

TRADE UNIONS AND INDUSTRIAL RELATIONS IN GHANA



**ROSA
LUXEMBURG
FOUNDATION**

TRADES UNION CONGRESS (GHANA)



ROSA LUXEMBURG STIFTUNG



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FOREWORD

This manual is the third of four manuals being prepared under the Ghana Trades Union Congress (TUC)/Rosa Luxemburg Stiftung (RLS) project aimed at producing resource materials for students in Certificate and Diploma in Labour Studies programmes. The first manual is titled *Occupational Safety, Health and Environment Manual for Students, Workers and Employers*. The second one is titled *Productivity and Work Ethics: A Training Manual for Labour Studies*. They were both published in 2011 by the TUC. Copies of the first two manuals have seen been distributed to students, human resource managers, trade union leaders, organisers, industrial relations officers and union activists. The feedback we have received from the users, especially students, has been very encouraging. That is what has spurred us on to prepare the present manual.

As its title clearly shows, the manual covers two closely-related subjects - trade unionism and labour relations. The trade union movement in Ghana has a very rich history. The first part of the manual discusses this history not in a great detail but all the relevant historical events and processes have been adequately covered. In particular, we have highlighted the role unions and their leaders played in the struggle for Ghana's independence which was finally achieved in March 1957 and the subsequent relationship that developed between the TUC and the Convention People's Party (CPP) led by Kwame Nkrumah, the first President of Ghana. The second part highlights some key aspects of labour relations namely collective bargaining and the resolution of industrial disputes. The legal and institutional frameworks of labour relations have also been discussed to ensure that students and other users of this manual will acquire further understanding of the work of labour or industrial relations practitioners. The language is very simple. This makes the manual user-friendly. Students and other users of this book will notice that it is quite different from other materials on labour relations especially in terms of richness of content.

This manual, like the first two, is designed with the students in the Certificate and Diploma in Labour Studies programmes in mind. But it can also be a very useful



resource material in training workshops for industrial relations officers, union leaders and activists.

We are very grateful to Rosa Luxemburg Stiftung of Germany for sponsoring the preparation and printing of these manuals. Our special gratitude goes to Dr. Claus Dieter König and his team at the Dakar office and to Dr. Arndt Hopfmann, Head of Africa Department at the RLS head office in Berlin.

This manual is the outcome of a collective effort involving trade union researchers, academics, educators, and trade union leaders. The following contributors deserve special recognition:

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We will always be grateful to them for making time to prepare this useful manual.

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Secretary General
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Accra
October 2012



Chapter One

HISTORY OF TRADE UNIONISM IN GHANA

1.1. Emergence of the Labour Movement in Ghana

Trade unionism emerged in the Gold Coast (now Ghana) in the 1900s initially as craft unions in urban centres and gradually developed into industrial and national trade unions. Before unions were formed, employer-employee relations were based on a master-servant concept. Based on the false notion that African workers were 'target workers' (i.e., they work to meet a certain specific target and leave the job), the colonial employers believed that the only way to keep African workers in employment for long periods was to pay them very low wages. Baah (2000) noted that this false notion plus the absence of labour laws in the country at the time accounted for the payment of 'slave wages', discrimination in employment based on race, forced labour, long working hours, poor health and safety standards, and the absence of workers' participation in decision-making at workplaces.

The formation of unions and the popularity unionism gained among African workers was, therefore, a natural reaction to the master-servant relationship that had been instituted by alien employers with the active support of the colonial government. African workers came together in the form craft unions and later as industrial unions to protect their collective interest. The Government School Teachers Union (GSTU) was formed in 1925. Motor Drivers Association was formed in 1928. Carpenters' Association was formed in 1929. The Motor Transport Union of Ashanti and the Assisted School Teachers Union (ASTU) were formed in 1931. The ASTU was formed following a protest by teachers against the colonial government's imposition of 29 percent tax on their salary. It was formed by teachers from non-government school (schools established by religious bodies) and was later opened to all teachers. The ASTU and GSTU merged in 1956 to form the Gold Coast Teachers Union (GCTU). Some institutions also emerged during that period to regulate trade practices and to resolve disputes amongst practicing artisans like goldsmiths, carpenters, blacksmiths and masons (Adu-Amankwah, 1990; Britwum, 2007).

The main tool available to the African workers to back their demands at the time was mass protests since unions were not recognised and no dispute resolution mechanism existed. In 1919, for example, employees of the Public Works Department (PWD) and mine workers protested against the delay in payment of their wages on separate occasions. In 1921, the Artisans and Labourers' Unions spearheaded a strike in Accra. In 1925, fishermen at Sekondi embarked on a strike and refused to ferry the Prince of Wales on his visit to Gold Coast to back their demand for pay increase from nine pence to one shilling and six pence.

Following these agitations the British Parliament instructed the Secretary of State for Colonial Affairs to issue “Orders in Council” to governors of the colonies, including the Gold Coast, to allow the formation of trade unions apparently to forestall the possible escalation of these agitations into political protests (Arthiabah and Mbia, 1995). The Labour Department was established in 1938. Captain J.R. Dickinson became the first head of the Labour Department as the Chief Inspector of Labour. The head office of the Labour Department was first located in Kumasi but was transferred to Accra in May 1942. Initially, the Labour Department focused exclusively on the prevention and resolution of industrial disputes. But in 1948, it established the Statistical and Labour Registration Branch and extended its activities to cover the registration of workers and job-seekers and the compilation of labour market data.

In 1941, the Trade Union ordinance (Cap 91) was passed by the colonial government. The Ordinance permitted any five workers to form a trade union but did not grant the right to collective bargaining. Wages and other working conditions were determined solely by employers. Strikes were illegal. Adu-Amankwah (1990) recounted the refusal of mining companies to bargain with the Mines Employees' Unions for 12 months. The Union embarked on a strike action until an English Court Judge, Justice Gorman was appointed to arbitrate. This was the first case of labour arbitration in Ghana (Britwum, 2007).

As part of the colonial government's efforts to ensure that trade unions in the colonies operate along the lines of British unions, two officers from the British Trade Union Movement were brought to assist in the development of trade unionism in the Gold Coast. In 1942, the Western Province Drivers' Union became the first union to register. By 1948, a total of 28 trade unions had been registered (Obeng-Fosu, 2007).

In 1945, the Trades Union Congress (TUC) of Gold Coast was formed with 14 unions and a total membership of 6,030. The TUC had its headquarters in Sekondi in the Western region (Ibid, 2007). C.W. Techie-Menson and Manfred Gaisie became the



first President and General Secretary of the Gold Coast TUC respectively. The TUC could not register with the Labour Department because the Trade Union Ordinance (CAP 91) did not have provisions for a federation of trade unions. The TUC was, however, recognised by the government as a mouthpiece of trade unions in the Gold Coast.

By March 1947, the number of TUC affiliates had increased from 14 to 27 unions and the paid-up membership had increased from 6,030 to 10,976. In 1947, the TUC constituted district councils of labour made up of both registered and unregistered trade unions. District councils of labour discussed issues of national and international interest including minimum wage, housing, health, and education.

In 1952, a group of unemployed persons in the Sekondi and its environs formed the Ghana Trades Union Congress as the second labour federation. These two federations merged under the name the Gold Coast Trade Union Congress (TUC) in 1953 and in the same year the headquarters of the TUC was transferred from the office of the Railway Workers' Union in Sekondi to Accra. In 1954, the TUC underwent restructuring and reduced its affiliates to 16 industrial/national unions under a new constitution. By the time of independence in 1957 TUC had 95 affiliated unions with total membership of 58,000.

Unions derived strength from the rapid growth in their membership in the 1950s. Since unions had not yet gained the right to bargain collectively even though they were legally recognised, they continue to use strikes and mass protests as the main tool to back demands for wage increases and improved working conditions. The strategy seemed to have worked effectively. As reported by Ewusi (1971), the daily wages increased more than threefold from the equivalent of 15 to 52 pesewas between 1939 and 1957.

The period coincided with the agitations by the United Gold Coast Convention (UGCC) for self-determination and, subsequently, with the formation of the Convention People's Party (CPP) in 1949 by Kwame Nkrumah. TUC played a very important role in the struggle for independence. For instance, following the arrest of the leadership of the UGCC after the February 1948 riot, the leadership of the TUC courageously demanded their release. This facilitated the establishment of a Commission of Enquiry and the subsequent release of the detainees.

In June 1949, Kwame Nkrumah resigned from his post as the General Secretary of the UGCC to form the CPP. The CPP formed a strong alliance with the TUC in the



struggle for a constitutional review and self-government. Officials of the TUC became automatic members of the CPP (Arthiabah and Mbiah, 1995). A number of TUC leaders became actively involved in the activities of the CPP.

The relationship between the TUC and CPP at the time raised the suspicion of the colonial government that the strikes were intended to coerce the government to grant independence. In response, union leaders were jailed together with some leaders of the CPP. The TUC was weakened. But the indiscriminate incarceration of the leaders helped make both the TUC and CPP popular among the indigenous population of the Gold Coast. In 1951, the CPP won the elections and Kwame Nkrumah was released from prison to become the leader of Government Business.

One of the earliest benefits for the labour movement was the establishment of Wages Board in 1952. This was in response to the demand of the Asian-Greecian Employees' Union in accordance with Section 89 (1) of the Labour Ordinance of 1948. The Wages Board was made up of representatives of government, employers and employees. It was chaired by a labour officer appointed by the Commissioner of Labour. It had a mandate to investigate remuneration and working conditions of workers in the retail trade and other matters as may be referred by the Minister responsible for labour issues.

The Wages Board completed its work in 1953. A minimum wage was determined for all categories of workers. In addition, the Board set the minimum overtime payment and other conditions such as leave with pay, sick leave and hours of work among others in the retail industry. Another Wages Board for the retail sector was constituted in 1956 with a similar mandate. The Board completed its work and submitted its report in 1957.

1.2. Industrial Relations under the CPP Government

In 1958, the CPP government passed the Industrial Relations Act (Act 56) to give legal backing to the TUC as the sole labour centre. The Act made collective bargaining compulsory for private sector workers and made collective agreements legally binding on employers and workers.

The Act also gave a legal backing to the check-off system for dues collection and introduced the principles of compulsory conciliation and arbitration as well as procedures to be followed to embark on a strike action. Under the Act, both the



employer and the union were protected from interference in the affairs of either party. Victimisation and discrimination against union officers were also prohibited by the Act.

Further, the Act authorised the setting up of the National Advisory Committee on Labour, a Tripartite Committee created to advise government on labour issues including the ratification of ILO conventions and labour legislation.

The 1958 act also sought to reduce the number of trade unions and to restructure them on industrial lines. Accordingly, the Gold Coast Teachers Union (GCTU) and the Union of Teachers and Educational Institutions Workers (UTEIW) merged in 1958 and joined the TUC. However, a provision in the 1958 Act prevented teachers earning at least 680 cedis per annum from joining the union. This provision affected many teachers in the secondary and tertiary educational institutions. Teachers then started agitations to disaffiliate from the TUC. Other unions such as the U.A.C. African Employees Union and the Railway Workers' Union did not join any national union or the TUC.

To enforce this provision the Industrial Relations (Amendment) Act of 1959 was passed to make it impossible for any trade union to stay outside the TUC structure. The Civil Services Act of 1960 made trade union membership compulsory for all civil servants. TUC's affiliates were finally reduced to seventeen national unions. The Trade Unions Hall was donated to the TUC by Kwame Nkrumah in July 1960.

On 14 July 1962, government allowed teachers to form the Ghana National Association of Teachers (GNAT) and has since remained outside TUC family. GNAT was strictly classified as a voluntary association under the Trustee Incorporation Act (1962), but it has over the years been recognized as a teachers' representative body at the pre-tertiary level and has been granted the concession of utilizing the check-off system to collect its dues. Under Act 651 (2003) GNAT is now recognised as a trade union.

The TUC derived several benefits from its close relationship with the CPP but the union lost its independence. For instance, in 1964, four General Secretaries of National unions who were duly elected by their members at their various delegate conferences were dismissed by the CPP Government. The ILO criticised the CPP Government for the dismissals (Arthiabah and Mbiah, 1995).

In 1965, a new Industrial Relations Act (Act 299) replaced the Industrial Relations Act

of 1958 (Act 59). Act 299 defined and confirmed trade union privileges. The Act 299 became the main legal framework of industrial relations in Ghana and reinforced the rights of workers and their trade unions. The Act further reinforced the right to organise and bargain collectively in accordance with the International Labour Organisation's Convention 87 of 1948 concerning freedom of association and the protection of the right to organise. The 1965 Act also recognised the existence of the 'Trades Union Congress' as a body Corporate with a perpetual succession and a common seal with the power to acquire and hold land and other property. Another prominent feature of the 1965 Act was its provision for compulsory "check-off" of union membership dues by employers. The check-off system sought to guarantee adequate funding for trade union activities (Ibid, 1995).

The TUC derived other benefits from its close relationship with the CPP. These benefits included the establishment of a provident fund scheme in 1965 to meet contingencies such as invalidity, death, sickness and unemployment and the ratification of several conventions to protect the rights of workers. Thirty-four out of the fifty ILO Conventions ratified by Ghana so far were ratified by the CPP Government in the ten-year period between 1957 and 1966. These included Conventions 87 and 98 concerning freedom of association and collective bargaining.

Furthermore, as a result of the TUC/ CPP collaboration, unions were allowed to participate in almost all the decisions that affected workers at both the enterprise and national levels (Arthiabah and Mbiah, 1995). As reported by Ewusi (1971) between 1957 and 1965, the average wage index increased by 66 percent. Kraus (1979) also reported an increase of union membership from 58,000 to 325,000 in 1963. The rapid increase in the trade union membership reflected in TUC's finances. According to Arthiabah and Mbiah (ibid) and Kraus (1979), TUC's annual income increased from £497 in 1958 to £79,452 in 1960 and to £162,579 in 1961. The ratification of the ILO conventions, the enactment of the labour laws, and the support received from the CPP Government strengthened the unions secure more non-wage benefits in the form of paid sick leave, paid holiday, medical care, free or subsidised transport, housing and lunch for their members through collective bargaining (Baah, 2005).

1.3. The TUC and Government of the National Liberation Council (NLC)

The TUC suffered a setback after the overthrow of the first President of Ghana, Kwame Nkrumah in 1966. Some of the leaders of the TUC were imprisoned because their close relations with the CPP. The National Liberation Council (NLC) appointed Benjamin A. Bentum as the Secretary-General of the TUC. Later, Bentum was



reported to have orchestrated the arrest of the existing leadership of the TUC to pave way for him to re-organise the labour movement.

It is reported that, the TUC led by Bentum, supported the NLC. TUC also made some changes to its constitution and bye-laws and gave more autonomy to the national unions (Arthiabah and Mbiah, 1995) at an extraordinary delegates congress held in June 1966, during which Bentum was elected as the Secretary-General. Subsequently, the national unions held extraordinary conferences to amend their constitutions in line with the autonomy they have been granted.

One element of the amended constitution of the TUC was a provision that prevented union leaders from engaging in party politics. This stance was further endorsed at another extraordinary congress held in 1969.

