

# act:onaid



**SECURING YOUNG WOMEN'S RIGHTS  
TO FREEDOM FROM ECONOMIC AND SEXUAL  
EXPLOITATION IN INFORMAL WORKSPACES  
IN GHANA**

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Rights to Freedom  
from Economic and Sexual  
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# 1) Introduction

ActionAid is a global movement of people working together to further human rights for all and defeat poverty. ActionAid believes that everyone has the power within them to create change for themselves, their families, and communities. In Ghana, ActionAid Ghana (AAG) works in the Upper East, Upper West, North East, Savannah, Northern, Bono East, Bono, Ahafo, Oti, Volta and Greater Accra regions. This represents 11 out of Ghana's 16 regions.

Since 2013, ActionAid has been implementing the **Young Urban Women: Life Choices and**

**Livelihoods** (YUW) programme in India, Ghana and South Africa, and since 2017 also in Kenya. The project is currently in its fourth phase and aims to address the **structural barriers that prevent marginalised and excluded young women in urban areas from fully enjoying economic security and bodily integrity**.<sup>1</sup> It supports young women to lead local and national advocacy in the four countries and join global efforts to advance their rights. Through this work, young urban women enhance their skills in order to challenge inequality and demand accountability at various levels for the delivery of their rights.

To support the advocacy work of the group in their fight against economic and sexual exploitation, AAG commissioned a piece of research in 2018 to understand in-depth, the rights violations faced by young women workers in the informal work spaces of Ghana particularly hair salons, tailoring, restaurants, bars, street hawking, markets and other spaces. Specifically, the research sought to: (a) Identify and assess the types of economic rights violations young urban women experience in informal workspaces; (b) Identify and assess the economic challenges confronting these women; (c) Assess the incidence and threats of sexual exploitation they face; (d) Conduct a scoping of relevant laws and policies available in Ghana to address the issues of exploitation identified and; (e) Propose key recommendations that would improve upon the economic rights violations and sexual exploitation of the young urban women in the informal workspaces. The research consulted 300 women and 7 men: 250 urban women who completed a survey, 39 focus group participants (36 women, 3 men) and 18 key informants, (14 women, 4 men). Of the respondents, **67% were aged between 19-35 years**, 18% were under the age of 18 and 13% were aged 36-45 years.

## What is decent work?

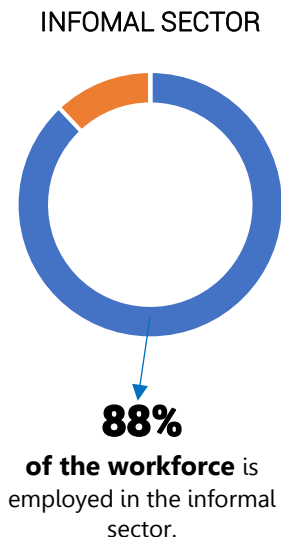
Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

International Labour Organisation, 2020

<sup>1</sup> Bodily integrity is understood as the right to govern and control your own body. It is a human right, meaning that everyone can decide over one's own health, sexual life and identity, without fear of coercion, criminalisation and

discrimination. See: <https://simavi.org/long-read/bodily-integrity-ownership-over-your-body/> (accessed 8 July 2020)

The vast majority of people in the Global South depend on the informal economy for their livelihoods. The informal economy is the part of an economy that is not taxed, monitored by any form of government, or included in any Gross National Product (GNP). Informal economies are typically characterised by a high incidence of poverty and severe decent work deficits. Informal workers face a lack of access to and coverage by social protection and labour rights, often poor and hazardous working conditions, and have low remuneration and productivity<sup>2</sup>. In Ghana, about **88 % of the workforce is employed in the informal sector** and therefore earns less money, has irregular income and does not have access to basic protections and services of the state<sup>3</sup>. Women tend to make up the greatest portion of the informal sector and are therefore most vulnerable to decent work deficits. According to Ghana's national gender policy (2015) females constitute the majority of the 92% labour force in the informal sector<sup>4</sup>.



## 2) Global Trends

Macro-economic policies set by governments and international financial institutions (IFIs) such as the World Bank and International Monetary Fund (IMF) have a fundamental impact on the way in which **power and**

**resources are distributed globally**, including in relation to the achievement of women's human rights and gender equality at workplace.

Prevailing neo-liberal economic policies pushed by the IFIs including austerity, labour market flexibilisation, privatisation and liberalisation of trade and investment rules **exacerbate and reinforce entrenched gender inequalities at work place**, from access to jobs and wage gaps, to discriminatory norms around unpaid care and domestic work. Moreover, international financial institutions and governments alike, continue to pursue these economic policies in the name of economic growth, even in the face of mounting evidence of their ill effects.<sup>5</sup> Efforts

to promote women's and girls' rights at the workplace have largely failed to **address the deep-rooted structural barriers including discriminatory legislation, policies and social norms that prevent their economic empowerment**, nor fully tackle the compounded discrimination they face due to intersecting identities. In order to meet international human rights such as the UN Convention on the Elimination of Discrimination Against Women (CEDAW)<sup>6</sup> or

<sup>2</sup>[https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/documents/publication/wcms\\_614428.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_614428.pdf)

<sup>3</sup> <http://www.fesghana.org/index.php?page=informal-economy>

<sup>4</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103987/126660/F-515436150/GHA103987.pdf>

<sup>5</sup> Gender and Development Network Briefing paper (July 2019) 'Push No-one Behind - how current economic policy exacerbates gender inequality' - <https://static1.squarespace.com/static/536c4ee8e4b0b60bc6ca7c74/t/5d15f88d4edf8e0001281406/1561720979675/PNOB+briefing+FINAL+July+2019.pdf> (accessed 30 June 2020)

<sup>6</sup> CEDAW was adopted in 1979 by the UN General Assembly and is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. It provides the basis for realising equality between women and men through



the Sustainable Development Goals<sup>7</sup>, a **radical shift is required of the way women's economic empowerment is viewed.**

Globally, **women make up a disproportionate percentage of workers in the informal sector.** In South Asia, over 80% of women in non-agricultural jobs are in informal employment; in sub-Saharan Africa 74% and in Latin America and the Caribbean 54%. Women

working in the informal sector face a **lack of protection of labour laws, social benefits such as pension, health insurance or paid sick leave.** They routinely work for lower wages and in unsafe conditions, including risk of **sexual harassment.** The lack of social protection has long-term impact on women such as fewer women receiving pensions, engagement in precarious work, living in poverty in their old age as a result.<sup>8</sup>

## 3) The policy and legislative context in Ghana

### 3.1. Macro-economic policy

Since 1983, macro-economic policy in Ghana has been dominated by the pursuit of economic growth through a Structural Adjustment Programme (SAP) also known as the Economic Recovery Programme (ERP), defined and controlled by the World Bank (WB) and International Monetary Fund (IMF). The ERP was made up of short-term economic stabilisation measures, longer-term market reforms and liberalisation of all the key sectors of the economy. Ghana's ERP achieved some measure of economic growth, infrastructural rehabilitation and some institutional reforms. However, the reforms have been accompanied by **labour retrenchment, decline in industrialisation, informalisation of work, removal of subsidies and the institution of user fees in basic services** including water, electricity, education and health.

