



AFRICA

GHANA¹⁸

El affiliates

- GNAT** Ghana National Association of Teachers
NAGRAT National Association of Graduation Teachers
TEWU Teachers and Educational Workers Union

Other unions

- University Teachers' Association of Ghana (UTAG)
Federation of University Senior Staff Association of Ghana (FUSSAG)
Polytechnic Teachers' Association of Ghana (POTAG)

Union Density Rate: around 30% of the formal workforce

Ratification

- C. 87 Freedom of Association and the Protection of the Right to Organise (1948) ratified 1965
- C. 98 Right to Organise and Collective Bargaining (1949) ratified 1959
- C. 100 Equal Remuneration (1951) ratified 1968
- C. 111 Discrimination (Employment and Occupation) (1958) ratified 1961
- C. 144 Tripartite Consultations (1976) ratified 2011
- C. 151 Labour Relations (Public Service) (1978) ratified 1986

Background

Education Reform

The last major reform of the education system was in 2008 with the new Education Act, which replaced the 1961 Education Act. Universal Basic Education now comprises 11 years up to Junior High School and it is both free and compulsory. The reform included the up-grade of teacher training colleges and improvements to conditions of service. The reforms were designed to refocus resources onto primary education and to address falling educational standards, insufficient teacher training facilities, an inadequate number of qualified teachers and the under-funding of education at tertiary level. The provision and management of basic and second cycle schools was to be devolved onto the District Assemblies, which were

¹⁸ Grateful acknowledgements to Irene Duncan Adanusa, General Secretary, Ghana National Association of Teachers, who provided valuable information and comments for this country study.

to set up a District Education Oversight Committee, with one representative of the teachers' association and a District Education Directorate. However, the implementation of these reforms remains a challenge.

The Ghana Education Service coordinates national education policy for pre-tertiary education. The Ghana Education Service Act 1995 (act 506) recognised the GNAT and TEWU as organisations which may make representations to the Ghana Education Service Council on terms and conditions of service. The Council also grants a check-off system for the collection of membership fees. The National Inspectorate Board inspects schools and evaluates the quality of both the management and teaching; the National Teaching Council sets professional standards, is responsible for the registration of teachers and has a disciplinary committee. The National Council for Tertiary Education has a similar function. The National Council for Curriculum and Assessment includes representatives of teachers' associations on the council.

There is also a Consultative Council of Teachers' Associations which acts as a professional development group for specialised subject teachers.

While access to education has improved, literacy rates for young adults is 80% and the net enrolment rate at primary school is 76%, a continuing challenge is the rate of drop-outs and repetition of years, and learning outcomes, particularly in rural areas. Only 5% of children are reaching the country's mastery level in English and 10% in maths.¹⁹

There remains an acute shortage of qualified teachers. The percentage of qualified teachers at primary level dropped to a low of 46% in 2009 from 65% in 2002, reflecting problems related to recruitment and retention of qualified staff, particularly as a result of migration overseas.

Industrial Relations Framework

Freedom of Association

The 1992 Constitution guarantees freedom of association. The Labour Act 2003 reaffirmed this right, although the ILO has requested amendments, concerning certain exclusions, including the right of workers in managerial and decision-making functions to establish and join organisations of their own choice, the exclusion of security and intelligence staff and a broad definition of the prohibition of the right to strike in essential services.²⁰

¹⁹ *From Schooling Access to Learning Outcomes: An Unfinished Agenda An Evaluation of World Bank Support to Primary Education 2006 World Bank Washington*

²⁰ *CEACR report adopted 2011 and published at 101st Session ILC 2012*



The Labour Act allows for two or more workers to form a trade union if they are in the same undertaking, which has resulted in a proliferation of trade unions. Teachers are part of the public sector workforce and can form and join trade unions freely and have the right to strike. In Ghana, the civil service also have the right to form and join trade unions.

The Ghana National Association of Teachers was established in 1932, and was formally recognised as a teachers' organisation during the government of the First Republic (1957-66). It was not registered as a trade union until the passage of the Labour Act 2003. The other trade unions in the non-tertiary sector are NAGRAT and TEWU. Both TEWU and FUSSAG form part of the Ghana Trade Union Congress.

Collective Bargaining

The 1965 Industrial Relations Act recognised for the first time the right of public sector workers to bargain collectively, although it was limited in scope and level. The Public Services Commission Act of 1994 established the Public Services Joint Standing Negotiating Committee, which exists today although it is now regulated under the provisions of the new Labour Act.

The Labour Act 2003 regulates trade union recognition for collective bargaining purposes and requires that the Chief Labour Officer issues a bargaining certificate to the most representative union organising in that category of workers. The ILO has questioned the discretionary nature of this authority.

GNAT was issued with a collective bargaining certificate in 2006 and is authorised to negotiate salaries and conditions of service on behalf of the other unions in the education sector within the framework of the Public Services Joint Negotiations Committee. The right to strike, granted under the new Labour Act of 2003, has considerably strengthened the position of the teachers' unions.

The National Labour Commission was also established under the Labour Act to facilitate and settle industrial disputes using dialogue. Its mandate includes all employees and workers, with the exception of the Armed Forces, Police and Prison Services and Customs and Excise Services.

The Trade Union Congress, the main trade union centre, is represented on the Fair Wages Commission, National Labour Commission and the Social Security National Insurance Trust (SSNIT). The Ghanaian government ratified the ILO Convention 144 on Tripartite Consultation (1976) in June 2011, an indication of its intention to promote social dialogue at all levels.