In 1967, the Civil Services Act of 1960 that made trade union membership compulsory for civil servants was repealed. This affected the membership of national unions (e.g. Public Services Workers' Union) which had a significant proportion of its members in the civil service. The NLC Government also implemented IMF-sponsored policies that had negative effects on workers and the labour movement. These policies involved massive retrenchment of unionised workers in state-owned enterprises, minimal increase in the minimum wage, reduction in government expenditure and trade liberalisation.

In response to the unfriendly industrial climate, workers resorted to strike actions. Arthiabah and Mbiah (1995) reported a total of 158 recorded strikes involving 94,741 workers between 1966 and 1969. In March 1969, three (3) miners were killed at a strike action involving 6,500 miners.

From the foregoing, it is clear that the TUC had it tough under the NLC. Most of the gains under the Nkrumah regime were reversed. But the trade union movement survived albeit in a weaker form.

1.4 The TUC and the Second Republic of Ghana

In 1969, Ghana ushered in the Second Republic under the Progress Party (PP) Government led by K.A. Busiah as the Prime Minister. The TUC and the PP had opposing ideological orientations. The sharp difference in ideology led to some confrontation between them.

The TUC was dissolved in 1971 by the Industrial Relations (Amendment) Act (Act 383). The day after the act was passed the Hall of Trade Unions in Accra the police entered the offices of the TUC and seized files and documents. The national unions were required to change their constitutions and to re-register within six months.

Four months after the adoption of Act 383, the 2nd Republic was overthrown by the National Redemption Council (NRC) led by I.K. Acheampong and the TUC was reinstated by the new military regime by the Industrial Relations (Amendment) Decree in 1972 which repealed the Industrial Relations Amendment Act 1971.

1.4.1 The TUC and the Military Regimes between 1972 and 1992

The NRC Government, which later changed into the Supreme Military Council (SMC), unlike the NLC did not interfere in the internal affairs of the TUC. The relationship between the NRC/SMC and the TUC was cordial. For example the NRC Government helped to reinstate 400 maritime workers who had been sacked by the PP government; granted amnesty to seamen who had been involved in a general strike which was declared by the National Union of Seamen and gave out buses to the Ghana Private Road Transport Union on hire-purchase basis (Arthiabah and Mbiah, 1995).

The NRC/SMC introduced reforms and policies that improved the working conditions and job security of workers. These included improvement in social security benefits and administration, abolition of development levy on workers and significant increases in the minimum wage. State-owned enterprises were revived to boost job creation and trade unionists were appointed as board of directors of some state enterprises.

In 1978, the TUC formed the Social Democratic Front (SDF) to contest national elections. In June 1979, while preparations were far advanced for the national elections, a group of young army officers called the Armed Forces Revolutionary Council (AFRC) led by J.J. Rawlings in a coup d'état removed the NRC/SMC. Ironically the AFRC were supported by some militant trade union activists without the approval of the leadership of the TUC. The AFRC allowed the elections in August 1979. The SDF presented 120 candidates out of a total of 140 constituency seats nationwide but won only three seats. The new government formed by the People's National Party (PNC) led by Hilla Limann was, however, overthrown by the Provisional National Defence Council (PNDC) led by J.J. Rawlings in 1981.

The Provisional National Defence Council (PNDC) Government ushered in People's



Defence Councils (PDCs) and Workers' Defence Councils (WDCs). The Association of Local Unions (ALU) made up of local union leaders in Accra was formed to take over the leadership of the TUC and its affiliates in April 1982. Calm was restored at the TUC some months later. The TUC has since elected its leadership democratically.

The 1980s and 1990s were difficult period for the trade union movement in Ghana because of the structural adjustment programme (SAP) which was introduced by the PNDC. As part of the IMF/World Bank-sponsored economic reforms state enterprises were privatised and thousands of workers were retrenched from the public service. According to Boateng (2001), the formal sector of the Ghanaian economy lost about 235,000 jobs. Eighty-nine percent of these job losses could be attributed to the retrenchment exercise. It is estimated that the TUC lost over a quarter of its membership during this period due to the mass retrenchment in the public service. The declining trend in union membership continued throughout the 1990s and 2000s due the rapid informalisation of work and the slow growth of formal sector employment. The high inflation rates experienced during this period led to the erosion of the real value of wages and increased incidence of poverty among workers. By the time Ghana returned to constitutional rule in 1993, the union movement had been weakened considerably in terms of membership and finances.

1.4.2 The Labour Movement in the Fourth Republic (From 1993 to 2012)

In 1992, a group of individuals who had resigned from the Industrial and Commercial Workers Union, an affiliate of the TUC formed a new union. The new union was called the Textiles, Garment and Leader Employees' Union (TEGLEU). The Labour Department after a survey conducted in 1993 issued to the new union a certificate of registration. Similarly in 1996, a group of aggrieved graduate teachers broke away from the GNAT and formed the National Association of Graduate Teachers (NAGRAT).

In 1997, eight unions not affiliated to the TUC formed the Ghana Federation of Labour (GFL). These unions included the TEGLEU, GNAT, the Ghana Registered Nurses Association (GRNA), the Civil Servants Association (CSA), the Judicial Services Association of Ghana (JUSAG), the Co-operative Transport Association and the Tailors and Dressmakers Association. GNAT, GRNA and the CSA later withdrew from the GFL.

In May 1999, an initiative to develop a labour Act began under the National



Democratic Congress Government. The process involved all social partners including government, employers and organised labour. In 2003, the Labour Act (Act 651) was passed by the New Patriotic Party (NPP) Government. Act 651 repealed the industrial relations acts and decrees. One important provision of the Act was the establishment of the National Labour Commission. The Act 651 also allows trade union pluralism. Because of the provision in the Act which allows any two workers in the same enterprise to form a join any union of their choice, a number of unions have emerged since the was passed in 2003 including a significant number of enterprise level unions with no affiliation to any national union.

In 2003, some local unions (mainly from the financial institutions) affiliated to the Industrial and Commercial Workers' Union (ICU) disaffiliated from the ICU at its 7th Quadrennial Delegates Conference and formed the Union of Industry, Commerce and Finance Workers (UNICOF) and affiliated with the TUC. The ICU was dissatisfied with the affiliation of UNICOF to the TUC. Consequently, the ICU disaffiliated from the TUC. At a news conference on 1 July 2004, the TUC accepted the decision of the ICU to disaffiliate.

Currently, the TUC has 18 affiliated national unions operating in all the sectors of the economy of Ghana. These and other labour organisations are the subject for discussion in the next chapter.



Chapter Two

PROFILE OF TRADE UNIONS IN GHANA

1.0 PROFILE OF UNIONS

Currently, there are two trade union centres in Ghana – The Trades Union Congress (TUC) and Ghana Federation of Labour (GFL). The Ghana TUC has eighteen (18) affiliated national unions with an estimated membership of half a million spread across all the major sectors of the Ghanaian economy including agriculture, mining, construction, trade, transport, finance, manufacturing, utilities, and community, social and personal services sectors. The GFL has nine affiliates with an estimated membership of 48,000 mainly in the manufacturing and trade sectors.

Apart from these centres and their members, there are a number of sector- and enterprise-based workers' organisations that are not affiliated with any of the two centres. Prominent among them are the Ghana National Association of Teachers (GNAT), Civil and Local Government Staff Association of Ghana (CLOGSAG), Ghana Registered Nurses Association (GRNA), Ghana Medical Association (GMA), University Teachers' Association of Ghana (UTAG), Polytechnic Teachers' Association of Ghana (POTAG), Polytechnic Administrators Association of Ghana (PAAG), University Teachers Association (UTAG) and Ghana Association of University Administrators (GAUA).

In this chapter we provide a brief description/profile of selected unions operating in the major sectors of the economy of Ghana.

1.1 AGRICULTURAL SECTOR

There are two main national unions in the agriculture sector - the General Agriculture Workers Union (GAWU) and Timber and Woodworkers' Union (TWU).

General Agricultural Workers' Union (GAWU)

GAWU was formed on 5th February, 1959. Initially, it derived almost all its membership from the formal segment of the agriculture sector (i.e., the state-owned plantations). Currently, GAWU organises workers in both the formal and informal sectors of the economy. In 2005, the total membership of GAWU was estimated at 27,017 made up of 12,806 wage earners from the formal sector and 14,211 own-account workers in the informal economy. In June 2011 GAWU's total membership was estimated at 50,323.

Females constitute just about one-fifth of the total membership. However, the union has recently adopted some measures to promote gender balance in its membership and leadership. For instance, GAWU was the first union to appoint a National Women's Coordinator in July 1986. In addition, the union has created a position for a gender desk officer and has established Regional Women's Committees in all the ten administrative regions of Ghana.

Timber and Woodworkers' Union (TWU)

The Timber and Woodworkers' Union (TWU) was formed in 1952 with the objective of unionising all non-managerial employees of sawmills and other woodwork industries in the country. The union's membership is drawn from both the formal and informal sectors. Informal sector associations affiliated to the TWU include Cane and Rattan Weavers Association, Small Scale Carpenters Association and National Sawyers Association. The membership of TWU is estimated at over 25,000.

One of the major challenges facing the union is the threat of labour retrenchment as companies struggle to survive due to the dwindling rainforest which supplies timber, the main resource for the wood industry. The recent global economic and financial crises which started in 2008 also posed a great challenge to the sector and to the union because of the reduction of the demand for forest products, especially from the OECD countries.

1.2 FINANCE AND INSURANCE SECTOR

Union of Industry, Commerce and Finance Workers' Union (UNICOF)

The dominant union in the finance and insurance sector is the Union of Industry,



Commerce and Finance Workers (UNICOF). UNICOF was formed in August, 2003. The majority of its members were drawn from the Industrial and Commercial Workers Unions (ICU). It was registered as a trade union on 6th October, 2003. The union's membership increased steadily from 4000 when it was formed in 2003. In 2011 the total membership of UNICOF was 12,000. The union's major challenge has to do with the low trade union consciousness in the finance and insurance sectors which makes it difficult to increase membership.

The Industrial and Commercial Workers Unions (ICU)

The Industrial and Commercial Workers Union (ICU) was founded in 1948. At the time it was known as the Mercantile Employees Union. The membership of ICU is drawn from a wide range of sectors including manufacturing, service, finance and hospitality. Before its disaffiliation with the TUC in July 2004, ICU was its largest affiliate with an estimated total membership of over 100,000 which was about 20 percent of TUC's total membership.

As mentioned above, ICU lost a very large proportion of its members in the finance sector to UNICOF in 2004. Earlier, ICU had lost almost all its members in the textile sector to the Textiles Garment and Leather Employees Union (TEGLEU). ICU also lost a very significant proportion of its membership as a result of the retrenchment exercise which was undertaken as part of the structural adjustment programme which was implemented by government in the 1980s and 90s.

1.3 CONSTRUCTION SECTOR

Construction and Building Materials Workers' Union (CBMWU)

The construction sector is dominated by the Construction and Building Material Workers' Union (CBMWU). The CBMWU was formed in 1954. It organises workers largely from the building, stone weaning, and road construction (including the chipping and gravel production). The union has suffered membership decline since the 1980s due mainly to the privatisation of state-owned enterprises and the retrenchment exercise mentioned above which wiped out a large section of the formal segment of the construction sector. Since then the membership of the union has continued to decline mainly because of the disproportionately large share of informal sector workers in the construction sector.



1.4 MINING SECTOR

Ghana Mineworkers' Union (GMWU)

The Ghana Mineworkers' Union (GMWU) is the main trade union in the mining sector. It was formed in 1944. Available data show that the mining sector employed over 50,000 in the 1950s, during the colonial era. However, the industry declined systematically after independence in 1957. As part of the privatisation of state enterprises the most of the state-owned mining companies were privatised. Major mineral producers in world were attracted to Ghana's mining sector. The increased foreign investments in the sector led to a sharp growth in mining output and employment. The growth in employment had very positive effects on the Ghana Mineworkers' Union in terms of its membership and its finances. The membership of the union was estimated at 18,000 in 2011.

In order to sustain the interests of its existing members and to attract new members the union, among other things, has established an Education Endowment Fund and Membership Support Scheme. The union is currently constructing a School Complex at Obuasi in the Ashanti Region to serve the mining communities as part of its welfare schemes.

1.5 TRANSPORT SECTOR

There are six national unions under the umbrella of the TUC in the transport sector. These are the Ghana Private Road Transport Union (GPRTU), Maritime and Dockworkers' Union (MDU), National Union of Seamen (NUS), Railway Workers' Union (RWU), Railway Enginemens' Union (REU) and General Transport Petroleum and Chemical Workers' Union (GTPCWU)

Ghana Private Road Transport Union (GPRTU)

The GPRTC was formed in 1935. It became an affiliate of Ghana TUC in 1967. The union draws its membership from the road transport sector. Its members are mainly vehicle owners, self-employed owner-drivers, employee drivers, porters and union guards. GPRTU differs considerably from other unions in terms of its functions and its decision-making structures. For example, it is the only national union with no



collective bargaining functions because the employers and employees all belong to the union.

The union regulates the conditions under which its members provide transport services to the travelling public. The union also provides financial assistance to members. The membership strength of the union increased from an estimated 30,000 in 2005 to 120,000 by June 2011. Even though, there are other road transport associations such as the Progressive Transport Owners Association (PROTOA) the GPRTU continues to maintain its dominance in the road transport sector in terms of membership, influence on transport policies and visibility.

Maritime and Dockworkers' Union (MDU)

The Maritime & Dockworkers Union (MDU) was formed in 1958. Its membership is drawn from the seaports and harbours, shipping, clearing and forwarding agents, and from fishing and water transport enterprises. Currently, the membership of the union is spread across 36 establishments. The current total membership of the union is estimated at 20,000.

The MDU, together with some private companies, has set up a company called the Ghana Dock Labour Company (GDLC) to provide employment for casual dock workers. The GDLC employed about 4,800 workers from 2002 to 2006. But with the mechanisation of port services and the privatisation of three out of the twelve berths to the Meridian Port Services in 2007, the size of the workforce of the GDLC has reduced considerably.

National Union of Seamen (NUS)

The origins of the National Union of Seamen (NUS) can be traced to 1940. The union continued to grow before and after Ghana achieved independence. The NUS suffered greatly from the IMF/World Bank-sponsored structural adjustment programme which led to the sale of the state-owned companies in the maritime industry. In 1984, just before the structural adjustment programme started, the union had 5,011 members. In 2011 the union could only boast of about 600 members.

The decline in membership has affected the financial resources of the union making it difficult to carry out its traditional services for members. As part of its effort to address the situation, the union is in merger talks with the Maritime and Dockworkers Union.



Railway Workers Union (RWU) and Railway Enginemen's Union (REU)

The Railway Workers Union (RWU) is one of the two railway unions operating in the same company – Ghana Railway Company Ltd. The union was formed in 1939 with a total membership of 21,000. Due to retrenchment, the membership of the union reduced to 4,580 in 2000 and has continued to decline since. The membership of the union was estimated at 1,800 in 2011.

