INDEX

1. Introduction ........................................................................................................................................3

2. Wages and working conditions ........................................................................................................3

3. Organisations supporting domestic workers ..................................................................................5

4. Recommendations ..........................................................................................................................6

5. References .......................................................................................................................................6

THE GLOBAL NETWORK

With the aim of achieving decent work for all, the Global Network works to empower women and men who are activists in NGOs, trade unions, associations of informal workers and grassroots movements to build capacity, exchange experiences and coordinate joint actions, at both regional and international level.

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1. Introduction

Contributions of domestic workers to the Ghanaian economy

In the Ghana Living Standards Survey (GLSS5) conducted in 2005/2006, the Ghana Statistical Service (GSS) estimated that 70% of the adult population aged between 15-64 years were economically active (GLSS5 Report, 2008). Over 80% of the employed in Ghana are concentrated in the informal economy, which consists of a host of activities including unregulated self-employment and wage employment of which domestic work forms a part.

Estimates from the GSS (2008) indicate that domestic work employs about 0.2% of Ghanaians between the ages of 15-64 years. Domestic workers are predominantly women and young rural migrants. While 0.2% of working females are engaged as domestic workers, the proportion of males who are employed as domestic workers is 0.1%.

Domestic work, like most informal sector jobs, escapes the attention of policymakers and advocates of decent work. Currently in Ghana, there is no strong organisation representing domestic workers.

2. Wages and working conditions

Employment relations

Ghana’s Labour Law (Act 651, 2003) stipulates that employment relationships be formalised with the signing of a written contract between employers and employees. Section 12 of the Act requires that “the employment of a worker by an employer for a period of six months or more or for a number of working days equivalent to six months or more within a year shall be secured by a written contract of employment”. The contract of employment stipulates the rights and obligations of the employer and the employee.

Domestic workers who are recruited through private recruitment agencies in Ghana usually have a written contract of employment. The contract may either be signed between the domestic worker and the employer or between the recruitment agency (on behalf of the worker) and the employer. A respondent noted that: “Usually, recruitment agencies have standard written agreements detailing the contractual terms, which employers are made to sign. Employers who terminate contracts unlawfully are made to compensate employees appropriately”.

There is laxity at the Public Recruitment Centre of the Ghana Labour Department in enforcing the provisions for employment contracts. According to respondents, the situation has led to employers (especially Ghanaian employers) preferring to recruit from the public centre than through the private recruitment agencies. The study revealed that expatriate employers usually comply better with legal provisions in comparison to Ghanaians.

Another common form of recruitment is through friends and relatives. Written contracts are usually not signed when family or friends refer domestic workers. A verbal agreement is usually established but these are difficult to monitor and enforce.

The nature of employer-employee relationship in the domestic work situation is defined by the mode of recruitment. A private agency may terminate its involvement after completing the employment arrangement. This is usually done after a lump sum fee is charged either to the substantive employer or employee for services rendered.

However, some agencies remain the employer under the arrangement. In such circumstances, the domestic worker is an employee of the recruitment agency who is contracted out to a client. The recruitment agency receives a monthly wage from the client and pays the domestic worker a portion of the amount. At the public recruitment centre (as also in the case of family/friend referrals), the officer (person) who witnesses the initial process of engagement may only become the mediator when disputes arise. It was observed during discussions with domestic workers that the client is considered the employer regardless of who pays the wages.
Hours of work
Sections 33 and 34 of Ghana’s Labour Law, Act 651(2003) provides for a minimum of forty working hours per week. This translates into 8 hours of work per day. Any extra hours worked must be paid for as overtime. The law stipulates that every worker has the right to a thirty minute break in between continuous work. However, section 44 exempts domestic workers in private homes from the provisions of sections 33 and 34.

Respondents stated that they do not have fixed working hours or defined responsibilities. One of the respondents stated that: “The nature of domestic work is such that you cannot have a defined role. Domestic workers can be given any task at any time to do. You are the first to wake up (sometimes at 4am) but the last to go to bed (usually after 10pm). The child minder is up whenever the baby cries. You only have a break when there’s nothing to do”.

The law also provides for daily rest of not less than 12 hours. In addition, workers are entitled to a rest period of 48 consecutive hours in every seven days. However, domestic workers interviewed for this report stated that in principle they are entitled to one day-off per week but most of the employers fail to grant this. Where employers comply, they (employers) choose days that they would not need the services of the domestic worker. For some domestic workers, jobs left undone during their rest periods await their return, thus, increasing their workload during the next working day. Organisations promoting the rights of domestic workers believe the exceptional provisions on domestic workers under the labour law are discriminatory.

During the interviews and focus group discussions, it came to light that domestic workers had little knowledge of their rights under the labour law. Respondents frequently described employers who comply with contractual agreements as the “good employers” and the workers as “lucky workers”. The phrase, “if you’re lucky to have a good employer”, ran through all discussions. Workers appeared not to know their rights and therefore rely on the goodwill of employers. Although most respondents have suffered and continue to suffer unfair labour practices including violence, none have reported such abuses because they do not know where to get help. The frustration of domestic workers was summed up by one respondent in these words: “If you are not happy with your employer, you can only be patient until you receive your monthly wage and pack out of the house”.

Some employers terminate the employment contract unlawfully and without compensation. Workers (especially young females) face sexual harassment usually from the males in the household, especially from the husbands of their employers.

Wages
Domestic workers earn low wages in Ghana. The study revealed that domestic workers earn between GHS80 (US$57) and GHS100 (US$71) per month. This is above the monthly minimum wage for 2009. Determination of wages depends on the mode of recruitment. Private recruitment agencies negotiate for wages on behalf of workers. At the Public Recruitment Centre, however, workers negotiate their wages with their employers themselves. When domestic workers negotiate for wages themselves, they are usually compelled by economic circumstances to accept lower wages of about GHS50 (US$36) or less. A respondent noted that: “Many people take up domestic work as a means to raise income to meet urgent needs. Under such circumstances, they are compelled to accept any wage”.