The onset of commercial oil production in 2010 helped grow the Ghanaian economy by 14%

and by 2011 it was considered as one of the fastest growing economies in the world. This helped put the country into lower middle-income status, with per capita GDP increasing from the US\$700 in 2007 to US\$1,858.2 in 2014.<sup>9</sup> However, from 2013, Ghana began experiencing serious economic difficulties that led to rapid depreciation of the cedi; rising and erratic rates of inflation; increasing government budget deficits resulting in indebtedness, high interest rates; trade deficits and pervasive unemployment. By 2016, real GDP growth had fallen to its lowest level in more than two decades to 3.6%, and debt servicing consumed 42.4% of the budget. Nevertheless, the earlier rapid and sustained economic growth rate and increased social spending culminated in significant poverty reduction, making the country one of the few countries in Sub Saharan Africa to achieve the Millennium Development

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ensuring women's equal access to, and equal opportunities in, political and public life, as well as education, health and employment. See: <https://www.un.org/womenwatch/daw/cedaw/> (accessed 9 July 2020)

<sup>7</sup> The 2030 Agenda for Sustainable Development adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. The 17 Sustainable Development Goals are an urgent call for action by all countries in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that

improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. See: <https://sustainabledevelopment.un.org/?menu=1300> (accessed 9 July 2020)

<sup>8</sup> <https://www.unwomen.org/en/news/in-focus/csw61/women-in-informal-economy>

<sup>9</sup> ActionAid Ghana Briefing Paper (2019) 'Economic and Sexual Exploitation of Young Urban Women in the Informal Work Spaces' (internal document)

Goal 1 target of halving poverty by 2015.<sup>10</sup> However, there is an indication that, even at its peak, **economic growth was not inclusive for**

**marginalised communities,** particularly women and girls.

Since 2015, the Government has made considerable cuts to public expenditure under its current IMF programme. While Ghana launched a new development programme namely the Coordinated Programme of Economic and Social Development (2014-20), the government's fiscal space in delivering that programme is largely determined by expenditure targets defined in its 2015-2018 loan agreement with the IMF, which was extended by a year to April 2019. So, for example, civil society groups pointed out that the **commitment to a national social protection floor was affected by a 77% drop in the 2019 budget for the Ministry of Gender, Children and Social Protection.**

Three decades of structural adjustment programmes have resulted in an extensively liberalised economy, subject to market principles and resulting in widespread poverty, unemployment and insecurity, with impacts felt most sharply by women, children and differently abled people. Women have suffered from labour retrenchments of themselves and their family members; the removal of subsidies

from agricultural inputs; the bias towards cocoa and export crop production; the neglect of the food crop sector and; the removal of subsidies from social services for purposes of full cost recovery. The Government's Economic Recovery Programme has **failed to address poverty, create jobs, secure livelihoods, social security and improve human development or strengthen the achievement of women's rights and gender equality.** Instead, it has led to the retreat of the State from its social responsibilities. The overdependence on foreign aid, capital and expertise has led to the loss of national initiative and capacity, the progressive loss of national sovereignty over economic decision making and the erosion of government accountability to Ghanaian citizens.

In urban areas, men occupy the majority of positions in the shrinking public and private formal sector wage jobs, with a smaller proportion of them working in the private informal sector. **Women are mostly found in the informal sector where they engage in trade and other service activities.**<sup>11</sup>

### 3.2. International and regional human rights frameworks

Ghana ratified the UN **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)** (1979) in 1986 which defines discrimination against women on a universal basis, forming an important bill of rights for women worldwide.<sup>12</sup> Additionally, in 2007 Ghana ratified the **African Charter on**

**Human and Peoples' Rights on the Rights of Women in Africa** (2003). Articles 4, 6, 12 and 13 of the Protocol demand state parties work to eliminate Gender Based Violence (GBV) and promote economic empowerment of women.

Ghana joined the International Labour Organisation (ILO) in 1957 and has ratified 51

<sup>10</sup> The Millennium Development Goals were 8 international development goals for the year 2015 that had been established following the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration. The SDGs succeeded the MDGs in 2016.

<sup>11</sup> ActionAid Ghana Briefing Paper (2019) 'Economic and Sexual Exploitation of Young Urban Women in the Informal Work Spaces' (internal document)

<sup>12</sup> The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." See: <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (accessed 6 July 2020)

conventions to date; many guarantee workers the right and freedom to form or join unions (Convention No. 87), the right to collective bargaining (No. 98), abolition of forced labour (Nos. 29 and 105), and equal treatment (Nos. 100 and 111). Others that seek to promote industrial harmony and welfare of workers were

also ratified including those related to hours of work in industry, weekly rest, minimum wage fixing, labour inspection, underground work by women, employment service, night work by women, social policy, working environment, child labour administration etc.<sup>13</sup>

### 3.3. Laws or mechanisms of note that relate to formal or informal workers:

**3.3.1. The Constitution of Ghana (1992)** guarantees every citizen economic rights. For example, 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 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. Article 27 of the Constitution guarantees the maternity leave.

**3.3.2 The National Gender Policy (2015)<sup>14</sup>** includes a policy commitment to improve women's economic opportunities including engendering macro-economic and trade policies so that the basic and strategic needs of both men and women are addressed. This includes a number of commitments to address the situation of women in the informal

economy: i) Provide trade and taxation literacy to the informal sector (which is largely women) and ensure their compliance as well as address their basic needs and strategic interests. ii) Promote saving culture among women, especially women in the informal sector. lii) Promote secure and affordable financial services to women in the informal sector.

**3.3.3 Labour Act - the Ghana Labour Act (2003, Act 651)** guarantees the rights and responsibilities of both employers and workers. Section 175 interprets a worker as a '*person employed under contract of employment whether on a continuous, part-time, temporary or casual basis*' and covers extensively, provisions on employment protection.<sup>15</sup>—This definition appears to **exclude self-employed persons** and can be inferred to be applicable to employees. AAG's research with young urban

women highlighted that **many informal economy workers do not have documented employment contracts and do not recognise the verbal agreements they have with their employers as contracts**. Advocacy work in line with the ILO's **decent work agenda**<sup>16</sup> is currently underway and this has contributed to the passage of the Labour (**Domestic Workers Regulation**) LI 2408. AAG has been invited by the Government to submit proposals to review the Labour Act and in response to this, has

<sup>13</sup> ActionAid Ghana Briefing Paper (2019) 'Economic and Sexual Exploitation of Young Urban Women in the Informal Work Spaces'  
<sup>14</sup>

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103987/126660/F-515436150/GHA103987.pdf>.

<sup>15</sup>For example, conditions of employment, remuneration, trade unions rights and termination of employment with provision for equal pay for equal work, 8 maximum working hours per day at or 40 per week and guarantees certain

nonwage benefits (e.g. social security, paid annual leave, maternity leave etc.) for workers

<sup>16</sup> See more on the decent work agenda here:

<https://www.ilo.org/global/topics/decent-work/lang-en/index.htm> which involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.



worked with the **Access to Justice Labour Working Group** on this request,<sup>17</sup> which is pushing for: a clearer definition of domestic workers in line with ILO Convention 189 on domestic workers; a broader definition of sexual harassment as per the ILO Convention 190 on sexual harassment, adoption of ILO

Recommendation 204 on transition of the informal to the formal economy, as well as improved working times regulations for domestic workers and other informal economy workers, maternity provision and gender sensitive occupational safety and health.