The Railway Enginemen's Union (REU) was formed in 1935 with a total membership of 1500. The union has suffered similar challenges as the RWU. Its membership has declined over the years. The membership of the union was estimated at 300 in 2011.

As part of efforts to address the dwindling membership, the unions are considering the possibility of a merger.

General Transport, Petroleum and Chemical Workers' Union (GTPCWU)

The General Transport, Petroleum and Chemical Workers' Union (GTPCWU) was formed in 1967. It organises workers in the formal segment of road and air transport sector as well as the petroleum and chemical industry. The union estimated its membership at 10,944 in 47 organisations across the country.

The union is determined to intensify its efforts towards the unionisation of workers in the multinational companies in the growing oil and gas sector.

1.6 UTILITY SECTOR

The utility sector of Ghana economy is dominated by two unions – Public Services Workers' Union (PSWU) and Public Utilities Worker's Union (PUWU).

Public Service Workers' Union (PSWU)

The Public Service Workers' Union (PSWU) was formed in 1959. It brought together the Broadcasting Workers' Union, Customs and Excise Workers' Union, Produce Inspection Workers' Union and the Meteorological Workers' Union. These unions merged under the name the Government Clerical and Technical Employees Union. The name of the union changed to PSWU as a result of merger with the Public Utility



Workers' Union (PUWU) which later broke away in 1967.

The total membership of the union at the time of its formation was 2000. In 2005, the union had increased to about 19,000 in 60 organisations across the country. As at 2011, the membership of the union stood at 26,378. Apart from the traditional services the union provides to its members, it has also set up a Development and Social Services Fund (DSSF) to provide assistance to members during retirement, social disasters etc and also to undertake some projects for the union.

Public Utilities Workers' Union (PUWU)

The Public Utility Workers' Union (PUWU) was known as the Gold Coast Public Utility and Allied Government Industrial Union (GCPUAGIU). The union was formed in the early 1960s by the junior staff of the water and electricity supply divisions of Public Works Department. Currently, PUWU draws its membership mainly from the Ghana Water Company, the Electricity Company of Ghana, the State Housing Company, and Community Water and Sanitation Agency. In 2011 the the union's membership was 7,420.

1.7 COMMUNICATION SECTOR

Communication Workers' Union (CWU)

The Communication Workers' Union (CWU) is the only union in the communication sector. The union was formed in 1945 at the General Post Office in Accra as the Post Office Employees Union. Its membership covered only post office workers. Over time the union organised workers in the other sectors of the communication industry and changed its name to Communication Workers Union in 1996 to reflect its coverage.

The advancement in technology (e.g., the internet and mobile devices) has rendered the services offered by Ghana Post less relevant. In 1972, the union had a membership of about 16,000 but by 2005 the membership of the union had fallen to 7,900. There was a further sharp decline in membership to about 2,881 as at May 2012 due mainly to the sale of Ghana Telecom to Vodafone and the subsequent retrenchment in the company. The union is also finding it extremely difficult to organise workers from the multinational telecommunication industries like the MTN and airtel.



1.8 EDUCATION SECTOR

Teachers and Educational Workers' Union (TEWU)

The Teachers and Educational Workers' Union (TEWU) was formed in 1962. The name TEWU was adopted when a section of its members split to form the Ghana National Association of Teachers (GNAT). The union has a total membership of 39,000 from 910 educational institutions across the country.

Federation of Universities Senior Staff Association of Ghana (FUSSAG)

FUSSAG is an association of senior staff members of the public universities in Ghana. Available records indicate that it was formed in 1972. The association transformed itself into a union in 2009 and affiliated with the TUC on 13th January 2011. FUSSAG is, therefore, the youngest affiliate of the TUC.

Currently, the union draws its members from the senior staff of University of Mines and Technology (UMAT) at Tarkwa, Kwame Nkrumah University of Science and Technology (KNUST) in Kumasi, University of Cape Coast (UCC), University of Ghana (UG), Legon, University of Development Studies (UDS), Noguchi Memorial Institute, Legon (NMI) and University of Education Winneba (UEW).

Ghana National Association of Teachers (GNAT)

The Ghana National Association of Teachers (GNAT) was inaugurated on July 14, 1962 with membership drawn from pre-tertiary levels of the educational system (i.e. from public and private primary, junior and secondary schools, teacher training colleges, technical institutions and administrative units in educational institutions). The membership of GNAT was 194,000 in April 2012.

National Association of Graduate Teachers (NAGRAT)

The National Association of Graduate Teachers (NAGRAT) organises university degree- holding teachers within the Ghana Education Service (GES). NAGRAT was constituted as an autonomous body by a resolution adopted at its second National Delegates Congress held at St. Louis Training College, Kumasi, in October 1998. The 2012 estimated total membership stood at 20,000.



Polytechnic Teachers Association of Ghana (POTAG)

The Polytechnic Teachers Association of Ghana (POTAG) was formed in 1994. The union organises polytechnic teachers across the country. Currently the union has membership strength of 3,000.

University Teachers Association (UTAG)

The University Teachers Association of Ghana (UTAG) was formed in 1976. It organises teachers in the public universities across the country with a total membership of 2,800.

1.9 HEALTH SECTOR

Health Services Workers Union (HSWU)

The Health Services Workers Union (HSWU) traces its origin to the early part of 1944 in the Takoradi Hospital. The union currently organises workers in all public health institutions and other health institutions such as the Ahmadiyya Muslim Mission, Christian Health Association of Ghana, Planned Parenthood Association of Ghana, Baptist Medical Centre as well as workers of the Medical and Dental Council and some private health institutions. In addition to formal sector health workers, the HSWU organises informal sector health workers like the Traditional Birth Attendants, practitioners of the Traditional Alternative Medicine and Chemical sellers. The total paid-up membership of the unions was 30,995 in May 2012.

Ghana Medical Association (GMA)

The Ghana Medical Association (GMA) was formed in 1958 with an initial membership of 40. The GMA is made up of ten divisions whose chairmen together with the National Executive Committee and a representative each from the Society of Private Medical and Dental Practitioners, Ghana Dental Association and the Junior Doctors Society, constitute the National Executive Council. The highest decision making body of the Association is the General Assembly which meets at the Annual General Meetings held in different parts of the country. Currently the Association has membership strength of over 1700.



1.10 MANUFACTURING SECTOR

Ghana Federation of Labour (GFL)

The Ghana Federation of Labour (GFL) was formed in 1997. It held its first national delegates conference in 1999. The Union organises workers from the industrial, agriculture, Clerical and transport sectors of the economy. In November, 2011, the estimated membership of the union was 48,000 in 11 affiliates.

1.11 CIVIL AND LOCAL GOVERNMENT SECTOR

Local Government Workers' Union (LGWU)

The Local Government Workers' Union (LGWU) was formed in 1960. The union covers all workers in the District, Municipal and Metropolitan Assemblies in Ghana. Like other national unions, the LGWU lost a sizeable portion of its membership as a result of the implementation of the structural adjustment policies in 1980s. The union is currently facing stiff competition from its rival union, the Civil and Local Government Staff Association of Ghana (CLOGSAG) over membership. The current total paid-up membership is estimated at 7,568 compared to over 13,000 in 1985.

Civil and Local Government Staff Association (CLOGSAG)

The Civil and Local Government Staff Association (CLOGSAG) was formerly known as Civil Servants Association (CSA). It was formed in 1972 with a current total membership of about 45,000 across the country.



Chapter Three

THEORY OF INDUSTRIAL RELATIONS

3.1 INTRODUCTION

The term industrial relations generally refer to the system of rules, norms, laws, conventions, institutions and practices associated with collective bargaining, and avoidance and resolution of industrial disputes. Industrial relations and labour relations are usually used interchangeably but according to Edwards (1999, p.4), *Industrial relations* imply a focus solely on collective relationship between management and union, together with a bias towards industry in the sense of manufacturing and away from the service sector. *Labour relations*, on the other hand, may refer to any dealings between management and workers that are already unionized, or has the potential of becoming unionized.

It is generally believed that industrial relations can help to reduce industrial unrest. In other words, industrial relations can lead to industrial peace and harmony at the workplace and, therefore, lead to uninterrupted production of goods and services, high morale of employees, and improved efficiency in the use scarce resources. Industrial peace lies in the hands of employers and employees.

3.2 SOME DEFINITIONS OF INDUSTRIAL RELATIONS

Leo (2010) defines industrial relations as a discipline that studies of the laws, conventions and institutions that regulate the workplace. Industrial relations shape our working life, society and national economy and can be looked at from four different perspectives: workers, employers, the society and the government. Workers' are concerned mainly with better pay, work place safety, job security and training while employers pay more attention to productivity, flexibility of workforce, employment laws and managing industrial conflict. The society cares about living wage, equality of opportunity, rights of the individual and work-life balance. The government is concerned about the unemployment, inflation and the growth of the economy.



Shultz (1968) sees industrial relations as “a problem – based”. It is not a discipline in itself but rather draws on many disciplines for theory and technique to understand and help solve the problems in the workplace, in the labour market and at the bargaining table. On his part,

Ramaswamy et al (1981), refers to industrial relations as the relationship between “collectives” (i.e. Government, Employers and Workers/union). Industrial relations provide the means by which the various interests involved in the labour market are accommodated, primarily for the purpose of regulating employment relationships. It is also concerned with the relationships that arise at and out of the workplace.

3.3 THE MAJOR ASPECTS OF THE INDUSTRIAL RELATIONS SYSTEM

There are five major aspects of features of an industrial relations system. They include:

The actors (workers and their organizations, management, and government).

Contextual or environmental factors (labour and product markets, technology, and community) (see Dunlop, J.T., 1958)

Processes for determining the terms and conditions of employment (collective bargaining, legislation, judicial processes and management decisions, among others).

Ideology or a minimal set of shared beliefs such as the actors' mutual acceptance of the legitimacy of other actors and their roles, which enhances system stability.

Outcomes including wages and benefits, rules about work relations (e.g., standards for disciplinary action against workers), job satisfaction, employment security, productive efficiency, industrial peace and conflict and industrial democracy.

The basic purpose of the industrial relations systems is to provide a conceptual framework for organizing knowledge about industrial relations and for understanding how all the aspects of an industrial relations system combine to produce the outcomes. It also finds out why the outcomes vary overtime.



3.4 ELEMENTS OF INDUSTRIAL RELATIONS

The *main elements* of industrial relations include collective bargaining, settlement of industrial disputes, avoidance or prevention of disputes, and workers participation in decisions at the workplace.

The *main objectives* of industrial relations are to ensure:

The efficient production of goods and services and, at the same time, the determination of adequate terms and conditions of employment, in the interests of the employer, employees and society as a whole, through a consensus achieved by negotiation.

The establishment of mechanisms for communication, consultation and cooperation in order to resolve workplace issues at enterprise and industry level, and to achieve through a tripartite process, consensus on labour policy at national level.

The avoidance and settlement of disputes and differences between employers, employees and their representatives, where possible through negotiation and dispute settlement mechanisms.

The provision of social protection where needed i.e. in the areas of social security, (Occupational) Safety, Health and Environment (OSHE), child labour, etc.

The establishment of stable and harmonious relations between employers and employees and their organizations, and between them and the state (Silva de, 1998).

The establishment and promotion of the growth of an industrial democracy based on labour partnership in the sharing of profits and of managerial decisions, so that and individual's personality may grow its full stature for the benefit of the industry and of the country as well.

The vesting of a proprietary interest of the workers in the industries in which they are employed.

Workers' participation in decision –making.

The development of employees to adapt themselves for technological, social and economic changes

3.5 SOME THEORETICAL PERSPECTIVES

Industrial relations may be analysed under three major theoretical perspectives or frameworks namely the unitary, pluralist and Marxist perspectives. Each of them



offers a particular perception of workplace relations and, therefore, interprets such events as workplace conflict, the role of unions and variations in jobs regulations (Fox, A. 1966). The Marxist perspective is sometimes referred to as the “conflict model” or the radical perspective.

3.5.1 Unitary Theory

Under the unitary theory, the organization is perceived as an integrated and harmonious whole with the idea of “one happy family”. Management and other members of staff all share a common purpose (and interest) with mutual cooperation. A core approach is that management and staff and all stakeholders of the organization share the same objectives, interest and purpose. They work together, hand-in –hand, towards the shared mutual goals. Under unitarism there is, however, a single source of authority which is management. Trade unions are deemed unnecessary because, the loyalty between trade unions and organizations are considered mutually exclusive. Any conflict that may occur (in a workplace) is seen as 'the result of misunderstanding or mischief (Edwards, 1999, p. 10) and has a paternalistic approach that demands loyalty of all employees). Conflict is perceived as disruptive (ibid), waste of resources, hampers goal attainment, demoralizes staff and is caused by troublemakers (trade unions).

From employee's point of view, the unitary theory means:

- Working practices should be flexible. Individuals should be improvement oriented, multi-skilled and ready to tackle whatever tasks are required.
- If a union is recognized, its role is that of a further means of communication between groups of staff and the company (organization).
- The emphasis is on good relationships and sound terms and conditions of employment.
- Employee participation in workplace decisions is encouraged. This helps in empowering individuals in their roles with emphasis on team work, innovation, creativity, discretion in problem-solving, quality and improvement groups etc.
- Employees should feel that the skills and expertise of managers supports their endeavours.

From the point of view of the employer, the unitary theory means:

- Staffing policies should try to unify effort, inspire and motivate employees.
- The organization's wider objectives should be properly communicated and



discussed with staff.

Reward systems should be so designed as to foster loyalty and commitment.

Line managers should take ownership of their team/staffing responsibilities.

Staff – management conflicts are seen as arising from lack of information, inadequate presentation of management's policies.

The personal objectives of every individual employed in the business should be discussed with them and integrated with the organization's needs.

3.5.2 Pluralist Theory

In pluralism, the organization is seen as made up of powerful and divergent groups namely management and trade unions (Edwards, 1999) and each with its own legitimate loyalties and with their own set of objectives and leaders. Pluralist sees conflicts of interests and disagreements between managers and workers over the distribution of profits as normal and unavoidable. Any conflict that may occur between them is seen as a result of mischief or misunderstanding (ibid). The role of management would lean less towards enforcing and controlling and more towards persuasion and co-ordination. Trade unions are deemed as legitimate representatives of employees.

In pluralism, the organization is seen as a mix of many different interest groups and that conflict is inevitable, is caused by structural arrangements and can lead to innovation and change. According to the pluralists, organizations participate in the determination of rules of employment and these have their own bases of authority. Therefore, whenever there are separate sources of authority, there is the risk of conflict (Edwards, 1999, p.10).

The relationship between employers and unions and between managers and trade unions are an expression of conflict and power relations between organized groups in society generally. Therefore, industrial conflict between managers and their subordinates should be recognized as an endemic feature of work relationships (ibid). Conflict is dealt with through collective bargaining which is not seen as a bad thing and if managed well could lead to evolution (development) and positive change. Realistic managers should accept conflict when they occur and manage it. There is greater propensity to conflict rather than harmony and they should anticipate and resolve this by securing agreed procedures for settling disputes.

The implications of this approach is that, firms should have industrial relations and



personnel specialists who can advise managers and provide specialist services in respect of staffing and matters relating to union consultation and negotiation. It includes the use of independent external arbitrators to assist in the resolution of disputes.