The 2009 monthly minimum wage in Ghana is GHS71.55 (US$51). Most domestic workers earn a little above this. However, all domestic workers who participated in this study were unaware of the current minimum wage. When told the current minimum wage, most respondents said it was inadequate and stated that they were likely to reject it if it was offered to them, unless they were in desperate need of an income.

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1 This is below the monthly minimum wage of GHS71.55 (US$51) in 2009.
2 The 2009 minimum wage had not been reviewed at the time of the discussion in January 2010. The minimum wage for 2010 has now been concluded at GHS84 (US$54).
**Benefits**

Labour laws require employers to provide some statutory benefits to employees which include social security contributions, paid sick leave, paid maternity leave and paid annual leave. In addition, most workers and their unions have, through collective bargaining, secured other benefits such as free/subsidised transport, meals and accommodation among others.

Respondents at the focus group discussion indicated that they do not receive any of the statutory benefits. They indicated that few domestic workers (usually with expatriate employers) have social security benefits. Some employers provide medical care to cover common illness such as headache, malaria or fever. However, the worker is likely to be sacked if the illness is prolonged. It was revealed also that most employers would terminate the contract of employment when the female domestic worker becomes pregnant.

All the domestic workers who participated in the study have free accommodation from their employers. The state/nature of the accommodation varies from employer to employer. Some domestic workers lived in the boys’ quarters or in the same apartment as their employers with adequate facilities. But others sleep in poorly ventilated rooms or store rooms without toilet facilities. A 35 year old respondent indicated that she slept in a kiosk and was compelled to bath in the open at dawn and at night by the road side. A respondent mentioned that: “If you are lucky to get a good employer, you may have more privileges than what was initially agreed upon. Some employers provide even toiletries to the worker”.

Respondents indicated that employers usually “promise” three meals per day during negotiations but many fail to provide them. Few employers provide workers three meals per day and some employers do not give domestic workers breaks for meals or rest periods. In such situations, the domestic worker may have to eat while working or wait until all jobs are completed before they can eat. A respondent stated that: “Some employers do not want to see the worker sitting for one minute, even to eat”.

### 3. Organisations supporting domestic workers

**LAWA Ghana Alumnae Incorporated**

The LAWA Ghana Alumnae Incorporated is a gender advocacy, non-governmental organisation promoting the rights of domestic workers in Ghana. LAWA began its project on domestic workers in 2003 under a donor-funded project. As part of the project, LAWA, in collaboration with the Attorney General's Department, has proposed and submitted regulations on domestic work in Ghana to Parliament.

LAWA also organised groups of domestic workers mostly in urban centres such as Kumasi, Accra and Ho. It developed training manuals and offered training programmes to members of organised groups of domestic workers under a donor-funded project. However, LAWA's organising activities on domestic workers have stalled since the closure of the project in 2006 and this has led to a loss of membership of the domestic workers association.

A respondent at LAWA indicated that the organisation continues to provide free legal services to domestic workers when disputes arise between workers and their employers. “LAWA has been able to help some workers to get compensation where employers terminated contracts unlawfully”.

**Industrial and Commercial Workers Union (ICU)**

The Industrial and Commercial Workers Union (ICU) like LAWA began organising domestic workers under a donor-funded project. An ICU official stated that Section 80 of the Labour Act³ has negative implications for organising and unionising domestic workers. The respondent argued that since individual domestic workers have individual employers, it is difficult for them to have a union. As a result of this legal constraint, the ICU could not secure a collective bargaining certificate from the Chief Labour Officer for its organised domestic workers.

³ Section 80 of Act 651 states that two or more people employed in the same undertaking can form or join a union
The ICU developed three types of contracts for domestic workers it organised. The union noted that the contracts led to some workers losing their jobs while others secured good bargains under the contract. Currently ICU has lost membership of the domestic workers’ associations except for those in Kumasi, Ghana’s second largest city.

Officials of both LAWA and ICU indicated that organisations working with domestic workers would require support to embark on public education in particular, for domestic workers. Most domestic workers have basic education or no education and thus vulnerable to exploitation by employers.

4. Recommendations

Respondents recommended the proposed ILO Convention should cover employment relations in the domestic setting. This includes wage and benefits regulations as well as working conditions of domestic workers. Respondents emphasised the need for the Convention to compel signatory countries to cater for domestic workers (without discrimination) under national labour laws.

Respondents recommended a clear definition of a domestic worker to include people who are not part of the nuclear family. This, in their view, is necessary to check the exploitation of extended family members who double as domestic workers.

Domestic work in Ghana also has a huge element of child labour. However, domestic work involving a child is sometimes misconstrued as fosterage. The child domestic worker is usually a member of the extended family from a poorer background presumably to be fostered to have an opportunity for a better life. The child domestic worker receives in exchange for services rendered basic needs which in rare cases include education. For respondents, the proposed Convention should clearly specify what constitutes child labour in a domestic work situation.

5. References

List of organisations involved in the study

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>CONTACT PERSON</th>
<th>POSITION</th>
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</tbody>
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Participations of focused group discussion - organisations working with domestic workers

1. Rose Quaye
2. Emmanuel Korletey
3. Barbara Ayesu
4. Adwoa Sakyi
5. Eric Adenu
6. Lawrenca Owusu-Brafi

Participants of focus group discussion - domestic workers
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2. Hanna Kwaw
3. Salomey Sobo
4. Marth Ening
5. Esther Mensah
6. Faustina Goli
7. Esther Komaya
8. Sara Naa Mintono
9. Mary Asante