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**3.3.4 Labour Department:** The state has established the labour department which has a

role to play explained in the Labour Act.

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**3.3.5 Laws on Sexual Harassment in the world of work-** Whilst there are **no specific laws to protect women from sexual harassment in the workplace**, the Labour Act (section 175) narrowly defines it as *'any unwelcome, offensive or inopportune sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or a woman.'* Women – and particularly young women - are disproportionately affected by violence at work, where unequal power relations, low pay, precarious working conditions and other workplace abuses expose them to violence. Job

insecurity means that many women do not report violence for fear of losing the work they have. The Labour Act **needs to be broadened to include sexual harassment in the workplace, wherever that may be**, whether it be someone's home or workplace, bar, restaurant etc., so that head porters and domestic workers are also included.<sup>18</sup> The Labour Act also requires the employer to **act against harassment** at the workplace. If a worker terminates the employment contract because his/her employer did not act against the sexual harassment, such dismissal is considered as unfair termination.

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**3.3.6 The Domestic Violence Act** (2007, Act 732) prohibits all forms of violence in the household environment, which would include domestic workers in the categories of people included. Ghana's 2014 CEDAW Shadow report, however, points to the **challenges of implementation of the law:** *'...frequent transfer of trained personnel of the Domestic Violence and Victim Support Units (DOVVSU), insufficient funds and logistics for their*

*operations are of serious concern. Increased public education by the State Party, translation of the law into 6 languages without the necessary tools and regulatory framework for the DOVVSU to do its work seem to be yielding little results. Victims of violence still have to pay for the medical bills. And judges...do not fully appreciate the importance of the Domestic Violence Act.'*<sup>19</sup>

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**3.3.7 The Criminal Code**, 1960 (29) has provision on indecent assault which includes sexual bodily contact with another person without the consent of the other person or sexual violation of the body of that person in

any manner not amounting to carnal knowledge or unnatural carnal knowledge. Indecent assault is a liable offence and on conviction, the perpetrator could face imprisonment of up to six months. In practice,

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<sup>17</sup> Members include staff from FIDA-Ghana, LAWA Ghana, ActionAid Ghana, Gender Experts as well as Trade Union Congress of Ghana members.

<sup>18</sup> Interviews with Access to Justice Working Group members

<sup>19</sup> Women and Development in Law, Africa (2014) 'NGO Shadow Report to 6th & 7th Periodic Report of Ghana on Convention on the Elimination of all forms of Discrimination against Women - Submitted to UN CEDAW Committee, Geneva, Switzerland October, 2014'

however, these provisions are utilised mainly in the formal work environment because many young urban women are unaware of their rights

under the law and even if they are aware, they are **reluctant to pursue justice for fear of losing their jobs.**

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**3.3.8** There is a criminal offences Amendment Act 2012 (849) which defines sexual exploitation and explains it.

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**3.3.9 Laws Impacting on Domestic Workers** - Domestic workers, like other workers in Ghana, are entitled to constitutional provisions as outlined above. However, specific provisions in the Labour Act **precludes domestic workers from exercising certain rights.** For example, section 44 exempts task workers and domestic workers in private homes from maximum working hours and rest periods

which gives room for abuse. Given the high use of family relations as domestic workers, such a provision is problematic. However, Section 2(1) (h) of the **Domestic Violence Act** (2007, Act 732) includes 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.

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**3.3.10 Local Assembly Bye-Laws (Porters and Street Vendors)** - Section 181 of the **Local Governance Act** (2016, Act 936) permits local assemblies to make bye-laws for the accomplishment of functions bestowed on them by the Act. For instance, the Accra Metropolitan Assembly (porters) Bye-Law (2017) (1) stipulates that **porters should not be**

**of a school going age.** The Accra Metropolitan Assembly (Control of Hawkers) Bye-Law (2017) (1) provides regulations on the need for street hawkers to obtain operating licences. However, many of the bye-laws only exist in writing; they are not respected because the District Assemblies do not enforce them.

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**3.3.11 National Pensions Act** - The National Pensions Act 2008 (766) 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 **third tier of the scheme specifically targets informal economy workers who can opt to join by**

**paying a monthly contribution to the social security scheme.** However, because of the unregulated nature of the informal economy, this law is not implemented and many of the young urban women do not consider it as their right as employees and so do not take advantage of this scheme.

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**3.3.12 Social Security and National Insurance Trust (SSNIT)** - introduced the **Informal Sector Fund** to cater and provide social protection to workers in the informal sector in 2009. The SSNIT formerly did not cover

informal workers because their patterns of income were irregular and unpredictable. However, most women are not aware of the existence of this Fund due to a lack of sensitisation and public awareness.

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**3.3.13 The National Labour Commission** - The NLC was established by the Labour Act to address industrial disputes and is made up of 2 representatives each from Government,

Employers' Organisations and Organised Labour. The NLC is mandated to receive complaints from worker(s), trade union(s) and employer(s) or employers' associations and

settles industrial disputes through negotiations, mediation and arbitration. When parties to the negotiations fail to reach an agreement, the NLC directs the parties to settle the dispute through mediation. 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. In spite of all these provisions, many workers operating in the informal economy remain far from enjoying

their full rights. This is partly because **employment relationships in the informal economy remain undocumented, making enforcement difficult**. Most workers in the informal economy (e.g. domestic workers) **voluntarily exit employment when aggrieved with their employers' conduct, rather than resort to legal settlements**. Also, some key informant interview respondents outlined that that women themselves aren't aware that they can raise their grievances with the Labour Commission.

In addition, women's participation in politics and public life is still low.<sup>20</sup> Passing the **Affirmative Action Bill** would support the vital need for increased participation of women in public and political life and women's rights organisations have been pushing for this, for

example in the #EachforEqual Campaign.<sup>21</sup> However in practice, progress on affirmative action has not matched the rhetoric contained in the manifestos of the various political parties and the country's obligations under national and international law.<sup>22</sup>

### 3.4. An Enabling Environment

In order for women, especially young women, to be able to access their rights as full and equal citizens of society, they need an environment which supports their meaningful participation at an individual and societal level. So, whilst there are already a number of laws in place (which needs strengthening), an effective and accessible justice system and an awareness of rights amongst all citizens are critical for the effective implementation of legal frameworks. In addition, transforming discriminatory gender norms that, for example, disproportionately burdening women with unpaid care work; addressing violence against women; advancing education for girls and promoting women's employment are all essential ingredients for an The Government as well as various civil society organisations are actively undertaking various schemes, incentives and promotional measures to address the specific needs of women in the

enabling environment. Policy makers, legislators, duty bearers often themselves hold stereotypical views so any work to change laws must go hand in hand with work to dismantle negative norms. Areas of law that do not directly govern the economic sector are critical too as they can significantly affect women's economic and entrepreneurial activity; World Bank and OECD analyses have shown that laws governing marriage, divorce, inheritance, land rights and labour markets can determine **whether women can make economic decisions** in their own name, can own or inherit property and assets and can freely travel to the work place.<sup>23</sup>

informal economy. For example, the Microfinance and Small Loans Centre (MASLOC), Local Enterprises and Skills Development Programme (LESDEP), and

<sup>20</sup> For example, the number of women in parliament as of December 2019 was 13.09%. See: <https://www.indexmundi.com/facts/ghana/indicator/SG.GE.N.PARL.ZS> (accessed 8 July 2020)