It also implies that union recognition should be encouraged and represented to carry out their duties. It ensures comprehensive collective agreements negotiated with unions. The enterprise is seen as having a triple personality namely the economic system (produces and distributes income), political system (a system of government where managers exercise authority on the managed or employees); and social institution (community where people have shared interests, sentiments beliefs and values which they can exercise).

3.5.3 Marxist/Radical theory

Marxist theory sees a fundamental division of interest between capital and labour at the workplace. The inequalities of power and economic wealth as have their roots in the nature of the capitalist economic system. Marxists stress that class conflict is a source of social change, without which such conflict would be idle. Such class conflict arises primarily from disparity in the distribution of, and access to, economic power within the society. The difference is between those who own capital and those who supply labour. Conflict is, therefore, seen as inevitable. According to the Marxist theory, there may be periods of agreement, and that institution of joint regulation would enhance rather than limit management position as they presume the continuation of capitalism rather than challenge it (Farnham, and Pimlott, 1990).

This view of industrial relations is a by- product of a theory of capitalist society and social change. Marxists argue that the weaknesses and contradiction inherent in the capitalist system would result in a revolution and the ascendancy of socialism over capitalism. Capitalism would foster monopolies and wages (cost to the capitalist) would be minimized to a subsistence level. Capitalists and workers would compete and establish their constant win-lose struggle. This perspective focuses on fundamental division of interest between capital and labour and assumes that the conflict in employment relationship is reflective of the structure of the society.



3.6 SOME INDUSTRIAL RELATIONS CONCEPTS

3.6.1 *Collectivism*

Collectivism is a theory or practice that refers to a group as a fundamental unit rather than the individual. Individuals constituting the group may be referred to as collectivists (collectivism).

Collectivism requires that the individual's interest is sacrificed for that of a group or others. It holds the group as the primary unit. Members of the group, such as a trade union, always regard it as superior and the collective interest supersedes that of individuals. According to Mark Da Cunha (No year), collectivists' ethical principle is that the individual human being is only a tool to serve the needs of others. What is referred to here as “others”, whether it is the nation, society, the race, the community, the tribe, or a trade union, is irrelevant. The most important point is that an individual must sacrifice for others.

Industrial relations is based on collective action or principles where trade unions and employers associations attach importance to collective bargaining as the most desirable and normal way of regulating employment contract. Collective bargaining can only exist if there is a collective labour organization able to represent employees and, therefore, any action by employers or government to weaken sources of solidarity is an attack on collectivism (Edwards, 1999). To the collectivists, the core function of collective bargaining is to generate pressure for the enhancement of dignity, worth and freedom of individuals in their capacity as workers (ibid).

Powerful social movements such as trade unions and associations tend to overshadow the activities of the individuals. Collectivists see a group of individuals as having a single identity similar to a person. With collectivism, private property is not dominant and also individual freedom is restricted. It also inhibits individuals from pursuing their own self-interests.

Salamon (1992) argues that collective relationship exists because it meets certain needs of both management and employees. In effect, on management side, a modern organization encompasses a variety of specialized tasks and roles which require integration, co-ordination and regulation to achieve the goal of the organization. Therefore, the necessary efforts and energy combined towards the achievement of the ultimate goal of the organization induce the development of a collective basis to the employment relationship since bargaining patterns in meeting the needs of those



working, even without, unions becomes imperative. Collective basis becomes enhanced with the advent of trade unionism within the organization, thus formalizing the system through written contracts and procedures.

3.6.2 Individualism

Individualism, on the other hand, is defined as a single human being or phenomenon as distinguished from a group of people in employment relations, for instance. It is also defined as the ethos which emphasizes the autonomy of the individual as against the community or social group.

Societies treasure the importance of the individual which also manifests in the employment sphere where there is a belief that people need not be dumped together simply as units of a factor of production. Individualism holds that a human being (individual) should think and judge independently, respecting nothing more than the sovereignty of his or her mind and pursuing large amount of initiative and self-responsibility. According to Salamon (1992) individualism is to see people as individuals with his or her own aspiration, attitude, and attribute and each, in their own sphere of work, able to offer a special and meaningful contribution to the overall success of the organization. The centrality of this is how much freedom should be permitted to the individual or how far should the need for collective system predominate.

Conscious move has been made since 1980s from collectivism or corporatism to individualism. Within this same period, attention has turned to human resource management which includes individualism. Management often resorts to direct communication (with individual employees), individual appraisal and assessment, target-setting and performance related pay for individuals (Edwards, 1999).

Employees are treated differently; individuals doing the same work could earn different pay depending on the individual's attributes, ability or performance. In effect some restricted individual contract becomes the preference. The individual is swayed to perceive his/her economic or social well-being to be a matter for his/ her own efforts independent of any peer group.

Management has the freedom to deal with its employees as it deems expedient without intermediary constraint or trade union, as the collective representative body with the view to regulating the work situation on an equal and joint basis with



management. It is argued that the fundamental basis of a democratic society is the freedom of the individual; the freedom to choose and make decisions in respect of the conduct of the individual's life.

However, there is no total freedom in any society and in the real world and especially so in the world of work where team effort must be recognised. From a typical industrial relations perspective an important element of the debate associated with the ideologies underpinning the concept of individualism is on whether or not the act of joining an organization and the associated relinquishing of individual freedom is voluntary. This is the basis of international conventions including ILO Convention 87 which emphasizes the individual's right to join or not to join a trade union.

In that respect, it has been argued that if a trade union membership is NOT voluntary (i.e., if the individual is coerced into membership without the chance to exercise a choice) then it is an unacceptable use of power and negation of individual freedom, which obviously needs legal intervention, as well as restoration of such rights.

Table 1: Some Salient features of Individualism and Collectivism

Individualism	Collectivism
Fostering independence and individual achievement	Fostering interdependence and group success
Promoting self-expression, individual thinking, personal choice	Promoting adherence to norms, respect for authority/elders, group consensus
Associated with private property, individual ownership	Associated with shared property, group ownership
Understanding the physical world as knowable apart from its meaning for human life	Understanding the physical world in the context of its meaning for human life

Source: (<http://www.angelfire.com/psy/drshook/collect.html>)

3.6.3. Social Concertation

Social concertation is used to describe the way of managing and tackling social and economic problems within a given sector or society as a whole. It is characterized by negotiation or consultation between the authorities and the most representative organizations protecting different interests, particularly trades unions and employers' associations. These meetings, consultations or negotiations usually result in social contracts and tripartite agreements, which serve as the framework of social and economic policy and sometimes imply real legislative negotiation.



Chapter Four

INDUSTRIAL RELATIONS SYSTEM IN GHANA

4.1 ACTORS IN THE INDUSTRIAL RELATIONS SYSTEM

There are three main actors in the industrial relations system in Ghana: Organised Labour, Ghana Employers' Association (GEA), and the Government of Ghana.

4.1.1 Organised Labour

Organised Labour comprises all organised labour groups in Ghana (see Table 3.1 below). It is led by the Trades Union Congress (Ghana).

TABLE 3.1: ORGANISED LABOUR GROUPS IN GHANA

Group 1: Members of the Trades Union Congress (TUC)

1. *Public Services Workers' Union (PSWU)*
2. *Public Utility Workers' Union (PUWU)*
3. *Health Services Workers' Union (HSWU)*
4. *Communication Workers' Union (CWU)*
5. *Timber and Woodworkers' Union (TWU)*
6. *General Agricultural Workers' Union (GAWU)*
7. *General Transport, Petroleum and Chemical Workers' Union (GTPCWU)*
8. *Teachers and Educational Workers' Union (TEWU)*
9. *National Union of Seamen (NUS)*
10. *Maritime and Dockworkers' Union (MDU)*
11. *Ghana Mineworkers' Union (GMWU)*
12. *Local Government Workers' Union (LGWU)*
13. *Railway Workers' Union (RWU)*
14. *Railway Enginemen's Union (REU)*
15. *Union of Industry, Commerce and Finance Workers (UNICOF)*
16. *Construction and Building Material Workers' Union (CBMWU)*
17. *Federation of University Senior Staff Association of Ghana (FUSSAG)*
18. *Ghana Private Road Transport Union (GPRTU)*

Group 2: Members of Ghana Federation of Labour

1. *Textile, Garment and Leather Employees' Union. (TEGLEU)*
2. *Food And Allied Workers' Union (FAWU)*
3. *General Manufacturing And Metal Workers' Union (GEMM)*
4. *Union Of Private Security Personnel (UPSP)*
5. *National Union of Teamster And General Workers (NUTEG)*
6. *Finance And Business Services Union (FBSEU)*
7. *Private School Teachers and Educational Workers' Union of Ghana (PRISTEG)*
8. *Media Of Printing Industry Workers' Union (MEDIANET)*
9. *ICT and General Services Employees Union*

Group 3: Non- Affiliated National Unions

1. *Industrial and Commercial Workers' Union (ICU)*
2. *Construction and Allied Workers' Union (CAWU)*
3. *Union of Industrial Workers (UNI)*
4. *National Union of Harbour Employees (NUHEM)*
5. *Union of Private Security Employees, Ghana (UPSEG)*
6. *United Industrial and General Services Workers of Ghana (UNIGS)*

Group 4: Sector-Based Unions

A. Unions With Bargaining Certificate

1. *Ghana National Association of Teachers (GNAT)*
2. *Judicial Service Staff Association of Ghana (JUSAG)*
3. *Senior Staff Association of Ghana Post Company Ltd.*
4. *Ghana Registered Nurses Association (GRNA)*
5. *Central University Teachers Association*
6. *Association Of Environmental Health Assistants Ghana (ASHEHAG)*
7. *Inspection and Control Services Enterprise Based Union*
8. *Polytechnic Administrators Association of Ghana (PAAG)*
9. *Civil and Local Government Staff Association of Ghana (CLOSSAG)*

B. Unions without Bargaining Certificate

1. *Ghana Medical Association (GMA)*
2. *National Association of Graduate Teachers (NAGRAT)*
3. *Polytechnic Teachers Association of Ghana (POTAG)*
4. *Government and Hospitality Pharmacists Association*
5. *Coalition of Concerned Teachers, Ghana.*

Group 5: Enterprise Based Unions (With Collective Bargaining Certificate)

A. Unions with Bargaining Certificate

1. *Blue Skies Staff Association*
2. *Meridian Port Services Enterprise – Based Union*
3. *Carl Tiedman Stevedoring Enterprise- Based Union*
4. *Scancom Local Staff Association*
5. *Senior Staff Association of Ghana International School*
6. *Senior Management Staff of GBC*
7. *UT Financial Services Staff Association*



B. Enterprise-Based Unions without Collective Bargaining Certificate

1. *Bank Of Ghana Senior Staff Association (BOGSSA)*
2. *Liberty And Integrity Trade Union*
3. *Senior Staff Association of Ghana Telecom Company Ltd.*
4. *Bogoso Gold Enterprise- Based Union*
5. *Commission on Human Rights and Administrative Justice Staff Association. (CHRAJSA)*
6. *Mol Staff Association*
7. *Church World Service Local Staff Association*
8. *Senior Staff Association of Electricity Company of Ghana Ltd.*
9. *Council for Scientific and Industrial Research Senior Staff Association*
10. *Association of District Mutual Health Insurance Staff , Ghana*
11. *Pro-credit Workers Local Union*
12. *Senior National Organized Workers of Liebherr -Mining Ghana Ltd (SNOW)*
13. *General Organization of on-Going Development Workers(GOODWU)*
14. *GNPC Senior Staff Association*
15. *Sic Senior Staff Association*
16. *Shell Senior and Supervisory Staff Association.*
17. *Hydro – Electric Thermal And Allied Workers Union (Ghana)*
18. *Research Staff Association of the Council for Scientific and Industrial Research*

Source: Labour Department, MESW.

Note: Labour Department puts Groups 4 and 5 and Enterprise-based Unions.

4.1.2 Employers

The Ghana Employers' Association (GEA) is the main employers' organisation in Ghana. It was formed in 1959. It has a membership of over a thousand employers (i.e., individual organisations and enterprises) and eight affiliate business associations. The affiliates are: Ghana Chamber of Mines (GCM), Association of Business Executives, Ghana Poultry Farmers Association, Ghana Association of Women Entrepreneurs (GAWE), Ghana Timber Millers Organisation (GTMO), Associations of Rural Banks, Council of Indigenous Business Association (CIBA) and Ghana Association of Stevedoring Companies (GASCO).

4.1.3 Government

The Government of Ghana (GoG) is a key player in the industrial relations system, first, as the body responsible for policy making and policy implementation and, second, as the largest employer in Ghana. Government is represented in the industrial relations system by the ministry responsible for employment and labour issues. The Labour Department, the National Labour Commission, the Factories Inspectorate and the Fair Wages and Salaries Commission (FWSC) are important institutions under the Ministry responsible for employment and labour issues.



Labour Department

The Labour Department is responsible for labour administration and enforcement of labour and employment laws. Section 122 of the Labour Act 2003 (Act 651) provides for labour inspection to be conducted by the Labour Department.

Factories Inspectorate

Factories Inspectorate, also under the Ministry of Employment and Social Welfare, is responsible for the promotion of measures that would safeguard the health and safety of persons employed in workplaces in accordance with Factories, Offices and Shops Act, 1970 (Act 328). The act also mandates the Factories Inspectorates to carry out inspection to enforce the provision of the law, ensures good practice of general Occupational, Safety, Health and Environment (OSHE) at the workplace to prevent and avoid occupational hazards.

Fair Wages and Salaries Commission

The Fair Wages and Salaries Commission (FWSC) was established by the Fair Wages and Salaries Commission Act, 2007, (Act 737) to: Ensure fair, transparent and systematic implementation of the Government public service pay policy; Develop and advise Government on and ensure that decisions are implemented on matters related to Salaries, wages, grading, classification, Job analysis and job evaluation, Performance management and indicators, and allowances and benefits in the public service with the ultimate objective of consolidation of the allowances and benefits; and undertake negotiations where compensation is financed from public funds.

National Labour Commission (NLC)

The National Labour Commission was established by the Labour Act, 2003 (Act 651). The Commission is mandated to facilitate the settlement of industrial disputes, settle industrial disputes, investigate labour related complaints, particularly unfair labour practices, and take necessary steps to prevent such disputes. The Commission has the powers of a High Court in respect of the enforcement of attendance of witnesses and production of documents.



Box 3.1

Rights, Responsibilities and Duties of the Key Actors in the Industrial Relations System

Rights, Responsibilities and Duties of Actors in the Industrial Relations System

Labour Act (Act 651, 2003)

- Section 8: Subject to this Act and any other enactment, the rights of an employer include the right to
- (a) employ a worker, discipline, transfer, promote and terminate the employment of the worker;
 - (b) formulate policies, execute plans and programmes to set targets;
 - (c) modify, extend or cease operations; and
 - (d) determine the type of products to make or sell and the prices of its goods and services.

