

**REPORT OF THE COMMITTEE ON SUBSIDIARY LEGISLATION ON THE
LABOUR REGULATIONS, 2007 L.I. 1833**

1.0 INTRODUCTION

1.1 The Labour Regulations 2007, L.I. 1833 was laid before Parliament on Thursday 21st June, 2007 in accordance with article 11(7) of the Constitution and Standing Order 77 of the House. Mr. Speaker referred the Regulations to the Committee on Subsidiary Legislation for consideration and report pursuant to Standing Order 166 of the House.

2.0 DELIBERATIONS

2.1 The Committee held a total of three sittings to consider the referral. The Minister for Manpower Youth and Employment, Hon. Boniface Abu-Bakar Saddique, Mr. Joseph Aryithey and Opanin Obeng Ofofu of the Labour Commission and Mrs. Sabina Ofori Boateng, Legal Consultant, Office of Parliament were in attendance at the invitation of the Committee to assist in its deliberations. The Committee is grateful to them for their attendance and input.

3.0 REFERENCE DOCUMENTS

3.1 The Committee referred to the under listed documents in considering the Regulations:

- a. The 1992 Constitution
- b. The Standing Orders of Parliament
- c. The Labour Act, 2003 (Act 651)
- d. I.L.O. Convention on Labour

4.0 BACKGROUND

4.1 By virtue of section 174 of the Labour Act, the Minister responsible for Labour is empowered to make by legislative Instrument Regulations:

- For securing compliance with provisions of international convention relating to labour made applicable to Ghana whether before or after the commencement of this Act
- Relating to the performance of the National Tripartite Committee
- Providing for the conditions and procedures for granting licences to private employment agencies
- Prescribing the fees for licences granted under the Act
- Prescribing the scale of fees chargeable by private employment agencies; and
- Generally for the carrying into effect the provisions of the Act

The Regulations in reference were made pursuant to the above provisions for the effective and efficient implementation of the Labour Act.

5.0 **OBJECT OF THE INSTRUMENT**

- 5.1 The L.I. 1833 seeks to establish procedures and processes for employment agencies and organised labour to collaborate with government in the promotion and management of labour and related issues including fair labour practices, and industrial relations generally in the mutual interest of employees, employers and Government.

6.0 **OBSERVATIONS**

- 6.1 The Committee observed that the Regulations consists of seven parts namely employment agencies, conditions of employment, organised labour, employment of persons with disability, health and employment, restriction on recruitment and miscellaneous provisions.

6.1.1 **Employment Agencies**

The Committee noted that this part requires employers to make available employment data in accordance with specifications provided for in the schedule as well as the provision of vocational guideline facilities for the youth. The procedures and processes including the requirements for private entities to establish private employment agencies are also provided for in this part.

6.1.2 **Conditions of Employment**

Part two makes provision for the right of a worker to be trained by the employer having regards to the relevance of the training and the job requirements, and further guarantees a worker's right to confidentiality of data. It also enjoins the employer to specify the period of probation where it constitutes a condition in the contract of engagement. This part also enjoins the Chief Labour Officer, subject to the direction of the Minister to determine appropriate hours for manual work and other types of work likely to be injurious to the health of an employee. It also prohibits an employer from engaging young persons in hazardous work, victimisation, remuneration and related issues particularly during interdiction.

6.1.3 **Organised Labour**

The Committee also noted that the determination of categories or classes of organised labour to which collective bargaining certificates may be issued is provided for in this part. It also provides opportunity for advisors to members of the National Tripartite Committee established under the Act to attend meetings of the Committee and for the establishment of a permanent Secretariat to facilitate the activities of the Committee.

6.1.4 **Employment of Persons with Disability**

The Committee is satisfied that this part makes provision for the establishment of Disablement Unit for persons with disability; the duties of such units are also specified. This part further imposes obligation on public employment centres to attach disablement units to such centres for the purpose of registering persons with disability in search of employment. It further enjoins employment agencies whether private or public to put in place necessary facilities for the creation of easy access for persons with disability and also file quarterly returns on vacancies to be filled by persons with disability. Provision is also made for employers who engage persons with disability to benefit from tax rebate determined by the appropriate Minister.

6.1.5 **Health and Employment**

The Committee further observed that this part enjoins the employer to provide for the occupation safety and health of employees at work including periodic reports to the Chief Labour Officer, medical examination of workers and also identifies the list of essential services including water supply, electricity generation, health and hospital services, sanitary services, air traffic control and fire fighting services provided for in the Act.

6.1.6 **Restriction on Recruitment**

This part restricts employers from recruiting persons under the age of 18 and trafficked persons for employment, provides for the prohibition of human trafficking including forced labour, slavery, servitude or the removal of organs. Employers are also enjoined under this part to furnish the Immigration Service with the names of persons engaged in foreign contracts and employments, and the conditions attached to such employments. The consent of the worker with

the endorsement of the Chief Labour Officer are made conditions precedent for the assignment of contracts by the employer. An employee engaged under a foreign contract is empowered to be accompanied to the place of employment by his nuclear family including children below the age of 16. It also amongst others provides for penalty in relation to contracts obtained fraudulently.

6.1.7 Miscellaneous Provisions

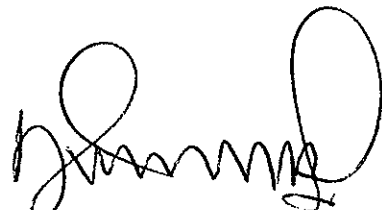
This part covers offences, revocation and savings, transitional provisions and interpretation.

7.0 RECOMMENDATIONS AND CONCLUSION

The Committee has examined closely the object and provisions of the instrument and is of the considered view that they are in conformity with the Constitution, the Labour Act and the procedural requirements specified in Standing Order 166 of Parliament. The Committee therefore recommends that this House allow the Labour Regulations, 2007 (L.I. 1833) to come into force with the effluxion of time.



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HON. FRANCIS AGBOTSE
CHAIRMAN, COMMITTEE ON
SUBSIDIARY LEGISLATION



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EBENEZER DJIETROR
CLERK, COMMITTEE ON
SUBSIDIARY LEGISLATION

July, 2007