<sup>21</sup> See: The Charleston Chronicle (March 25, 2020) 'Ghanaian Women Push For Passage Of Affirmative Action Bill' - <https://www.charlestonchronicle.net/2020/03/25/ghanaian-women-push-for-passage-of-affirmative-action-bill/> (accessed 6 July 2020)

<sup>22</sup> Women and Development in Law, Africa (2014) 'NGO Shadow Report to 6th & 7th Periodic Report of Ghana on Convention on the Elimination of all forms of Discrimination against Women - Submitted to UN CEDAW Committee, Geneva, Switzerland October, 2014'

<sup>23</sup> OECD (2018) 'March on Gender – The implementation Gap: The impact of legal frameworks on women's economic empowerment around the world – challenges and good practices'

Livelihood Empowerment against Poverty (LEAP) programme, amongst others. Yet a lot more needs to be done by **removing the structural and cultural barriers that are holding women back from achieving their full potential**, as well as ensuring the **effective implementation of laws and policies to promote and advance women's rights and access to justice**.<sup>24</sup>

**Organisation within the informal economy is also crucial for workers to protect their economic and social interests** as noted above. ILO literature maintains that organisation, representation and dialogue is essential to informal workers' ability to pursue their employment rights and interests through *'bargaining collectively or lobbying with politicians and bureaucrats on concerns relating to legislation, access to infrastructure, property rights, social security, environmental concerns etc.'* (ILO 2002). Women working in the informal economy are identified as being *'especially without voice'*, as they generally face greater barriers to participating in organisational processes due to their *'multiple roles and*

*responsibilities in the workplace and the home.'* Moreover, within mixed-sex organisations, functions and positions tend to be influenced by gender issues so that women are under-represented in decision-making processes.<sup>25</sup>

Ghana has *'fairly developed and functional social dialogue processes,'* according to the former Secretary General of The Trades Union Congress (Ghana), Kofi Asamoah, including a National Tripartite Committee. But until the formation of the Union of Informal Workers Association (UNIWA) in April 2015, most informal workers were not represented in these discussions. Deborah Freeman of UNIWA highlights the importance of freedom of association to UNIWA's members, 63% of whom are women: *'Now, these women can speak with one voice, addressing issues that have, for many decades, been left untouched. With their growing numbers, informal economy workers have become an important political force in Ghana and their demands cannot be dismissed by the reactionary political establishment.'*<sup>26</sup>

## 4) Summary of the research findings and their implications<sup>27</sup>

### 1. Young urban women's work in the informal economy

In Ghana, about 88% of the workforce is employed in the informal sector; 82.1% of working men and 89.9% of working women are in the informal sector.<sup>28</sup> **Vulnerability characterises informal employment.** Informal workers are not protected by health and safety legislation; they do not receive overtime payments, a minimum wage, worker

benefits such as paid holidays and sick leave, health insurance, unemployment insurance, maternity benefits and parental leave. They have little or no formal means of managing risk, are not covered by pension benefits or access to childcare. They have little access to mortgage

<sup>24</sup> ActionAid Ghana Briefing Paper (2019) 'Economic and Sexual Exploitation of Young Urban Women in the Informal Work Spaces'

<sup>25</sup> Sylvia Chant, Carolyn Pedwell, Women, gender and the informal economy: An assessment of ILO research and suggested ways forward / Sylvia Chant, Carolyn Pedwell; International Labour Office. – Geneva: ILO, 2008

<sup>26</sup> Equal Times, Special Report: Informal Economy, Report No 10/2016

<sup>27</sup> This section is informed by the draft policy brief and the draft research report, as well as additional analysis of some of the original raw data and additional KIIs undertaken by the consultants.

<sup>28</sup> Women and men in the informal economy: a statistical picture (2018), ILO - [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_626831.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf)

loans or scholarships to help finance housing and education.

***“The informal economy in Ghana contributes about 40.7% to the gross domestic product and employs approximately 85% of the workforce, yet the sector is highly unregulated and most informal workers face significant decent work deficits such as social protection, rights at work, social dialogue and collective bargaining” (Deborah Freeman, Secretary General of the Union of Informal Workers Association<sup>29</sup>)***

The predominance of women in the informal economy, particularly trading, is partly associated with the **gender gap in education**. Women tend mostly to have lower education levels, but formal wage jobs mostly require higher level of education. Generally, the rapid expansion of the informal sector in Ghana can be explained by multiple factors including (i) slow expansion of the (public and private) formal sector to absorb new entrants into the labour market, (ii) poor educational outcomes, resulting in a large number of semi-skilled and unskilled labour, (iii) increased urbanisation, (iv) generally low levels of education, and (v) the desire to avoid cumbersome administrative procedures and associated financial burden, incentivised by low state regulation.<sup>30</sup> Many women in the informal economy do not have equal access to opportunities for development and are trapped in a **vicious cycle of low levels of socio-cultural, economic and environmental development**. This has significant negative impacts on their own health and wellbeing, as well as that of their families.

AAG’s research respondents were involved in a range of informal occupations: many (26%) in food processing and trading<sup>31</sup>, 24% were street vendors, 16% were in the manufacturing sector (e.g. seamstresses, garment makers, basket makers) and 12% were market traders. The other occupations had fewer representations

and included: farming, head porters, construction or woodworking, graphic designing, domestic work and health and sanitation.

There is a vast body of empirical research that has documented the nature of working conditions for young women living in urban centres. This includes: **low wages, delay or non-payment of wages, long working hours, job insecurity, sexual harassment, health and safety hazards, use of intimidation** tactics; violent measures to suppress disagreement and many more. The AAG research demonstrated that young urban women in the informal economy are affected by these same issues, compounded by other issues such as the high cost of doing business and lack of implementation of social protection measures for informal workers and unresponsive state structures; as well as workers lacking skills and technology and awareness of health and safety issues. The research highlights vulnerabilities of the young women workers which ranged from poverty, homelessness, lack of education, or early pregnancies, especially during teenage years. It was noted that many of these young women suffer rights violations because they are **unaware of their rights** and the most vulnerable women are the most likely to be exploited; in addition, they are **largely unorganised** and lack a collective voice to make their concerns heard.

<sup>29</sup> [30] Equal Times, Special Report: Informal Economy, Report No 10/2016

<sup>30</sup> Informal workers and social dialogue in Ghana - <https://www.fnv.nl/getmedia/9d999a13-58da-46d2-bb53-9dddcodd0a74/Mondiaal-FNV-Case-study-Ghana-final-aug-2019.pdf>

<sup>31</sup> These include YUW who trade in raw food, including staples like yam, cassava, plantain, maize etc; meat/fish/chicken, vegetables and fruits. Some trade

in processed food ingredients like corn dough, palm oil, groundnut paste etc. And others trade in cooked food in restaurants, canteens, by the road sides and as street vendors. Many of such YUW also trade in locally manufactured and imported packaged food such as rice, canned beef and fish, canned tomatoes, assorted bottled and canned drinks etc.