Duties of employers

- Section 9. Without prejudice to the provisions of this Act and any other enactment for the time being in force, in any contract of employment or collective agreement, the duties of an employer include the duty to
- (a) provide work and appropriate raw materials, machinery, equipment and tools;
 - (b) pay the agreed remuneration at the time and place agreed on in the contract of employment or collective bargaining agreement or by law or agreed between the employer and the worker;
 - (c) take all practicable steps to ensure that the worker is free from risk of personal injury or damage to his or her health during and in the course of the worker's employment or while lawfully on the employer's premises;
 - (d) develop the human resources by way of training and retaining of the workers;
 - (e) provide and ensure the operation of an adequate procedure for discipline of the workers;
 - (f) furnish the worker with a copy of the worker's contract of employment;
 - (g) keep open the channels of communication with the workers; and
 - (h) protect the interests of the workers.

Rights of a worker

- Section 10. The rights of a worker include the right to
- (a) work under satisfactory, safe and healthy conditions;
 - (b) receive equal pay for equal work without distinction of any kind;
 - (c) have rest, leisure and reasonable limitation of working hours and period of holidays with pay as well as remuneration for public holidays;
 - (d) form or join a trade union;
 - (e) be trained and retained for the development of his or her skills; and
 - (f) receive information relevant to his or her work.

Duties of workers

- Section 11. Without prejudice to the provisions of this Act, the duties of a worker in any contract of employment or collective agreement, include the duty to
- (a) work conscientiously in the lawfully chosen occupation;
 - (b) report for work regularly and punctually;
 - (c) enhance productivity;
 - (d) exercise due care in the execution of assigned work;
 - (e) obey lawful instructions regarding the organisation and execution of his or her work;
 - (f) take all reasonable care for the safety and health of fellow workers;
 - (g) protect the interests of the employer; and
 - (h) take proper care of the property of the employer entrusted to the worker or under the immediate control of the worker.

4.2 THE LEGAL FRAMEWORK OF INDUSTRIAL RELATIONS IN GHANA

4.2.1 National Labour Legislation

The main law governing industrial relations in Ghana is the Labour Act (Act 651, 2003). Other relevant laws are Labour Regulations, 2007, (LI 1833), Factories, Offices and Shops Act, 1970 Act 328, Social Security Law, 1991 PNDC 247, Pensions Act, 2007(Act 766) and Workmen's Compensation Act 1987, PNDCL 187. Box 2 below shows the laws that were repealed when the Labour Act, 2003 (Act 651) came into force. The 1992 Constitution of the Republic of Ghana guarantees the rights of workers including the right to form or join trade union of their choice.

Box 3.2: Enactment Repealed upon the passage of Act 651

1. The Conspiracy and Protection of Property (Trade Disputes) (Cap 90)
2. The Trade Unions Ordinance (Cap 91)
3. The Trade Unions (Amendment) Ordinance, 1953 (No. 19)
4. The Trade Unions (Amendment) Decree, 1966 (NLCD 110)
5. The Trade Disputes (Arbitration and Inquiry) (Cap 93)
6. The Industrial Relations Act, 1965 (Act 299)
7. The Industrial Relations Act, 1965 (Amendment) Decree, 1967 (NLCD189)
8. The Industrial Relations (Amendment) Decree, 1972 (NRCD 22)
9. The Labour (Amendment) Decree, 1967 (NLCD 212)
10. The Labour (Amendment) Decree, 1969 (NLCD 331)
11. The Labour (Amendment) Decree, 1969 (NLCD 342)
12. The Labour (Amendment) Decree, 1973 (NLCD 368)
13. The Labour (Amendment) Decree, 1976 (NLCD 150)
14. The Labour (Amendment) Decree, 1976 (NLCD 212)
15. The Public Service (Negotiation Committee) Law, 1992 (PNDCL 309)

Note: Section 175 (2) of the Children's Act, 1998 (Act 560) was amended as follows:
 Section 93 is amended by the deletion of the words “and young person” wherever they occur.
 Section 95 (1) is amended by the deletion of the words “and young person”
 Section 124 is amended by the deletion of the definition of “young person”.

4.2.2 International Labour Organisation Conventions

Ghana has ratified fifty ILO Conventions including the eight core conventions concerning the right to form or join a trade union, collective bargaining, equal treatment in employment, minimum age for employment, abolition of forced labour and the elimination of worst forms of child labour. Table 3.1 in Appendix shows the conventions ratified by Ghana.



Table 3.1 ILO Core Conventions (All These Conventions are Ratified by Ghana)

	Date Ratified	Status
C029 - Forced Labour Convention, 1930 (No. 29)	20 May 1957	In Force
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	02 Jun 1965	In Force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	02 Jul 1959	In Force
C100 - Equal Remuneration Convention, 1951 (No. 100)	14 Mar 1968	In Force
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	15 Dec 1958	In Force
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	04 Apr 1961	In Force
C138 - Minimum Age Convention, 1973 (No. 138) Minimum age specified: 15 years	06 Jun 2011	In Force
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	13 Jun 2000	In Force

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103231_02/10/12



Chapter Five

COLLECTIVE BARGAINING: THEORY AND PRACTICE

5.1 INTRODUCTION

Collective bargaining is one of the main elements of industrial relations. Collective bargaining has no precise definition or scope. The scope of collective bargaining can vary from country to country. ILO defines collective bargaining as “negotiation about working conditions and terms of employment between an employer and a group of employees or one or more employees' organizations with a view to reaching an agreement wherein the terms serve as a code of defining the rights and obligations of each party in their employment/industrial relations with one another” (ILO Convention No. 154, 1981). Collective bargaining takes place at the enterprise level, at the sector level or at the national level. Collective bargaining at the national level is tripartite in nature because it involves the government, employers and employees.

Collective bargaining has the following key features:

- It is a collective process in which representatives of both the management and employees participate;

- It is a continuous process which aims at establishing stable relationships between the parties involved;

- It does not only involve the signing of the collective agreement, but also the implementation of such an agreement.

- It plays an important role in the effort towards the achievement of discipline in the workplace; and

- The parties involved have to adopt a flexible attitude towards negotiations.

Even though traditionally collective bargaining is a bipartite process, the importance of the state in promoting the process through establishment of relevant national legislation cannot be overstated.

5.2 SOME THEORETICAL PERSPECTIVES ON COLLECTIVE BARGAINING

The phrase "collective bargaining" was coined by British labour reformers Sidney and Beatrice Webb in the 1890's. The Webbs described collective bargaining as an economic institution with trade unionism acting as a labour cartel by controlling entry into the trade. They conceptualized the method of collective bargaining as exclusively a trade union method with no implicit or explicit interest on the part of employers.

The Webbs explained collective bargaining as follows:

"In unorganized trades, the individual workman, applying for a job, accepts or refuses the terms offered by the employer without communication with his fellow-workmen, and without any consideration other than the exigencies of his own position for the sale of his labour he makes, with the employer, a strictly individual bargain. But if a group of workmen concert together, and send representatives to conduct the bargaining on behalf of the whole body, the position is at once changed. Instead of employer making a series of separate contracts with isolated individuals, he meets with collective will, and settles, in a single agreement, the principles upon which, for the time being, all workmen of a particular group, or class, or grade, will be engaged."

Collective bargaining has been viewed largely as a substitution of "collective will" for "individual bargain". In view of this, some critics have argued that individual bargaining can, and does coexist with collective bargaining and that some individual bargainers may have plenty of scope, depending upon the nature of labour market, to obtain wages over and above the minimum level laid down in the collective agreement.

While the Webbs described collective bargaining as an economic institution, Flanders (1975) argued that collective bargaining is primarily a political process and 'that the value of a union to its members lies less in its economic achievements than in its capacity to protect their dignity'. A third view from Marxists contend that collective bargaining is merely a means of social control within industry and institutionalised expression of the class struggle between those owning capital and those selling labour in capitalist societies.

Three collective bargaining models are popular in the literature. They are (1) the Monopoly Unions Model (2) Right-To-Manage/ Labour-Demand-Curve (LDC) Model, and (3) Efficient Bargaining Model.



5.2.1 Monopoly Unions Model

The Monopoly Union Model by Dunlop (1944) states that the monopoly union has the power to maximize the wage rate; the firm then chooses the level of employment. The model is based on the assumption that trade unions are conventional monopoly seller of labour who determines the wage level while the firm chooses the level of employment. In other words the union is in a position to impose the wage level on a passive firm which then determines the level of employment.

The Monopoly Union model has proven to be very popular as a description of union wage and employment outcomes, partly because the underlying game structure seems to correspond with reality; most collective bargaining processes typically do provide employers with considerable discretion over the quantity of employment.

By implication unions enjoy monopoly power as well as power to effectively set high wages which firms often do not have great incentives to oppose because high wages largely lead firms to set high prices in that industry leading to high profits. These outcomes also mean that firms could reduce employment in order to offer higher wages and minimise cost of production. This outcome can reduce the firm's profit.

Critiques of the monopoly model believe that the outcomes are not Pareto efficient since there is too little employment or too much unemployment created which does not make both firms and unions better-off. It is proposed that there could be wage-employment combinations which could make both firms and unions maximise their outcomes.

5.2.2 Right-To-Manage/ Labour-Demand-Curve (LDC) Model

The Right-to-manage model (Leontief (1946)) views the labour union and the firm bargaining over the wage rate but employment is determined unilaterally by the employer. The right-to-manage model is also known as the labour demand curve because both the union and the firm choose the wage level which is subject to the constraint that the firm selects the employment level corresponding to that wage on the labour demand curve.

Critiques to this model have argued that its leads to an economically inefficient outcome because the wage will generally be set above the competitive level so that employment will be lower than required for economic efficiency. The outcome is also inefficient because both the union and the firm could be made better-off by choosing a



wage-employment combination that is off the labour demand curve but the structure of the wage-employment of this model does not admit solutions off the labour demand curve.

5.2.3 *Efficient Bargaining Model*

The criticisms of the outcomes of the monopoly and right-to-manage models gave birth to the Efficient Bargaining Model by McDonald and Solow (1981) which states that both the union and the firm bargain over wage and employment simultaneously so that Pareto optimality was guaranteed. Despite its advantage, the Efficient Bargaining Model has been criticised on the grounds that its fundamental structure does not appear to correspond to reality compared to the other two models. According to Oswald (1993), in reality, negotiations do not generally include employment explicitly in the bargaining agenda. In other words, we generally do not observe firms and unions negotiating directly over the quantity of employment and wages.

Collective bargaining can also be viewed from three practical perspectives representing different stages in the development of the bargaining process. These are:

A means of contracting for the sale of labour (also known as the 'marketing concept' of collective bargaining)

A form of industrial government ('governmental concept')

Simply a system of industrial relations ('industrial or managerial relations')

The first one, (i.e., the marketing concept of collective bargaining) is close to the Webbs theory. It assumes that collective bargaining provides the means to remedy the fundamental bargaining inequalities existing between the strong position of the employer, on the one hand, and the weak position of the individual employee on the other in the buying and selling of labour.

The governmental concept of collective bargaining, on the other hand, views the process as a constitutional system or rule-making institution determining relations between management and trade union representatives. In this case collective bargaining is seen as political and power relations.

The industrial relations or managerial relations concept of collective bargaining proceeds from the government concept. It views collective bargaining as a system of industrial governance', since through it trade unions join with employers in reaching decisions on matters in which both parties have equal rather than competing interests.



5.3 COLLECTIVE BARGAINING IN GHANA

Collective Bargaining started in Ghana after the country achieved independence and became a member of the ILO in 1957 and ratified Conventions 87 and 98 and many other conventions. The provisions of the ratified conventions were incorporated into the industrial relations Act of 1958 which laid the legal foundation for collective bargaining in Ghana. The 1958 Industrial Relations Act was replaced by the 1965 Industrial Relations Act which recognised for the first time the right of public service workers to bargain collectively.

5.3.1. *Legal Framework of Collective Bargaining*

The legal framework of collective bargaining in Ghana is provided by the Labour Act of 2003 (Act 651). The Act sets out the regulatory framework for labour relations in Ghana. It seeks to protect the interest of not only workers but equally importantly the interest of employers. The Act is divided into twenty parts with 179 sections. The relevant part and sections devoted to the general legislative framework for collective bargaining is contained in Part XII sections 96 to 111 respectively. First, the law requires that every union should have a Collective Bargaining Certificate. This means that the formation or registration of a union does not automatically confer on the union the right to bargain for the class of workers it represents. The Chief Labour Officer who is also the head of the Labour Department is responsible for the issuance of Collective Bargaining Certificate (CBC) to registered trade unions. Unions issued with the certificate have the rights to enter into negotiations with employers on behalf of the class of workers named in the bargaining certificate. The Labour Department issues one certificate to one union for the same class of workers at a particular time. In situations where there are two or more unions for the same class of workers, the law says that the bargaining certificate is issued to the most representative union. The other unions are encouraged to cooperate with the union that holds the bargaining certificate for the negotiation of collective bargaining agreement. Any agreement reached between the employer and the union that holds the bargaining certificates covers the class of workers named in the certificates whether or not they are members of the union that negotiated for those conditions.

The law also makes room for collective bargaining certificates to change hands from one union to another. In the event that the most representative union that holds the bargaining certificates loses its majority, the bargaining certificate is withdrawn and re-issued to the most representative union. The withdrawal of the bargaining certificate from one union to another does not affect collective bargaining agreement



concluded before the withdrawal of the certificate. A bargaining may also be varied to include more workers in the class of workers named in the certificate. Parties to collective agreement are obliged to inform their members of the details of the agreement as soon as it is concluded.

Apart from the collective bargaining certificate, the law also makes provisions *relating to the terms and conditions of a collective (bargaining) agreement*. Section 96 for states that:

“subject to the provisions of this Act, a collective agreement relating to the terms and conditions of employment of workers, may be concluded between one or more trade unions on one hand and representatives of one or more employers or employer's organisations' on the other hand”.

Section 97 enjoins parties to the negotiation of a collective bargaining to negotiate in good faith and make every reasonable effort to reach an agreement. Negotiating in good faith implies that parties to the negotiation are under legal obligation to make available all information relevant to the subject matter of a given negotiation. The law prohibits false or fraudulent misrepresentation with regards to the subject matter of negotiations.

Section 98 of the Act spells out the basic elements that should go into the provisions of a typical collective bargaining agreement: These elements are:

- The class or category of workers to which it relates
- The conditions of work, including the hours of work, rest period, meals break, annual leave, occupational health and safety measures
- The remuneration and the method of calculating remuneration
- The period and conditions of probation
- The period of notice of termination of employment, transfer and discipline procedures
- The procedures for the avoidance and settlement of disputes arising out of interpretation, application, and administration of the agreement
- The principles of matching remuneration with productivity and
- Essential services within the establishment

A typical collective agreement in Ghana is for an average of two years. The issues covered by a typical agreements include wages and salaries, conditions of service, allowances and bonus, social security (pension), provident fund, free medical care for employees and their close relatives (spouse and children), interest-free loans,



education bursaries (for employees and dependants), free or subsidised transport and housing, maternity leave with full pay, paid annual leave, paid bereavement leave, paid casual leave, paid sick leave, funeral undertaking allowance, meals allowance, long service award, overtime, and severance award.

