membership of 400. Although kayayei remained unorganized, the project awakened their consciousness about the need to be organized.

b. Sensitisation of Worker Groups

Through consultations, research activities and dialogues, the project raised awareness among the targeted workers about their legal rights and avenues for protecting their rights. For instances, domestic workers were educated on provisions in the Labour Act (Act 651) impacting on their rights. Most importantly, most of the workers appreciated their economic activity as work and not survival strategy.

c. Production of research report

The research outputs have contributed to existing knowledge on wages, conditions of work and legal framework impinging on the work of street vendors, domestic workers and kayayei in Ghana. Findings of the research were widely shared at stakeholder dialogues; through media publicity and as online resources for stakeholders. It has been used by the leadership of the TUC to back policy advocacy for economic reforms that pay attention to the informal sector.

d. Strengthened Dialogue among project stakeholders

The TUC has through the project strengthened dialogue with the Accra Metropolitan Assembly (AMA) and the judiciary. The third and the last meeting with the AMA recorded commitment to consider proposals from the project legal team. The AMA has since informed the TUC about the start of processes to review the 2010 Bye-law and has welcomed the TUC's involvement and inputs.

Similarly, the project opened up dialogue between labour and the judiciary. Magistrates who participated in the dialogue appreciated the need to safeguard

the rights of the workers through balanced interpretation and enforcement of the laws.

e. Building of Alliance with government agencies and other CSOs

The project built alliances with government agencies such as the Labour Department and the Commission of Human Rights and Administrative Justice (CHRAJ) to forge a common front in influencing laws impinging on the rights of workers. The Chief Labour Officer of the Labour Department and a Senior Legal Officer from CHRAJ were among members of the legal team of the project.

The project had collaboration with Legal Advocacy for Women in Africa (LAWA), which advocates for the rights of the targeted worker groups.

5. Challenges

- i. Non-cooperation from AMA at start of the project delayed implementation milestones. As seen above, this was overcome by the end of the second phase and enabled the project to earn commitments from the AMA to review its Bye-laws
- ii. The absence of organized groups of domestic workers and kayayei at the start of the project made engagement and consultation ad hoc. This resulted in different workers engaged at different stages of the project. Lack of continuous engagement with the same groups of workers affected commitment of workers to the project and to promote their rights. To optimize resources and impact, the project focused on street vendors during the third phase and pursued organising of domestic workers which turned out a success.
- iii. The project is yet to make significant inroads into influencing the review of the Labour Act (Act 651). This is partly because the enactment of Acts involves comprehensive processes and arms of government such as the executive and the legislature. The project had aimed to engage the National Taskforce for Domestic Workers in a bid to influence the executive and the legislature to consider its proposals to review the identified sections in the Act that impinge on the conditions of work of domestic workers. The

- National Taskforce for Domestic has representation from the social partners including the TUC but was observed inactive. The TUC has been advocating for allocation of resources to enable the Taskforce live up to its mandate.
- iv. The study did not find any strong evidence of laws impinging negatively on the work of kayayei. The living conditions of kayayei were rather found a social problem. It therefore required different strategy to deal with the situation which is beyond the project resources.

6. Conclusion

The project has made significant progress in engaging stakeholders to influence laws impinging on the targeted worker groups, in particular street vendors. The commitment of the AMA to review its Bye-laws, deepened awareness of workers of their rights and strengthened collaboration with social partners and other civil society organizations are indications of project impact.

The challenges encountered point to more efforts to raise awareness on workers' rights, continuous engagement with stakeholders and most importantly, initiatives to organize the workers in the informal sector.