## 2. Human rights violations faced by young urban women

### 2.1. Economic rights violations

The economic rights violations of young urban women in the informal work spaces of Ghana, identified through the research can be grouped into three categories: i) economic rights violations by the State; ii) economic rights

violations emanating from employer-employee relationships; iii) economic rights exploitations in the value chain. These are summarised in the tables below:

#### Economic rights violations by the State:

The central government and the Metropolitan/Municipal and District Assemblies violate the economic rights of young women in the informal economy by not performing their obligations towards them:

1. **Young women are compelled to pay high taxes**, but do not fully benefit from the Government's responsibilities towards them.
2. **Lack of necessary amenities** - e.g. inadequate infrastructure for market women, including lack of toilet facilities at the market centres.
3. **High costs of doing business** - the cost of renting a shop/market unit is so high that the majority of young women cannot afford it and end up hawking in the street.
4. **Denial of space** - Government converting some of the informal market spaces into shopping malls; thus, denying informal workers business access.
5. **Lack of suitable laws and policies for the informal economy** - there are no clear and specific laws and policies to protect the rights of women in the informal economy. The Labour Law, Act 613 is more suitable for the formal sector because most of the informal workers do not have work contracts.

#### Economic rights violations by Employers:

The research and wider literature reveals that most young urban women are engaged to work without documented employment contracts, many of the women consulted mentioned verbal agreements with their employers which are more like instructions about their fees and working hours. They highlighted the following concerns:

6. **Remuneration:** payment depends on how the employer values a worker, it is not merit or performance based. *'50% of women working in the informal economy are paid below the minimum wage of Ghana'*, according to the TUC.
7. **Workers have no say over when they are paid:** the young women cannot plan with delayed salaries and salaries paid in instalments: *'It affects us a great deal, it makes us always poor, living from hand to mouth'* (quote from research respondent).
8. **Working for long hours with no over-time allowance**, in addition, employers often engage them in unpaid work that is not within their verbally agreed work terms.
9. **No job security** – they are often laid off at the whim of the employer.

#### Economic rights exploitations in the value chain:

There are various and diverse levels of economic exploitation in the value chain, often related to power, vulnerability and survival. Many of the young women consulted were in the lower levels of the value chain, with high vulnerability and low negotiation powers. There are many instances where the distributor exploits the retailer by unilaterally determining the terms of the contract, including product price and terms of payment.

In addition, there are a number of other economic rights violations and broader economic challenges as highlighted by the study findings:

- **No social security or pension plans**
- **No paid annual sick or maternity leave**
- **Lack of health and safety measures during work.**
- **Limited access to savings** - technically, all workers in the informal economy have access to the banks and their savings and loans facilities. However, many young women working in the informal economy rely on individuals who provide savings services (known as *susu*).
- **Limited access to credit/finances:** many of the self-employed young women are unable to access credit for their business as they can't provide the collateral and other requirements that the banks demand. Many women in the informal economy can't afford finance or credit from banks so are not able to grow their businesses. Key informant interview respondents also stated there is a lack of government initiatives to support women to build their entrepreneurial skills and long-term soft loans to set up businesses, as many are not supported by their husbands and some face violence. Many women, therefore, take up facilities from the micro-finance institutions, who have lower requirements, but charge exorbitant interest rates, which ends up eroding their capital.
- **Inability to expand businesses due to inadequate and high costs of capital,** causes women to continuously experience low living standards, which affects their self-confidence and participation in wider society.
- Respondents from key informant interviews also suggested that **many women struggle to attend meetings to organise informal economy workers** as that time was needed for them to undertake business activities such as selling their wares in the market as well as their unpaid care work.
- **Women and girls have low awareness of the economic rights** and this is not covered in Technical and Vocational Education and Training skills.
- Key informant interview respondents stated that women have reported that even **programmes that do exist for women and youth are politicised**, (e.g. those that provide financial credit, skills training, as well as planting for food initiatives and planting for food and jobs), so not all women can benefit from them.

## 2.2. Sexual Exploitation of Young Women Workers

Many of the YUW respondents in ActionAid's research study expressed that they have experienced one form of sexual harassment or another. For example, of those surveyed: **49% had been sexually abused**; 41% had been sexually harassed more than once; 17% experienced incessant or repetitious telling of sexual or dirty stories or jokes.

The study found that the occurrence of sexual exploitation and assault was much higher in the *kayayee* (head porters) sector than in other informal workspaces, because

these women are more vulnerable due to sleeping out in the open, for example, in shop fronts or lorry parks. The incidence of sexual exploitation was found to be lower for women working in garment, cosmetology and hairdressing businesses, as these are women dominated spaces. On the other hand, domestic workers confirmed that sexual exploitation is very common in their sector. A focus group discussion with domestic workers highlighted the following forms of sexual abuse and exploitation which they are exposed to:

- **Employers and members of their household and friends exhibit threats of sexual exploitation towards domestic workers by enticing them with food, clothing, accommodation** etc. in return for sex. When they do not comply, they are threatened with expulsion or are even falsely accused with stealing and other vices.
- **Sexually inclined behaviour** in the form of rubbing and touching which is done repeatedly without their consent and being asked to massage the employer.
- **Being shown pornographic images** and requesting them to perform such acts.
- **Rampant insults about their womanhood**, derogatory comments made about their sexuality.
- **Rape by their male employers or other male domestic workers** they are forced to share sleeping quarters with (and some reported sexual abuse by female employers as well). Meanwhile, some of the domestic workers and street vendors are raped because they share sleeping spaces in the open with men.

### Reporting sexual abuse and exploitation -

According to the study, the level of reporting is generally low. The reasons given for not reporting experiences of sexual exploitation in informal workspaces included:

- **No avenues to report** - the YUW do not feel secure and protected enough to trust and report to the police and other relevant institutions.
- **Fear of losing their jobs** – this is the case when the perpetrators are their employers or relatives or acquaintances of their employers.

In addition, the study revealed a **lack of awareness amongst respondents** about **where and how to seek redress** and that if women do report, it tends to be done informally to family, friends etc. Some of the formal avenues for redress against sexual exploitation identified by some of the respondents included: The Domestic

Violence and Victim Support Unit (DOVVSU)<sup>32</sup>, the Police, Market Queens<sup>33</sup>, workers' associations, the Trade Union Congress<sup>34</sup>, the Ministry of Gender, Children and Social Protection<sup>35</sup> and the Labour Office. However, many of these were said to be problematic in various ways as outlined below:

- **DOVVSU and the Labour Office end up aggravating the plights of women when they report.** This is because women have to leave their work and spend several hours/days in the police stations. The young urban women are therefore unable to pursue the case to its end and they give up. Furthermore, legal and social service institutions do not provide protection so women are exposed to the wrath of the perpetrators. In the long run therefore, it is safer to agree to a settlement or abandon the case.

<sup>32</sup>The Domestic Violence and Victim Support Unit is a unit in the Ghana Police Service tasked to prevent, apprehend and prosecute culprits of domestic violence and child abuse. The unit provides support and protection for victims of domestic abuse by interrelating activities with the Department of Social Welfare, the International Federation of Women Lawyers and the Legal Aid Board.

<sup>33</sup> These are women who are recognised as leaders in the local markets. They are revered and have responsibilities to ensure peace and orderliness in the markets.