5.3.2. Institutional Framework of Collective Bargaining

Labour Act, 2003 (Act 651) requires the establishment of Standing Negotiating Committee (SNC) or Joint Negotiating Committee (JNC) for the purposes of negotiation or collective bargaining. The SNC/JNC is formed at the enterprise level made up of representatives of the trade union and the employer to negotiate any matter regarding the employment or non-employment of workers. The committee may give notice to the other party for negotiations on any matter *connected with the employment and non-employment or with the terms of employment or with conditions of employment of any of the workers of the class specified in a certificate*. A notice for negotiations given by the committee has to be complied with within fourteen (14) days. In the event that one party fails to negotiate within the 14 days the National Labour Commission (NLC) shall direct the party on whom the notice is served to enter into negotiations immediately. An agreement reached between the parties shall be in writing and duly signed by authorised members of the committee representing each party. Copies of the agreement are deposited with the NLC and the Chief Labour Officer. An agreement concluded through negotiations becomes binding on the employer and all workers of the class specified in the bargaining certificate. Where the terms of employment contract conflicts with the provisions of collective bargaining agreement, the latter shall prevail except when the terms of the employment contracts are more favourable.

When the SNC/JNC fails to reach agreement, the law specifies an elaborate process of mediation and arbitration under the auspices of the NLC. The NLC has the power to receive complaints from worker(s), trade union(s) and employer(s) or employers' association.

In some cases unions have used strikes to back their demand for improved wages and/or conditions of service when the collective bargaining process proves incapable of securing their demands.

5.3.3 Tripartite Consultation

ILO Convention 144 on tripartite consultation (adopted in 1976) and



recommendation 152 on tripartite consultation provide standards for tripartite consultations. Globally, 132 member countries, including Ghana, have ratified convention 144. Convention 144 is aimed at promoting tripartism and social dialogue at the national level by ensuring the involvement of employers' and workers' organizations at each stage of standards-related activities. Other conventions, for example, those regarding minimum wage fixing, private employment agencies and the worst forms of child labour also require consultation between government, workers' and employers' organizations in their implementation.

The following are considered the essentials of convention 144:

- The meaning of representative organizations of employers and workers;
- Procedures to ensure effective consultations, to be determined in accordance with national practice;
- Participation of representatives of employers' and workers' organizations as equal partners;
- Administrative support and training for participants;
- Matters to be covered by the consultations – international labour standards; and
- Report on the workings of the consultation procedures.

Ghana ratified Convention 144 recently (June 2011). But tripartite consultation has a long history in Ghana. The first attempt at tripartism in Ghana was in 1972. The government of the National Redemption Council (NRC) formed the first National Tripartite Committee (NTC) in 1972 with the primary function of fixing the national minimum wage. However, tripartite consultations became more effective during the third Republic under the People's National Party (PNP) Government led by Dr. Hilla Limann. At that time, the NTC was constituted by five representatives from each of the social partners namely labour, employers and government. Government was represented by the Minister responsible for labour (who convened and chaired its meetings), the Ministry of Finance and Economic Planning, Ghana Statistical Service, Labour Department, and the Internal Revenue Service. Organised Labour was represented by the Secretary-General and other officials of the Ghana Trades Union Congress (TUC) as well as officials from Ghana National Association of Teachers (GNAT), Ghana Registered Nurses Association (GRNA), Civil Servants Association (CSA) and Judicial Services Staff Association of Ghana (JUSSAG). Private sector employers were represented by the Ghana Employers' Association (GEA).

Act 651 has extensive provisions on tripartite consultations. Part XIII of the Act provides the legal framework for tripartite consultation in Ghana. Section 112 of the Act determines the structure of the NTC as constituted by the Minister responsible for



employment who is the chairperson, five representatives of the Government, five representatives of employers' organization and five representatives of organized labour.

The NTC is charged with the following functions:

- (a) Determination of the national daily minimum wage;
- (b) Advise on employment and labour market issues, including labour laws, international labour standards, industrial relations and occupational safety and health;
- (c) Consultation with partners in the labour market on matters of social and economic importance; and
- (d) Other functions as the Minister may request for the promotion of employment development and peace in the labour market.

The law requires that the administrative machinery and other support services needed for effective functioning of the NTC is provided by the Ministry of employment. The NTC is required to meet once every three months. Act 651 also provides that the National Tripartite Committee may set up sub-committees of the Committee in such Regions and Districts as it considers necessary for the effective performance of its functions. The composition of a Regional or District sub-committee of the NTC shall be determined by the Committee and shall be constituted by equal representation of government, organized labour and employers' organizations.

The NTC has established sub-committees which are tasked with specific functions. Such sub-committees are made up of representatives of the social partners. Reports of sub-committees are submitted to the NTC as inputs for decision making on important labour-related issues.



Chapter Six

RESOLUTION AND PREVENTION OF INDUSTRIAL DISPUTES: THEORY AND PRACTICE

6.1 INTRODUCTION

This chapter focuses on dispute resolution and conflict prevention. Dispute, conflict and grievance are terms that have been used interchangeably to refer to disagreements in labour relations. All the social partners are interested in the mechanisms and framework for resolving and preventing or avoiding conflicts. Effective dispute resolution and conflict prevention plays a significant role towards harmonious labour relations.

Earlier chapters have highlighted issues and situations in labour relations that could be potential sources of dispute/conflict. For example, disputes can arise from collective bargaining. Recently, challenges of globalization as evidenced in the informalization of work, privatization, new forms of employment, etc. have generated such disputes. Today, the implementation of the Single Spine Pay Policy and unionization of certain categories of public sector workers have been sources of industrial disputes in Ghana.

In this chapter we first discuss how the terms dispute, conflict, and grievance are used. We then discuss some theoretical perspectives on the root causes conflicts. These ranges from the Behaviourist and the Classical perspectives which argue that the root causes of conflict lie in human nature and group competition (in pursuit of power and resources) respectively to the Conflict Resolution perspective which argues that humans have basic *needs* that have to be met to maintain stable societies and conflict should be terminated by analytical methods that get to the root of the problem. The sections on legal and institutional framework discusses the relevant aspects of the Labour Act, 2003 (Act 651) on dispute settlement. The chapter concludes with a section that discusses challenges in dispute resolution and conflict prevention in Ghana.

6.2 DEFINITION OF DISPUTES AND CONFLICT

A dispute may be defined as a specific disagreement concerning a matter of fact, law or policy in which a claim or counter-claim or assertion of one party is met with refusal, counter claim or denial by another (Merrills, 1996). In the context labour relations, a dispute is said to exist whenever such disagreement involves managements, unions or individual employees in working relations.

Conflict is a condition that arises whenever the perceived interests of an individual or a group clash with those of another individual or group in such a way that strong emotions are aroused and compromise is not considered to be an option. Conflict normally has a negative connotation which suggests that it is unproductive at least and possibly even destructive. What is important is that the basis for conflict lies in disagreement (just as in dispute) but the degree of disagreement can vary from milder to stronger forms, each provoking different behaviour and having different outcomes. The effective management of conflict can contribute to organizational effectiveness and win-win situation but when mishandled it can give rise to counterproductive behaviour which may result in lose-lose situation. Some authors have, however, distinguished between conflicts and disputes. They define conflict as an action on issues that are non-negotiable whereas dispute was over negotiable issues (Burton, 1990).

The broad category of disputes dealt with in this chapter includes a number of related words or overlapping thoughts that signify disagreements in different forms.

Labour dispute refers to any disagreement between workers/union and management which relate to a particular issue in (or to be included in) the collective agreement. Two types of disputes can be identified in Ghana. One category is interest disputes. These are controversies in the making of new terms and conditions of employment or renewing expired ones. They are subject to the process of negotiation. Rights disputes or what is commonly known as “grievance” is slightly different, referring to a violation or a misapplication of workers' rights as spelt out in a collective agreement or in the labour laws or the violation of long standing customs and practices. Normally, the disputes may not result in a strike or lockout action because there are procedures in collective agreements which lead to the settlement of these disputes.

Disputes/Conflicts are an inevitable part of labour relations. Employees and employers frequently want different things but their claims are incompatible. Admittedly, one side may change its position, or on looking further into the issue it



may turn out that everyone can be satisfied after all. But these possibilities do not eliminate all disputes and must not be solely relied on in labour relations. People do not always cooperate in our day to day experiences. Thus, every labour relations system has its own mechanism for resolving disputes.

Conflict prevention refers to any structural or intercessory means to keep labour tensions and disputes from growing into strikes or lockouts, to strengthen the capabilities of potential parties to labour conflict for resolving such disputes peacefully and to progressively reduce the underlying problems that produce these issues and disputes (Lund, 2002).

The next section examines the parameters of conflict theory relevant to labour relations. The exploration of conflict theory is important for understanding the nature and resolution of labour disputes.

6.3 THEORY OF CONFLICT

Conflict theories are perspectives in social science which emphasize the social, political and material inequality of a social group which critique the broad socio-political system. Some experts hold the view that society or an organization functions so that each individual participant or a group of individuals struggles to maximize their benefits, which inevitably contributes to social change such as political changes and revolutions.

There is a large volume of literature about the nature and theory of conflict. However, there is no consensus among both contemporary and historic views of human conflict. The problem presented by the nature of conflict is such that there is a division among social scientists as to whether conflict should be regarded as something rational, constructive and functional or something irrational, pathological and dysfunctional (Dougherty & Pfaltzgraff, 1981). This has important consequences for conflict resolution. The functionalists hold the view that societies and organizations function so that each individual and group plays a specific role, like organs in the body. But conflict theorists argue that all groups in society are born from conflict and they are in opposition to one another. For instance, labour unions were developed to fight for the interests of workers, whereas trade organizations are made to fight for the interests of the capitalist class.

Another approach is found in Mills (1916-1962), who is usually regarded as the founder of modern conflict theory. According to Mills social structures are created

through conflict between people with differing interests and resources. Individuals and resources, in turn, are influenced by these structures and by the “unequal distribution of power and resources in the society”. Others have argued that conflict, competition and cooperation are inherently interdependent; but conflict occurs when competing groups' goals, objectives, needs or values clash and aggression is a result, not necessarily violence (Schelling, 1960). Recently, Sears (2008) also argued that societies are defined by inequality that produces conflict, rather than order and consensus. However, a number of approaches have stressed the roots of conflicts and its resolution. This section discusses some of these perspectives.

6.3.1 Behaviourist Perspective

This approach focuses on the individual rather than the group. The behaviourist seeks to understand the unstated motivational factors. The perspective assumes that the root causes of conflict lie in human nature and human behaviour and that an important relationship exists between intrapersonal conflict and conflict that spread through the external social order. Behaviourists seek to establish whether humans possess either biological or psychological characteristics that would predispose us towards aggression and conflict. The prevalent behaviourist theories include animal behaviour, instinct or innate theories of aggression, frustration-aggression theory, social learning theory and social identity theory.

Animal Behaviour

Biologists and psychologists have used animal behaviour to illustrate possible consequences to human behaviour. Although humans are part of the animal kingdom, direct conclusions should not be drawn about human behaviour and animal behaviour. Both are complex phenomenon involving motivational factors such as “territoriality, dominance, sexuality and survival” (O'Connell, 1989). O'Connell (*ibid*) further argues that humans engage in a broad range of both predatory and intraspecific conflict. While it is unusual for animals to pursue such a wide range of aggression, what separates human's from the rest of the animal kingdom is motivation and the material aspect. Although the animal behaviour theory has been particularly important in shedding light on human behaviour, it offers only clues and not an explanation of the complexity of human conflict. One other criticism is that the analysis weakens as human behaviour becomes more complex than animal behaviour (Cunningham, 1998).



Instinct or Innate Theory

Instinct theories of aggression were formulated based on the postulation by early psychologists that there was an innate instinctual/biological mechanism which would predispose humans towards aggression. It is a combination of elements of early psychological studies and social Darwinian theories regarding the fight for survival. However, this theory was discredited by a group of scientists (including psychologists, neuroscientists, geneticists, anthropologists and political scientists) who declared that there was no scientific basis for considering human beings innately aggressive animals, inevitably committed to conflict on the basis of biological nature. Rather, conflict is a result of social organization and conditioning, a phenomenon of human organization, planning and information processing that plays on emotional and motivational potentialities. Therefore, the roots of conflict were to be found in nurture (environment) and not in nature (genetic). Recent discoveries in genetics may however raise other issues in the debate.

Frustration – Aggression Theory

Over time, the innate theories gave way to the evolution of the Frustration-Aggression theory. The basic assumption of this theory is that all aggression, whether interpersonal or international, has its root cause(s) in the frustration of one or more actors' goal achievement. That is to say that conflict can be traced to the inability of groups or individuals to fulfil their objectives and the frustration that this breeds. Since the demand for basic human needs has always exceeded the supply, all human conflict can be traced to an actor's failure to obtain what it needs. The questions that this theory raises are: does all frustration lead automatically to aggression and/or can all aggression and conflict be traced to some catalytic frustration? These questions, as well as the challenge of insufficiency of causal link to aggression, and other insights into human behaviour have led to the discrediting of the Frustration-Aggression theory and the subsequent development of the Social Learning and Social Identity theories.

Social Learning Theory (SLT)

Social learning theory is based on the hypothesis that aggression is not innate or instinctual but actually learned through the process of socialisation. One acquires aggressive attributes by learning them at home, in school, and by interaction with their environment in general. Interaction in society helps to focus and trigger stored aggression onto other groups or enemies. This is an important concept in labour

relations. Social learning theorists have tried to understand the relationship of the individual in their environment and how this relates to group aggression. Socialisation into a union or management environment affects an individual's development. This is the precursor to aggressive and anti-union or anti-management behaviour in the management and union respectively. For instance, workers who continually see their colleagues exploited and treated unfairly would become antagonistic towards management. This aggression can escalate if unchecked or encouraged.

Social Identity Theory (SIT)

Social Identity Theory (SIT) was developed by psychologist Henri Tajfel and it offers insight into labour disputes (Tajfel, 1981). Cairns (1994) argued that the theory is based on normal psychological processes that operate under all circumstances not just under conditions of intergroup conflict. The theory argues that man creates social identities in order to simplify external relations. Further, there is a human need for positive self-esteem and self-worth, which is transferred into groups. Humans also order their environment by social comparison between groups. Two important concepts in this analysis are the concept of *Unions* and *Management* and a process which places the individual in the group and at the same time places the group in the individual. Group relations can be said to be the root cause of problems in labour relations. At the core are relations between workers (unions) and management.

6.3.2 Classical Approach

The classical approach is primarily concerned with analysing the interaction between or among groups. These groups can be institutional, ethnic, class or ideological. It examines all the variables which could conceivably have a bearing on the outcome of a single case (Dougherty & Pfaltzgraff, 1981). The use and exercise of power is a central concept of this theory. Classical (traditional) theorists would agree that power comes in many forms. This can be economic, political, or cultural. The common assumptions are that the roots of conflict stem from group competition and the pursuit of power and resources. These assumptions operate on conscious motivational factors in a material oriented environment.

Karl Marx (1818 – 1883) has been acknowledged as the founder of conflict theory. He argued that in all stratified societies there are two major social groups: a ruling class and a subject class. The ruling class derives its power from its ownership and control of the forces of production. The ruling class exploits and oppresses the subject class.