The Fair Wages and Salary Commission (FWSC) was set up by a Parliamentary Act in 2007:

- a) to ensure fair, transparent and systematic implementation of the Government public service pay policy;
- b) to develop and advise Government on and ensure that decisions are implemented on matters related to salaries wages, grading and classification.
- c) to undertake negotiations where compensation is financed from public funds.²¹

The Commission is responsible for public service pay policy and was set up to undertake a public sector wide job evaluation in order to transfer public sector workers onto a Single Spine Salary System (SSSS). It is also responsible for the coordination of the public sector collective bargaining processes and “to develop a mechanism within the public service salary system to attract and retain critical skill”.²²

Ghana's Public Sector Job Evaluation Exercise and Single Spine Salary System

The job evaluation exercise was a mammoth task undertaken over a two year period and involving over 470,000 public sector workers from over 80 public sector institutions. The so-called migration of public sector workers onto the new system took place starting January 2010 and was completed in December 2011. Previously, public sector workers had been operating under 100 separate salary structures. The education and health services had been part of the Ghana Universal Salary Structure, but there were many other schemes in place.

The new Single Spine Salary System (SSSS) comprises 25 grades and its aim was not only to enhance the level of objectivity in salary administration but also to ensure that the public sector was a profession of choice through including market or retention premia.

The GNAT participated actively on committees and working sessions to design the placement of teachers on the new salary scale. The GNAT was also able to negotiate a higher (15%) retention premium for all teachers in the pre-tertiary sector as a motivation to keep them in the teaching service.

The CEACR²³ has raised concerns as to the extent to which the job evaluation exercise took into account the principle of equal pay for work of equal value, noting that the September 2008 Ghana Living Standards Survey²⁴ estimated that on average men receive higher wages than women. It has also requested the government to ensure that the principle of equal

²¹ *Fair Wages and Salaries Commission Act, 2007, Act 737* accessed 18.12.2012 via www.fairwages.gov.gh

²² *Idem*

²³ *CEACR report adopted 2008 published 2009*

²⁴ *Ghana Living Standards Survey Report of the Fifth Round (GLSS5) Ghana Statistical Service September 2008*



remuneration for men and women for work of equal value is recognised as an explicit objective in the future public pay policy. The Labour Act refers to the “right to equal pay for equal work” rather than the ILO Convention 100 definition of “equal remuneration for work of equal value”, which is particularly relevant in the context of undertaking substantial job evaluations schemes. The current collective bargaining agreement of GNAT has no clause relating to equal remuneration for work of equal value. The LRS study has computed statistics from 2005/2006 which calculate that in the education sector, men earn 22% more than women.

While the intention of the SSSS was laudable and there have been improved retention of teachers and a reduction in the numbers of workers who migrate overseas, there have been a number of difficulties in getting the electronic payments systems working, delays in negotiating some of the specific allowances, difficulties of interpretation in payment arrears and tensions over which categories of workers are entitled to retention premia.

The Labour Research and Policy Institute has noted that the Ghanaian collective bargaining framework is traditionally limited to issues related to the labour laws and does not address broader issues of work organisation, education and training and the democratic participation of unions or workers in the management of the organisation.²⁶

Collective bargaining agreements are generally for two-year duration and include a “wage opener” clause whereby wages can be re-negotiated annually. In the case of the collective agreement for the teachers, the duration is three-years. Unions operate a closed shop agreement whereby all employees covered by the agreement shall be members of the union on the effective date of the agreement and shall as a condition of employment maintain their membership to the union.

The Public Services Joint Standing Negotiation Committee covers 9 service classifications including Education (Non-Tertiary) and Educational (Tertiary, Scientific and Research).

Collective Bargaining and the Financial Crisis

Following the financial crisis, Ghana's economy was affected by the drop in the world prices for its main exports. The IMF considered that the government public expenditure deficit in 2008 was unsustainable and requested as a condition for further loans that the deficit be cut by 50% over a one year period. Hence in 2009, the government imposed a recruitment and promotion freeze in the public sector and postponed the introduction of the SSSS for a year.²⁷ However, since 2010, the Ghanaian economy has enjoyed strong growth figures, with GDP increase at 13.6% in 2011.

²⁶ *Idem* p.12

²⁷ *Labour Research and Policy Institute “The effects of the Global Economic and Financial Crisis on the Ghanaian Economy and Labour Market” Working Paper 2009/1 November 2009 Kwabena Nyarko Otoo, Prince Asafu-Adjaye p.27*

Apart from 2009, the teachers' organisations have been able to negotiate salary increase above the cost-of-living index:

| | |
|------|---|
| 2009 | wage freeze |
| 2010 | transfer to the SSSS |
| 2011 | 15% increase plus the 15% retention premium |
| 2012 | 18% (Source GNAT media release Nov 5 2012) |

Some of the main issues under review for the current collective agreement include:

- a) higher placements or entry points on the SSSS for teachers who have obtained higher qualifications than the initial entry requirements;
- b) special incentives for teachers working in very deprived and challenging geographic environments, which might result in separate pay structures for such employees, provided they stay in such areas for not less than three years;
- c) greater flexibility in career progression, so that some teachers may opt to continue working in the classroom rather than move into managerial positions.

Education expenditure and GDP growth

| % of government expenditure on education | % GDP spent on education | GDP % Growth |
|---|---------------------------------|---------------------|
| 2007: 5.5 % | 24.21 % | |
| 2008: 5.7 % | 22.42 % | 7.3 % |
| 2009: 5.3 % | 24.00 % | 4.1 % |
| 2010: 5.5 % | 24.38 % | 5.7 % |
| 2011 | | 13.6 % |

Source World Bank /Index Mundi