<sup>34</sup>The Trades Union Congress of Ghana is the main umbrella organisation for trade union activities in Ghana, made up of 18 autonomous affiliated national unions, which pursue their own activities but within the framework of their constitutions and their areas of legally accepted jurisdiction. From

<https://www.ghanatuc.org/about.html> (accessed 5 July 2020)

<sup>35</sup> MoGCSP's primary objective is policy formulation, coordination, monitoring and evaluation of gender, children and social protection issues with the aim of leading to gender equality, equity, the empowerment of women and girls, promoting the survival and development of children, thus ensuring their rights. It will also ensure harmonizing social protection interventions to better target the vulnerable, excluded and persons with disability and integrate fulfillment of their rights, empowerment and full participation into national development. From:

<http://www.mogcsp.gov.gh/index.php/about/> (accessed 5 July 2020)

- **Most Market Queens belong to one political party or another** so if the woman experiencing violence does not belong to the same party or the perpetrator is in the same party as the Queen, then this may prevent the victim accessing justice.
- **Domestic workers can report to their association**, but often they don't because they may end up losing their jobs and livelihoods.
- **The Labour Office can follow up a case** and make sure the perpetrators are brought to book but many of the women do not know that they can report such incidents to the Labour Office.

Women working in bars and restaurants and as domestic workers, consulted by AAG in 2019 as part of its Access to Justice initiative, highlighted several barriers when seeking justice, including: the **cost of transport** to police stations and court; the **traumatic and often discriminatory experience inside DOVVSU offices; lack of privacy and adequate resources to guarantee confidentiality; costly medical examinations; insufficient knowledge of the Domestic Violence Act** by police prosecutors. Where some domestic workers reported their experience to the Domestic Workers' Union, it was highlighted

that they fall through the gaps in the justice system. This is because the Domestic Violence Act considers the violence experienced by domestic workers as a domestic relationship and not an employer-employee/workplace issue, hence there is no protection offered to them against unfair or constructive dismissal (e.g. if a domestic worker rejects sexual advances). The Union can hence only work to ensure that the dismissed worker receives her full pay and can be placed into another job as soon as possible. Ultimately, there is no punishment for either the employer or the perpetrator of the violence.<sup>36</sup>

## 5) Conclusion

The section above highlights considerable **gaps in existing legislation** and the barriers which prevent women and girls in the informal economy benefiting and maximising their potential as equal citizens in Ghana. **Structural gender discrimination**, an indirect form of discrimination which is implicit in the norms and expectations of the behaviour of others, means that even when there may be protective laws in place, discriminatory gender norms and practices are often biased against women, such as the disproportionate burden of unpaid care work, which prevents women from taking part in livelihood activities or trade association activities. As a result, they experience considerable economic and sexual human rights abuses as outlined above.

In addition to these challenges, several key informant interview respondents highlighted the **disproportionate impact of the COVID-19 pandemic on women** who already carry the bulk of unpaid care work which has been increased due to financial difficulties and looking after sick family members. Many domestic workers have lost their jobs because employers are worried about the virus being transmitted by them. Existing national stimulus packages to support livelihoods and prevent starvation and poverty may not support informal economy workers sufficiently as many of them fall out of the Small and Medium Enterprises Category, or have never registered their business nor have Tax Identification Numbers (TIN). More broadly key informant interviews indicated that there are inadequate Government provisions to support unpaid care

<sup>36</sup> ActionAid (2019) 'Falling through the Cracks: tackling the Justice Deficit for Women Survivors in Ghana'

work such as sufficient affordable day care centres, energy efficient ovens, access to gas to cook, water sources near enough to women, particularly access to clean affordable water, even more necessary for hygiene during the pandemic.

However, we are faced with a **window of opportunity to review and improve legislation for young urban women in the informal sector**; namely the ongoing revision of the Labour Act; adoption of the Domestic Workers Regulation; ratification of relevant ILO Conventions and recommendations; the road

- The Domestic Workers Association has been very active in supporting members to protect themselves against sexual harassment and supports them to report and seek redress when they are exploited sexually or economically and trade associations generally act promptly when cases of exploitation are reported to them by women informal economy workers.
- Having informal economy workers join trade associations and trade unions is critical for them accessing support services and this is something which ActionAid

map to Formalisation (ILO R204), as well as revisions of related legislation like the Domestic Violence Law. This is particularly important given it is **election year in Ghana** giving political parties a chance to make a difference for young women in the informal economy – **vital for economic growth, for the advancement of women’s and girls’ rights and for sustainable recovery post COVID-19.**

There is also an **opportunity to build on existing good practices.** Some examples were highlighted from ActionAid’s research and interviews with key informants such as:

- Ghana was encouraging through the YUW project, in addition to creating a Young Urban Women’s Movement from all sectors of the informal economy.
- Many of the research respondents considered joining an association to be a first step in terms of young urban women being able to access information, support, opportunities to have their voice heard on issues which affect them and ensure they can take action against economic and sexual exploitation.

## 6) Recommendations/ Priorities for Action

### 1. The Government of Ghana should:

#### 6.1 Reform and implement macro-economic policies to promote gender equality

1. Develop policies which support the **ILO’s decent work agenda** which involves decent job creation, rights at work, social protection

and social dialogue, with gender equality as a crosscutting objective.

2. Develop an **economic recovery programme in response to COVID-19 that includes women workers in the informal economy**, helping them to get back on their feet and to protect their businesses and livelihoods. Women’s Rights Organisations (WROs) and Trade Unions must lead the discussion for the

betterment of the Informal Economy workers. ActionAid is calling on government to ensure that social protections target women, whose care duties have doubled as they are at the forefront of caring for the sick, home-schooling, working informal jobs and collecting water.



### 3. Re-orient macro-economic frameworks to reduce gender inequality and address social development imperatives

Macro-economic policy needs to be grounded **squarely within a human rights-based framework** and informed by robust data regarding women's diverse social and economic circumstances (intersectionality) so that policies, budgets and regulations to protect workers' savings are designed to meet the needs of the most marginalised and excluded groups. Particularly young urban

women must be involved in the formulation of social policy as well as the macro-economic policy that underpins it. All business enterprises domiciled in their territory and/or jurisdiction must respect human rights throughout their operations in line with the UN Guiding Principles on Business and Human Rights<sup>37</sup>. Linked to these principles, Banks should make loans more accessible by reducing loan interest rates for informal women workers.

### 4. Expand tax revenues in a progressive way:

Tax systems should not only generate sufficient public revenue, but also distribute the contributions fairly and serve to bridge economic and gender inequalities. In line with ILO Recommendation 204, the government should lower entry barriers due to bureaucratic procedures; simplify taxation

codes and create progressive tax structures to encourage small businesses to enter the formal sector. For example, a proportion of the taxes collected from the markets by the District Assemblies should be re-invested in facilities such as creches, water and sanitation infrastructure.

## 6.2 Protect informal women workers from economic and sexual exploitation

### 1. Ratify and adopt key ILO Conventions:

- **Prioritise the ratification and adoption of ILO Convention 189** (2011) on decent work for domestic workers and related Recommendation 201.<sup>38</sup>
- **Ratify and adopt ILO Convention 190** (2019) and related Recommendation 206<sup>39</sup>, to ensure that all workers are protected from violence in the world of work. This is

especially important given the Government's commitment to reduce VAWG, in response to the increase in VAWG during COVID-19 and recognising that young women in the informal economy are particularly vulnerable.