As a result there is a basic conflict of interest between the two classes. Material conditions determine the ability of any of these groups to organize effectively. Because the owners clearly have an advantage in material wealth, their views are spread more easily (Collins, 1974). For Marx, the conflict clearly arises because all things of value to man result from human labour. According to Marx, capitalists exploit workers for their labour and do not share the fruits of their labour equally. This exploitation is what allows the owning classes to dominate politically and to impose their ideology on the workers of the world.

In the 20th century, sophisticated theories such as decision-making and game theories have been advanced to explain and understand conflict. These theories have their origin in the rational actor model. The model was developed by economists to explain human economic behaviour. It presupposes that people make choices and decisions on a rational basis based on informed choices and weighing of opportunities (Downs, 1957). Game theory relies on the assumption of a rational decision-making process which is fundamental to conflict. Schelling (1960) in developing the sophisticated game theory hypothesized that conflict, competition, and cooperation are interdependent among actors. In each incident of conflict there are elements of cooperation; and cooperative engagements often provoke an element of conflict. This is an important element in understanding conflict. Schelling (*ibid*) uses game theory as an attempt to breakdown the complexities of intergroup relationships by using game playing to illustrate similar situations.

Within classical theory is an important set of concepts that can be derived from the study of labour conflicts. The important thing is that workers (unions) and employers (management) have categorised themselves into distinct groups and they view each other as the “out-group” or “enemy”. Consequently, one of the key objectives of conflict in labour relations is to seek economic control, a fair share of the fruits of human labour and prevent the exploitation and oppression of either group or both groups. This conflict is sometimes perceived as a zero-sum game, i.e. one groups gain is another group's loss.

6.3.3 Conflict Resolution Approaches

A convergence of thought on the concepts of *identity* and the dichotomy of *us-them emerge from the Behaviourist and Classical approaches*. These theories may be sufficient to explain labour conflict, but a blend of both theories is necessary to explain and understand the phenomenon of conflict resolution in labour relations. This leads us to the Human Needs Theory (HNT) and John Burton's Conflict Resolution Theory (CRT).

Human Needs Theory (HNT)

This theory was developed in the 1970s and 1980s as a holistic theory of human behaviour. It is based on the hypothesis that humans have basic *needs* that have to be met in order to maintain stable societies. Burton (1991) argued that human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs - needs such as security, identity, recognition, and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. This struggle cannot be curbed; it is primordial. This struggle for primordial needs is theoretically related to the Frustration-Aggression theory. The frustration of not satisfying these needs leads to aggression and subsequently, conflict. What distinguishes Human Needs Theory from the Frustration-Aggression Theory is that the former is concerned only with absolute requirements (needs) while the latter is also concerned with wants and desires.

Burton (*ibid*) also argues that there are fundamental universal values or human needs that must be met if societies are to be stable. That provides a non-ideological basis for the establishment of institutions and policies. Unless identity needs are met (in labour relations), unless in every social system there is distributive justice, a sense of control, and prospects for the pursuit of all other human societal developmental needs, instability and conflict are inevitable (Burton, 1991). The significance of this theory is that it recognises and legitimises both union (workers) and management (employers) *needs* in labour relations. The needs of both must be met, not the needs of one at the expense of the other. This helps to move the conflict from zero-sum to win-win. The abstraction of 'human needs' helps to eliminate the sense of mutually exclusive goals. The assumptions in this theory are that the struggle cannot be curbed – instability and conflict are inevitable; these are contentious statements with far reaching implications. If these hypotheses are correct, if there are certain human needs that are required for human development and social stability, then the solution to conflict must be the ability to create an environment in which these needs can be met by all segments of societies. This is where Human Needs theory meets Burton's Conflict Resolution Theory (CRT).

Conflict Resolution Theory (CRT)

This theory is illustrated in a quote by Burton (1991) “Conflict avoidance is not conflict resolution”. In distinguishing between conflict resolution, management and settlement, he argued that alternative dispute resolution skills can be used by



management/employers to confine or limit conflict; settlement is by authoritative and legal processes and can be imposed by elites. In contrast conflict resolution means terminating conflict by methods that are analytical and that get to the root of the problem. Conflict resolution, as opposed to mere management or 'settlement', points to an outcome that, in the view of the parties involved, is a permanent solution to a problem. The assumptions and hypotheses of the Human Needs Theory suggest that there is a need for a paradigm shift away from power politics and towards the 'reality of individual power'. In other words, individuals, as members of their identity groups, will strive for their needs within their environment. If they are prevented from this pursuit by elites, other identity groups, institutions and other forms of authority, conflict will be the *inevitable outcome*. The only solution is for the groups to work out their problems in an analytical way, supported by third parties who act as facilitators and *not* authorities. This is particularly relevant when the conflict is over *needs* which cannot be bargained and not material interests, which can be negotiated and compromised.

Whatever the definition for conflict, it refers to situations in which there is a breakdown in relationships and a challenge to norms and authorities. Conflict is a frustration based protest against lack of opportunities for development and against lack of recognition and identity. If the participants in conflict can recognise their conflict as a breakdown of relationships, and that there are fundamental similarities between them as antagonists, then the process of abstraction will enhance their objectivity. The purpose of this process is to enable the participants to come to the understanding that *all the participants have legitimate needs that must be satisfied* in order to resolve the conflict. The other key is to develop an analytical process to facilitate the changes required to create a political and social system in which these needs can be met. Further, Conflict resolution is, in the long term, a process of change in political, social, and economic systems. It is an analytical and problem solving process that takes into account such individual and group needs as identity and recognition, as well as institutional changes that are required to satisfy these needs (Burton, 1991).

Traditional approaches to conflict management or regulation have largely been based on mediation and negotiated 'settlements'. These approaches will only work when the conflicting parties are amenable to negotiation and have something tangible they are able to bargain. However, the recognition of *primordial needs* eliminates the possibility of traditional negotiations. Consequently, we are left with the requirement for a process of change in order to accomplish resolution.

6.4. LEGAL FRAMEWORK OF INDUSTRIAL DISPUTE RESOLUTION IN GHANA

Industrial dispute resolution and conflict prevention is regulated by the Labour Act, 2003 (Act 651). Act 651 consolidates previous labour legislations including the Trade Disputes (Arbitration and Inquiry), and CAP 93. It also establishes a new institution, the National Labour Commission, which would be discussed in the next section with other existing institutions, for prompt settlement of disputes. Part XVIII, Sub-Part II of the Labour Act enumerates details of the procedure for resolving disputes.

The provisions emphasize attempts to resolve disputes internally through negotiations. *The parties to an industrial dispute are under an obligation to negotiate in good faith with a view to reaching a settlement of the dispute in accordance with the dispute settlement procedures established in the collective agreement or contract of employment.* It is only after the parties have exhausted procedures established in the collective agreement and failed to reach a settlement within seven days after the dispute occurred is the dispute referred to the NLC. Once the NLC is satisfied that the internal mechanism has been exhausted, the parties shall be requested to settle the dispute by mediation within three (3) days of the Commission becoming aware of the non-resolution of the dispute, irrespective of whether either party or both parties seek the assistance of the commission for the appointment of a mediator. When there is a settlement after mediation, the agreement between the parties shall be recorded in writing and signed by the mediator and the parties to the dispute. It shall be binding on all the parties unless otherwise stated by the agreement.

When no agreement is reached after the mediation, the dispute shall immediately be declared unresolved and referred to the Commission. With the consent of the parties, the Commission shall then refer the dispute to an arbitrator or an arbitration panel for voluntary arbitration. The parties shall within three (3) days, after the appointment of an arbitrator, submit to the arbitrator in writing a statement of the issues or questions in dispute. Hearing and determination of the dispute shall proceed, even if any party fails to appear before the arbitrator seven (7) days after being notified. The decision of the arbitrator or majority of the arbitrators shall be binding on all parties. The award shall be communicated in writing to the parties and the Commission within seventy-two (72) hours after the award has been made except where the Commission is the arbitrator.

Act 651 introduces a stricter regime to regulate strikes and lockouts (Gockel & Vormawor, 2004). It defines what constitutes legal and illegal strikes or lockouts.



Should the parties to a dispute fail to agree to refer the dispute to voluntary arbitration or the proceedings be terminated, then either party intending to take a strike action or institute lockout shall give written notice of this to the other party and the Commission within seven days. However, the intended action can only be embarked on after the expiration of seven days from the date of notice, and not at anytime before the expiration of the period. The dispute shall be settled by compulsory arbitration under Section 164 of the Labour Act if it remains unresolved within seven days from the commencement of the strike or lockout. Under Section 161 of Act 651, parties to an industrial dispute shall not resort to strike or lockout when negotiation, mediation or arbitration proceedings are in progress. This is known as the “cooling-off period”. Any party who contravenes this provision is liable for any damage, loss or injury to the other party to the dispute. However, picketing and sympathy strikes are permitted. Act 651 also outlaws strikes or lockouts in respect of essential services. For an industrial dispute involving workers engaged in essential services, the parties shall endeavour to settle the dispute within three days of its occurrence by negotiation. If the dispute remains unresolved after the three days the parties shall refer the dispute to the Commission, within twenty-four hours of the expiry, for settlement by compulsory arbitration under Section 164.

If a dispute is referred to compulsory arbitration, the Commission shall be the arbitrators. A compulsory arbitration shall be composed of three members of the Commission; one member each representing Government, organized labour and employers' organization. The decision of the majority of the arbitrators shall constitute the award and shall be binding on all the parties. An arbitrator shall have the powers of the High Court in respect of enforcing attendance of persons before the arbitrator or examining such persons on oath or affirmation and compelling the production of documents.

There are express provisions conferring a positive right to bargain collectively. Ghana has ratified many of the ILO conventions that guarantee good working conditions and rights of workers. Prominent among them are the Right to Freedom of Association (Convention No.87) and the Right to Collective Bargaining (Convention No. 98) (Hodges & Baah, 2006). Act 651 guarantees the principle of bipartite bargaining, making it easy to form trade unions and providing for a statutory duty on the part of employers to recognise and bargain with registered and certified trade unions. Thus, bipartite negotiations are well recognised in Ghana and government rarely interferes in the process of collective bargaining between employers and unions.

A collective agreement relates to the terms and conditions of employment or non-

employment of workers specified in a bargaining certificate. It may be concluded between one or more trade unions on one hand and representatives of one or more employers or employers' organization on the other hand. It is the responsibility of both the union and management to bring the terms of the concluded agreement to the notice of all the workers. Nearly all collective agreements contain some form of procedure to be followed in the settlement of disputes that may arise during the life of the agreement and to establish an orderly manner for handling disputes. Some agreements recognise that two kinds of disputes might develop between Management and Union during or at the expiration of the agreement. The first kind is Right Dispute, which is normally referred to as a 'grievance'. It arises out of the interpretation, application and administration of the agreement. The procedure for settling this dispute is commonly referred to as grievance procedure in most collective agreements. The second kind is Interest Dispute, which is also referred to as 'trade dispute'. It is a dispute over items which are not covered by the agreement or over its modification and extension for a new period. However, not all collective agreements have extensive provision for the final and conclusive settlement of this dispute. Thus, they rely on or refer to the provisions under Part XVIII of the Labour Act.

The procedure for Right Dispute settlement usually has a number of distinct steps.

1. In the first step, the affected worker(s) shall lodge and discuss the complaint with a union representative or official union secretary who shall investigate the facts in the complaint. If justified under the terms of the agreement, the union representative or official shall bring the matter to the notice of the Management representative for a timely answer to the worker(s) within a specified period of time.
2. Should the complaint remain unresolved, the second step requires the worker(s) and Local union to present the complaint in writing together with pertinent information identifying the article/section of the agreement allegedly violated by management to the Departmental Head, who will analyse it and arrange a meeting to discuss the complaint. Such a meeting will be held within a specified period after receipt of the complaint and the worker shall be given a written answer within a specified period after the meeting.
3. If the complaint is still unresolved, in the third step, the worker and/or the Local union and/or the Industrial Relations Officer shall notify Management in writing with a copy to the Departmental Head involved within a specified period of time and request a meeting with



Management. The meeting shall be arranged promptly at an agreeable date and time. The parties shall together examine the case and review all pertinent information and sincerely strive to settle the matter.

4. If they are unable to reach a settlement, step four requires the Standing Negotiating Committee to meet as soon as mutually satisfactory date, time and location can be established. If after such a meeting the matter still remains unresolved, either party reserves the right to refer the matter to the National Labour Commission.

Provisions for Interest Dispute settlement in collective agreements are in most cases a summary of the provisions in the Labour Act. Other agreements simply make reference to the provisions in the Labour Act. However, Section 108 of the Labour Act makes it clear that every collective agreement shall contain a provision for final and conclusive settlement of dispute as in the Labour Act of all differences between persons to whom the agreement applies.

6.5 INSTITUTIONAL FRAMEWORK OF DISPUTE RESOLUTION AND DISPUTE PREVENTION IN GHANA

The Labour Act, 2003 (Act 651) gives a substantial new form to the institutional framework for dispute resolution. While it totally outlaws strikes and lockouts in essential services, it allows for a maximum period of seven (7) days legal strike, after which a dispute shall be settled by Compulsory Arbitration. The promulgation of the Act resulted in the establishment of the National Labour Commission for the first time in the history of labour relations in Ghana and the legalisation of the National Tripartite Committee. Other institutions in place for dispute resolution and conflict prevention are the Trade Unions, Ghana Employers Association, Standing Negotiation Committees, Ministry of Employment and the law courts.

The National Labour Commission (NLC), the main institution established for the settlement and prevention of labour-related disputes, was established by the Labour Act, 2003 with the aim of encouraging prompt and timely settlement of disputes to avoid strikes or lockouts. It is composed of six representatives. Government, Ghana Employers' Association (GEA) and Organised Labour each nominates two commissioners. The chairperson is nominated jointly by GEA Organised Labour. All members of the commission are appointed by the President in consultation with the Council of State. All commissioners are required to have knowledge and expertise in



labour relations and management and shall not hold office in a political party. Knowledge in industrial law is an additional requirement for the chairperson. The Commission meets as and when it becomes necessary to settle labour disputes but at least once in every two months to consider matters affecting its administration and performance. The commissioners hold office for a period of four years and are eligible for reappointment after their tenure. The Commission has power to investigate, facilitate, and settle industrial disputes as well as promote effective labour co-operation between labour and management thus removing government's role in settling industrial disputes. It is not subject to the control or direction of any person or authority. In the settlement of industrial disputes, the Commission has the powers of a High Court to enforce the attendance of witnesses and examine them on oath and compel the production of documents. Also, it enjoys the same privileges and immunities pertaining to the High Court in its proceedings.

The National Tripartite Committee (NTC), which had existed since 1972, was given statutory backing by the Labour Act, 2003. It is composed of the Minister, who is the chairperson, and five representatives each of Government, employers' organization and organised labour. At its formation, it was charged with the responsibility of fixing minimum wages. However, the Labour Act broadens its scope of responsibilities to include advising the Minister responsible for employment on all labour market issues, and on broader matters of social and economic importance including labour-related dispute settlement. It also performs other functions for the promotion of employment development and peace in the Labour sector. The NTC meets at least once in every three months at times and places determined by the members and regulates its proceedings.

