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Hon. Moses Asaga

Minister of Employment and Social
Welfare

Accra, Ghana

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Lomé, 18th April 2012

O/R.: 059/2012/SG/RB

Dear Sir,

Appeal to withdraw amendment Bill and facilitate democratic discussions by social partners on the proposed amendment of Labour Act 2003 (Act 651)

I bring you warm courtesies from the African Regional Organization of the International Trade Union Confederation (ITUC-Africa) and draw your attention to the call by the Ghana Federation of Labour (GFL) to withdraw the proposed Amendment Bill to Labour Act 2003 (Act 651) and subject the matter to tripartite consultation.

It has come to our notice that the Ministry of Employment and Social Welfare is trying to fast track the amendment of Labour Act 2003 (Act 651) with the main intention to classify Parliamentary staff as persons providing security services, thereby excluding and denying them the rights to freely join and form trade unions of their choice and to freely engage in collective bargaining. This proposed amendment undermines the provisions contained in the International Labour Organization (ILO) Conventions 87 (Freedom of Association and Protection of the Right to Organize, 1948) and 98 (Right to Organize and Collective Bargaining, 1949), which Ghana has ratified.

Furthermore, ILO Convention 151 Labour Relations (Public Service) Convention, 1978 also provides that "Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment ... and [their] organizations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration". The Honourable Minister is therefore called upon to help secure and guarantee the rights of these workers to freely organize and associate.

ITUC-Africa would also like to remind the Ministry of Employment and Social Welfare that Labour Act 2003 (Act 651) that is sought to be amended in this rushed manner is the product of consensus achieved through a long and painstaking process by the tripartite partners. Besides, the functions of the National Tripartite Committee (NTC),

as stated in paragraph 113 of Act 651, include offering "advice on employment and labour market issues, including labour laws, international labour standards, industrial relations and occupational safety and health". We strongly urge the government, and especially Parliament, to adhere to the due process of diligent consultation and dialogue with the social partners in the event of a review and to avoid pursuing the present unilateral process of amendment.

ITUC-Africa therefore entreats the Minister to respond favourably to the call by the GFL, which organizes workers in this sector, to step down the Bill and to initiate an effective dialogue process that will include all social partners for the review of this extant legislation.

We look forward to your favourable consideration.

Yours Sincerely,



Kwasi Adu-Amankwah

General Secretary, ITUC-Africa

Cc: Secretary General, GFL

Secretary General, Ghana TUC

Executive Director, Ghana Employers Association

RT. Honourable Speaker and Chairperson, Parliamentary Service Board

Chairperson, National labour Commission

Members of the National Tripartite Committee