- **Adopt ILO Convention 183** (2003)<sup>50</sup> on maternity protection to ensure women's equal access to employment and the continuation of often vital income necessary

<sup>37</sup>These are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. See - [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed 8 July 2020)

<sup>38</sup> ILO Convention No. 189 offers specific protection to domestic workers. It lays down basic rights and principles and requires States to take a series of measures with a view to making decent work a reality for domestic workers. Unlike the Convention, Recommendation No. 201 is not open for ratification. The Recommendation provides practical guidance concerning possible legal and other measures to implement the rights and principles stated in the Convention. See: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---)

[travail/documents/publication/wcms\\_161104.pdf](travail/documents/publication/wcms_161104.pdf) (accessed 29 June 2020)

<sup>39</sup> ILO Convention 190 defines violence and harassment as "a range of unacceptable behaviours and practices" that "aim at, result in, or are likely to result in physical, psychological, sexual or economic harm". It covers everyone who works, including interns or apprentices and persons who exercise the duties or authority of an employer, and applies to the public and private sectors, the formal and informal economy, as well as urban and rural areas. The Convention will enter into force 12 months after two member States have ratified it. The Recommendation (206), which is not legally binding, provides guidance on how the Convention should be applied. See: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_737414/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_737414/lang--en/index.htm) (accessed June 29 2020)

for the well-being of mothers and their families as a precondition for achieving genuine equality of opportunity and treatment for men and women at work and enabling workers to raise families in conditions of security.

- **Adopt ILO Recommendation 204<sup>40</sup>** related to the transition from the informal to the formal economy as is necessary to the Ghanaian context and include consultation with Women's Rights Organisations, as part of moving forward with the Tripartite discussions on the Roadmap to

Formalisation. There should be increased focus on this process and consistency and coordination across a broad range of policy areas in facilitating the transition to the formal economy. This requires targeting all the institutions mandated to protect informal economy workers, such as the Ministry of Gender, Children and Social Protection, Local Government structures and Ministry of Employment and Labour Relations.

- **Ratify and adopt ILO 181<sup>41</sup>** on regulation on private employment agencies.

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**2. Develop National Action Plans to Support the Implementation of ILO Conventions 189 and 190**, where there are none, led by the National Development Planning Commission and ensure political follow-

through including adequate national budgets for implementation and rigorous monitoring mechanisms, as well as including provisions for creating Bye-Laws at District level.

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**3. Strengthen the Labour Act (2003)** in line with ILO C189 and C190 and recommendations from the Access to Justice Labour Working Group to include informal workers. For example, sexual harassment is defined narrowly and needs broadening to include the world of work – wherever this is carried out, be it in someone's home or workplace, bar, restaurant etc. and cover head porters, domestic workers etc. The Act also currently leaves room for the employer to exploit workers, so to address this, maximum hours of work for domestic and informal economy workers and their rest periods need stipulating within the Act. Alongside this, there is a need to **strengthen implementation of the Labour Law** to reflect changes to the Labour Act and address a number of key priorities:

- sexual harassment in the informal economy;
- intensify implementation and monitoring of workplace health and safety regulations;

- include employment contracts for informal workers engaged by employers, particularly for domestic workers who are often overlooked.
- Linked to this, Municipal and District Assemblies should make bye-laws informed by ILO Recommendation 204, C190 and C189. For example, recruit Labour Officers at District level with clearly defined roles and responsibilities, especially vis-a-vis their relationships with employers, so that they are mandated to conduct workplace inspections and review contracts, and hold employers to account to meet minimum standards.
- Labour Officers have a crucial role to play in addressing workplace issues, from exploitation and human rights abuses to protection from inhumane treatment, slavery, servitude and forced labour. They need improved capacity to carry out this work whilst maintaining professional relationships with employers.

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<sup>40</sup> [ILO Recommendation No. 204](#), of universal relevance, acknowledges the broad diversity of situations of informality including specific national contexts and priorities for the transition to the formal economy and provides practical guidance to address these priorities. It clearly defines a broad and detailed scope of application to all workers and economic units - including enterprises, entrepreneurs and households - in the informal economy. Such informal work

may be found in all economic sectors and in public and private spheres. See: [https://www.ilo.org/employment/units/emp-invest/informal-economy/WCMS\\_443501/lang--en/index.htm](https://www.ilo.org/employment/units/emp-invest/informal-economy/WCMS_443501/lang--en/index.htm) (accessed 29 June 2020)

<sup>41</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::P12100\\_INSTRUMENT\\_ID:312326](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::P12100_INSTRUMENT_ID:312326)

- Sensitisation is needed so women informal workers know how to raise grievances

through the Labour Commission and that this can be done at district level.

#### 4. The Labour Department should:

- **Hold employers to account for decent work conditions** e.g. ensure that they abide by minimum wage and leave policies and take action to deter employers from denying employment benefits. This includes **holding employers of domestic workers to account** – in respect to better conditions (accommodation, being allowed to worship, fair wages, annual leave, sick leave, maternity pay etc.).
- Consider decentralising the Labour Office in all District Assembly offices, which would

help to hold employers to account for decent work conditions.

- **Prohibit the exploitation of informal economy workers** by agencies who recruit workers for prospective employers in urban areas, to ensure they are not profiting through the placement of these workers. Many agencies employ discriminatory practices for example, stipulating that the first 3 months' salaries will be retained by the agency and as these are often verbal contracts, they are harder to challenge.

#### 5. Implement the Domestic Workers Regulation as a matter of urgency and sensitise the public on the content of this regulation

**6. Review and implement the Domestic Violence Act 2007 (732).** Concerns of domestic services workers and gaps in accessing justice by other informal workers should be addressed and the Act should be strengthened to include violence outside the home. **Implementation of the Domestic**

**7. District Assemblies** such as the Accra Metropolitan Assembly **need to make appropriate changes in their existing policies to ensure that barriers towards accessing licences for street hawkers are**

**Violence Act** should ensure that costs associated with reporting domestic violence are removed e.g. ensure that the Victims of Domestic Violence Support Fund is used to support women survivors of violence to avoid having to pay medical fees before they can be attended to by a Doctor.

**removed** for young women and also protect young women traders/hawkers from violence, sexual harassment and extortion. The licensing process must be made affordable and accessible.

### 6.3 Ensure Social Protection Programmes respond to the needs of women in the informal economy:

**1. Ensure informal economy workforce (employers/employees) comply with provisions of social security and pension system for all informal workers in Ghana in view of COVID-19.** This can be done by involving the District Assembly as the nodal agency for registering workers, in partnership with grassroots

organisations/unions/workers' groups. Take advantage of the local government system of public hearing platforms to involve informal women workers, spread awareness, make sure that no worker is left behind and institutionalise these dialogue mechanisms within the District Assembly structure.

**2. Develop a strategy at the District level to serve as a pilot for grassroots participation** by informal women workers

in developing and delivering social protection programmes.

**3. Address the legal and implementation barriers which limit women's access to finance and credit** and support women's entrepreneurial skills, through offering soft loans, or loans with lower interest rates or

zero collateral. This will enable informal economy workers, care workers, domestic workers and other groups of workers in this category gain access to finances to be able to grow their businesses.

**4. Review and revise maternity and sick leave provisions** to ensure that the use of these benefits are accessible, acceptable and does not put women's jobs at risk and is in

line with ILO Convention 183 on maternity protection. Such benefits should not depend on formal employment but rather be part of a generally accessible social protection.

**5. Ensure that the national database** which is being developed includes specific information about informal economy

workers and that the identify card system links these workers to free medical care, financial credit, pensions.

**6. Raise awareness about the pension product that informal economy workers can contribute to** and ensure that

contributions can be flexible. These could be topped up by the Government and the employers.

## 6.4 Gender Responsive Public Services

### 1. Strengthen existing institutions:

- Separate DOVVSU from general policing so it functions as a standalone resourced authority, where capacity can be maintained, as police will not be continually transferred to other departments and its accountability will be increased.
- The Ministry of Gender, Children and Social Protection needs to be adequately resourced through budgetary allocations to fulfil its mandate and should fast track cases of sexual exploitation through the courts.
- Capacity building for staff within the judiciary, police services, CHRAJ and the Labour Commission on women's rights, gender equality, women's economic empowerment,

violence against women and girls (VAWG) and their obligations under the Domestic Violence Act need to be rolled out to prevent barriers to women accessing justice, such as ensuring that the police do not request money from women who report sexual harassment. This can build on existing materials and good practice (e.g. the Gender and Human Rights Documentation Centre rolled out training on preventing and responding to VAWG for police cadets some years ago).<sup>42</sup>

- Strengthen and decentralise the labour department to play its role under the Labour Act.

<sup>42</sup> See more in: <https://www.whatworks.co.za/global-programme-projects/gender-centre-ghana> (accessed 9 July 2020)

**2. Support young women in coming together to participate in formal decision-making processes**, such as gender budgeting

at District Assembly level, in addition to lobbying the government for public services.

**3. Ensure cross ministerial working to create enabling environments that respond to the priorities and concerns of women in the informal sector** – e.g. the Executive, Legislature, Judiciary and the Ministries of Employment and Labour Relations, Education, Food and Agriculture, Science, Technology and Innovation and Health, the Town and Country

Planning Departments as well as the District Assemblies must work together to ensure accessible drinking water, toilets, electricity, creches). Importantly, the judicial community, including judges themselves, need to become more aware of Ghana's international and national legislative commitments regarding gender equality.<sup>43</sup>

**4. Prioritise gender responsive public services that reduce women's care burden**, so that they can engage in paid employment opportunities. For example, the provision of day care centres for children, energy efficient ovens, access to gas for cooking, making sure clean

water is easily accessible.<sup>44</sup> At a wider level, there is a need for more progressive policies on unpaid care work which redistribute this **more equally across men and women**, and supported by the public provision of care facilities.

## Support young women's empowerment

**1. Educate young women informal economy workers** on how to secure necessary documentation to access credit and other financial services, as well as how to access technical and business training, benefits,

medical care, pensions etc., potentially by having a database of organisations that offer this support. Workers' associations and unions can signpost women to this information.

**2. Ensure Ghana's TVET programmes and curriculum respond to the needs of young women in the informal economy and make sure that:**

- **Start-up capital is provided for apprentices on graduation, as well as tools and access to credit to aid them establish their businesses.**

- There is **guidance on apprentices' work** to ensure that they are not exploited (such as hairdressers being asked to carry out unpaid care work for their employers such as childcare, cleaning etc.).
- Training centres should also address care needs by providing childcare centres.

<sup>43</sup> OECD (2018) 'March on Gender – The implementation Gap: The impact of legal frameworks on women's economic empowerment around the world – challenges and good practices'

<sup>44</sup> ActionAid's research on Gender Responsive Public Services in Ghana highlighted a lack of or poor provision of

services such as water and electricity which affects businesses where women's economic activities are concentrated, such as hair and beauty salons, tailors and grocers.



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**3. Provide funding for the scale up existing effective initiatives for informal women workers** in line with requests from Trade Unions. These could include training for informal workers on financial management and on negotiations with the Assemblies by the trade unions and trade

groups such as the TUC; Ghana Hairdressing and Beauticians Association's skills training for their members which covers the importance of contracts for legal protection and training on bodily integrity and protection from sexual abuse.

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## Employers should:

**1. Engage their employees on their workplace rights and develop and implement an anti-sexual harassment charter**, in conjunction with the provisions under the Labour Laws, supported by Civil Society Organisations in consultation with young urban women. Sexual harassment policies should be displayed in their premises which they are responsible to implement, and they should know how to

take actions in relation to prevention of, and response to, harassment of workers.

**2. Ensure all informal workers, including domestic workers, have written contracts** which outline working conditions in line with decent work and ensure that these are **made available to the Labour Department** so they can be monitored.

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## UN Agencies, development partners and donors should:

**Promote an integrated and coordinated focus on young women's bodily integrity, economic security and unpaid care work**, recognising the intersectional challenges that different women face. This should include establishing policies and delivering programmes that support not

only the health of women and girls, but their socio-economic rights as well, including their participation in public life and decision making. This will require better coordination by development partners to ensure such an integrated approach is put in place with adequate budgets for implementation.

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## Civil Society Organisations and Trade Unions should:

**1. Engage with young women workers in on-going and future programmes to raise awareness of their rights and support building movements of workers' organisations, trade unions, NGOs and Women's Rights Organisations. Support their increased access to services as well as helping to get their voices heard.**

- ActionAid Ghana, in particular, should work with the Young Urban Women's Movement as well as other young women's groups, to facilitate their access to the youth employment section of the government.
- Prioritise strategic engagement with organised labour and CSOs (including

WROs) on the content of ILO Conventions 189 and 190 as well as Recommendation 204 and the Road Map to Formalisation.

- Establish a cross-sectoral and inclusive working group that includes women's rights organisations, NGOs and INGOS, and organised labour groups to drive the process of ratification and adoption
- **Trade unions should foster ties with CSOs and in particular Women's Rights Organisations** to embark on organising strategies to give women in the informal economy a collective voice.

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**2. Collaborate with other civil society organisations and partners to raise awareness about the economic and sexual exploitation of young urban women workers**, in particular with women's rights organisations, women's traders' associations and unions to ensure that their priorities are front and central with a view to

strengthening linkages across sectors, including in national campaigns on labour issues. Young women's voices need to be heard in both national and municipal debates about employment opportunities, worker health and safety issues, and other key worker benefits.

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**3. Trade associations and unions should support young women informal economy workers to access justice in relation to sexual and economic exploitation.** They should provide capacity development for women workers on their right to decent work and referral pathways for reporting rights violations. In addition,

training on business management, financial planning as well as mentorship is important to support to young women who are new to organised worker groups and support them in decision-making skills to make change happen at the community level, local government level and beyond.

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**4. All services for women need to take an intersectional feminist approach** - services need to be tailored to the differing needs of girls and women who will have

different barriers around accessing and participating in unions and associations in relation to for example personal autonomy, mobility or accessibility.

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**5.** Women themselves need to be aware of their legal rights and have full access to the judicial system. Cross-cutting ways to

include legal literacy can be increased through traditional and new media, civil society and SMS-messaging.

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**6. Collaboration with the media** needs to highlight the importance of the informal economy for the country, highlight women's role within this sector and raise awareness of the challenges informal workers face amongst government institutions, as well as the general public. In

addition, work with the media to promote and support policies and campaigns to raise awareness of gender equality and to challenge violence against women, especially campaigns to raise awareness specifically targeting men and boys.

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**7.** Sensitise rural communities from where most **domestic workers** are recruited on





the rights of the domestic workers as well as in urban areas where they are often working.



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