The Ministry of Employment is responsible for the formulation and implementation of labour laws, policies, regulations and conventions of Labour relations as well as the monitoring and evaluation of such policies and programmes. It is also responsible for the implementation of labour market programmes in collaboration with other stakeholders in the sector. It convenes meetings of the NTC (on salaries and wages) and advises Government on the decisions taken by relevant labour market institutions. The Ministry used to facilitate mediation and conciliation between employees and employers in conflict situations; this role is now vested in the NLC under the new Labour Act. However, the Ministry intervenes occasionally in the settlement of disputes to forestall undesirable consequences in the Labour relations system.

The Labour Act also makes provision for the setting up of Standing Negotiating



Committees (SNC). It is constituted by representatives of the trade union appointed in a collective bargaining certificate and the employer of the workers of the class to which the certificate relates. The SNC conducts negotiations on all matters connected with the employment or with the terms of employment or with the conditions of employment of any of the workers of the class specified in the certificate. The rules governing this negotiation procedure are made by the Committee. An agreement concluded by a trade union through the SNC applies to all workers of the class specified in the certificate.

The freedom of association allows workers and employers to form or join organisations of their choice. Unions are registered independent workers organisation formed by two or more workers employed in the same undertaking. Apart from organising, protecting and promoting the interest of workers and representing them in collective bargaining, Unions also negotiate and promote the settlement of disputes that arise between members and employers or employers association out of collective bargaining or other relationship. They also promote the settlement of disputes between members or Branches. Unions play a very significant role and are involved at every stage in dispute resolution. The Ghana Employers Association (GEA) is also a registered independent national employer's organisation whose membership comprises enterprises operating in all sectors of the economy. They provide advisory, consultancy and advocacy services in the area of labour relations to their members. They also represent members at the NLC and negotiate collective bargaining agreements for some. Dispute involving only employers are also settled by the GEA.

The Courts are responsible for the administration of justice in the country. They are independent and subject only to the Constitution. They have jurisdiction in all matters civil or criminal including those related to the Constitution and such other jurisdiction as Parliament may by law confer on it. Thus, either party or both parties to a labour dispute may turn to the courts for settlement if they are not satisfied with the decisions of any of the institutions previously discussed. In fact the NLC requires an enforcement order from the Court to enforce its award if either party in a dispute fails to comply.

6.6 CASE STUDIES

The two cases below present some landmarks in dispute settlement in the labour relations system in Ghana. They were selected because they had travelled through the dispute settlement mechanism; one involved an individual worker and the other involved a National Union. Both cases, after going through the NLC, were sent to the

courts for final determination because either party or both parties felt aggrieved by the settlement award of the NLC. One case had to be taken to the Supreme Court for a Constitutional interpretation.

CASE 1: THE UNIONIZATION OF CUSTOM, EXCISE AND PREVENTIVE SERVICES (CEPS) STAFF:

PUBLIC SERVICES WORKERS' UNION/ TRADES UNION CONGRESS (GHANA) /NATIONAL LABOUR COMMISSION VRS MANAGEMENT OF CUSTOMS EXCISE PREVENTIVE SERVICE (CEPS)

Customs Excise and Preventive Service (CEPS) were one of the founding members of the Public Service Workers' Union (PSWU) of Trades Union Congress in 1959. However, they were unilaterally de-unionized in February 1989 by Honourable Ato Ahwoi, who had Ministerial responsibility over CEPS during the PNDC era, based on an unjustifiable claim that CEPS was a para-military institution.

Since then several attempts at their re-unionization had been met with resistance from the Management of CEPS. Since 1992, PSWU thus engaged the Management in a protracted court case that failed to determine the eligibility for unionization. In 1999 the CEPS union challenged the continuous preservation of the dissolution as unlawful under the fourth Republican Constitution of Ghana. In 2006, the staff (senior and junior) of CEPS filed a complaint of unfair labour practice against the Management. The NLC ruled that CEPS is not a security institution listed in the Labour Act, 2003 and therefore the Commission has jurisdiction to determine the complaint of unfair labour practices against the Management of CEPS from its staff groups. In September 2006, the CEPS union was reactivated following a ruling by the NLC. In October 2006, the PSWU withdrew the case against CEPS Management because the case had delayed unduly and the union had lost interest in the case.

In February 2007, the PSWU lodged a complaint at the NLC against Managements' delay and refusal to convene a Standing Negotiating Committee. By mutual agreement, the case pending in court was discontinued to allow for the SNC to be convened. But Management remained uncooperative. In August 2007, the NLC went to the fast track High Court to secure an enforcement order. However, the matter was taken to the Supreme Court by the Management of CEPS on the grounds that the portion of the Labour Act 2003 (Act 651) which gave workers mandate to form or belong to a union was inconsistent with the 1992 Constitution. The Supreme Court by a majority decision of three against two of the panel members ruled that CEPS was a security agency and could not be unionized. The union filed a joint motion with the NLC for a review of the Supreme Court decision. However, the merging of all revenue agencies, including CEPS, by an Act of Parliament to form the Ghana Revenue Authority paved the way for their unionization. This vindicated the argument of the Union that CEPS was a revenue agency and not a security agency.



**IN THE SUPERIOR COURT OF JUDICATURE, IN THE AUTOMATED FAST TRACK
COURT HELD IN ACCRA ON FRIDAY, 18TH JANUARY 2008
SUIT No. AHR 40/2007**

Coram: Irismay Brown, Mrs – Justice of the High Court
National Labour Commission - Plaintiff/Applicant
vrs
Ghana Telecommunication Co. LTD - Defendant/Respondents

The application seeks a court order to compel the Respondent to make payments to a former employer, one Afua Yaboah (the petitioner) in accordance with orders made by the Applicant (Commission).

The Petitioner was employed by the Respondent in September 2003 as an Assistant Manager. Sometime in April 2005 she was promoted to the position of Chief Manager and subsequently became Head of corporate communication and the General Manager. The parties purported to sign a new contract which reserved to the Respondent the right to terminate the contract without assigning a reason.

The dispute between the Respondent and the Petitioner arose when the employment of the Petitioner was terminated by the Respondent in February 2006. The Petitioner lodged a complaint of unfair termination of appointment and sought among other things the conversion of the termination into resignation, compensation, and apology and payment of all her entitlements.

After considering the dispute, the Commission declared that; the so-called contract of re-employment was a mere notice of promotion and the reservation of the right to dismiss without reason was contrary to section 64(3) of the Labour Act, 2003 (Act 651) and was overridden by the latter.

The Respondent challenged and refused to comply with the orders. It denied being given a proper hearing and considered the procedure adopted by the Commission as unfair and in breach of natural justice. The Respondent wanted the court to determine whether the termination was lawful and whether the Commission could substitute its own reason as the reason for the termination.

The Commission contended that the Respondent had a reasonable time to challenge the findings but failed to do so. Thus, the Commission believed the Respondent was stopped and can no longer question the order.

The court considered the following:

Was the dispute fairly determined by the Commission? This involved questions of natural justice and whether the Respondent was given a fair hearing. The Court acknowledged that the Commission is charged with settling industrial disputes, and that includes adjudicating contentious issues between workers and employers with far reaching consequences on their legal rights. After considering the issues it ruled that there was no breach of the duty to afford the Respondent a fair and adequate hearing.

Was the respondent stopped by lapse time from challenging the findings and orders of the Commission? The ruling was that the law does not condone indolence and where no time bar is stipulated the law requires a party to act on time. The court is not bound to apply orders of the Commission. Where a finding of fact is manifestly wrong, where the record indicates an error of law, or where there is evidence of want of jurisdiction, bias, or fraud, the court can intervene and put right what has gone amiss.

Were the findings justified to be enforced? Is the Respondent obliged to give reasons for the termination? What is the effect, if any, of the agreement signed between the parties? The court ruled that termination of an employment should be done in accordance with the terms of agreement between the parties. The petitioner willingly signed and worked under the new contract.

In conclusion, the court declared that the orders of the Commission were flawed, erroneous at law and at variance with the evidence adduced before it and therefore unenforceable.



References

Adu-Amankwah K. (1990) “The State, Trade Unions and Democracy in Ghana, 1982-1990.” *A Research Paper Submitted in Partial Fulfilment of the Requirements for Obtaining the Degree of Master of Arts in Development Studies at the Institute of Social Studies, The Hague.*

Arthiabah P.B and Mbiah H.T (1995) “Half A Century of Toil, Trouble and Progress. The History of The Trades Union Congress of Ghana”. *Gold-Type Publications Ltd, Accra*

Baah A.Y. (2000) “Economic and Working Conditions in Ghana” in *Agbesinyale (Ed) Democratic Workers Participation for Economic and Social Development: The Case of Ghana Trade Union Congress (Ghana)*

Baah, Y.A., (2005) “An Empirical Analysis of Labour Market and Trade Union Effects in Ghana”, *PhD Thesis, University of Sussex, UK.*

Boateng K (2001) “The Social Dimension of Structural Adjustment in Ghana in Baah A.Y. (editor)”, *Ghana TUC, Accra*

Britwum, A.O. (2007) “Sixty Years of Promoting Workers Rights” *Published by Ghana Trades Union Congress. O'mens Graphix, Accra*

Bruce, K.E (2004) “The Global Evolution of Industrial Relations” *Events, Ideas, and the HRA, International Labour Office.*

Burton, J. (1991) “Conflict Resolution as a Political System” In *V. Volkan (Ed.), The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work. Lexington: Lexington Books.*

Burton, J. (1991) “Political Realities. In The Psychodynamics of International Relationships” *Volume II: Unofficial Diplomacy (p. 21). Lexington: Lexington Books.*



Burton, J. W. (Ed.) (1990) “Conflict: Human Needs Theory” *London: Macmillan Press.*

Cain, M., & Kulcsar, K. (1981) “Thinking Disputes: An Essay on the Origins of the Dispute Industry Law & Society Review” *16 (3), 375-402.*

Cairns, E. (1994) “A Welling Up of Deep Unconscious Forces: Psychology and the Northern Ireland Conflict” *University of Ulster: Centre for the Study of Conflict.*

Clegg, H. A (1979) “The Changing System of Industrial Relations in Great Britain”, *Oxford: Blackwell.*

Collins, R. (1974) “Conflict Sociology” *New York: Academic Press.*

Cunningham, W. J. (1998) “Conflict Theory and the Conflict in Northern Ireland” *University of Auckland, New Zealand*

Dougherty, J. E., & Pfaltzgraff, R. L. (1981) “Contending Theories of International Relations” *New York: Harper & Row Publishers.*

Downs, A. (1957) “An Economic Theory of Democracy” *New York, Harper and Row*

Dunlop, J.T. (1958) “Industrial Relations Systems” *New York: Holt, Rinehart & Wilson.*

E.A. Ramaswamy and Uma Ramaswamy (1981) “Industry and Labour: An Introduction Delhi” *Oxford University Press 86-94*

Edwards, Paul (1999) “Industrial Relations; Theory and Practice in Britain” *Blackwell Publishers Ltd. U.S.A.*

Ewusi, K. (1971) “The Distribution of Monetary Income in Ghana”, *Technical Publication Series, 14 (Legon: University of Ghana, ISSER, 1971).*

Obeng-Fosu, P (2007) “Industrial Relations in Ghana: The Law and Practice (Third Edition)”, *Ghana Universities Press, Accra.*

Farber, H.(1986) “The analysis of union behaviour” in *O. Ashenfelter and R. Layard (eds), Handbook of Labor Economics, Volume II, Elsevier, Amsterdam, chapter 18.*





Farnham, D. and Pimlott, J. (1990) “Understanding Industrial Relations” *4th ed. Southampton: Camelot Press.*

Freeman, R. B. (1980) “Unionism and the dispersion of wages, Industrial and Labor Relations” *Review 34(1)*, 3–23.

Fox, A. (1966) “Industrial Sociology and Industrial Relations” *London, HMSO*

Gockel, A. F and Vormawor D. (2004) “Trade Union Country Reports; The Case of Ghana” *Friedrick Ebert Stiftung.*

Hodges, J., & Baah, A. (2006) “National Labour Law Profile: Ghana” *Geneva: ILO.*

Kraus, J. (1979) “Strikes and labour power in Ghana” *Development and Change, 10(2): 259-86.*

Leo. I., (2010) “What is Industrial Relations about?”
<http://www.leoisaac.com/hrm/indrel01.htm>

Lund, M. (2002) “Preventing Violent Interstate Conflicts” *Learning Lessons from Experience.*

Malcomson, J.M. (1983) “Trade Unions and Economic Efficiency” *The Economic Journal, Conference Papers Supplement, 93:51-65*

Mark Da Cunha (No Year) “Collectivism Verse Individualism
<http://freedomkeys.com/collectivism.htm>

Merrils, J. (1996) “International Dispute Settlement (2nd ed.)” *Cambridge: Cambridge University Press.*

Mills, C. Wright (1916-1962) “An entry from Macmillan Reference USA's Encyclopedia of Communication and Information”

O'Connell, R. L. (1989) “Of Arms and Men, A History of War, Weapons, and Aggression” *New York: Oxford University Press.*

Panford, K. (2008) “International Encyclopaedia of Laws”, *Kluwer Law International, Netherlands*



Peter, A. (2002) “Reframing Employment Relations: The Case for Neo- Pluralism” *Industrial Relations Journal*.

Salamon, L. (1992) “Social Services', in Who Benefits from the Nonprofit Sector?(ed)” *C. T. Clotfelter University of Chicago Press, London, pp. 134-173*.

Schelling, T. (1960) “The Strategy of Conflict”. *Cambridge: Harvard University Press*.

Sears, A. (2008) “A Good Book in Theory: A Guide to Theoretical Thinking”. *North York: Higher Education University of Toronto Press*.

Shultz G.P. (1968) “Proceedings of the Industrial Relations Research Association”

Silva (de) S.R. (1998) “Elements in the shaping of Asian Industrial Relations” *International Labour Organization (ILO)*

Tajfel, H. (1981) “Human Groups and Social Categories: Studies in Social Psychology” *Cambridge University Press, Cambridge, UK*.

Van Tongeren P., Von de Veen H., & Verhoeven J. (Eds.), Searching for Peace in Europe and Eurasia: *An Overview of Conflict Prevention and Peace building Activities*.

Labour Act, 2003 Act 651, Assembly Press, Accra.

ILO Collective Bargaining Convention 1981 (No. 154), Article 2:



APPENDIX 1: ILO CONVENTIONS RATIFIED BY GHANA

Fundamental		
Convention	Date	Status
C029 - Forced Labour Convention, 1930 (No. 29)	20 May 1957	In Force
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	02 Jun 1965	In Force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	02 Jul 1959	In Force
C100 - Equal Remuneration Convention, 1951 (No. 100)	14 Mar 1968	In Force
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	15 Dec 1958	In Force
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	04 Apr 1961	In Force
C138 - Minimum Age Convention, 1973 (No. 138) Minimum age specified: 15 years	06 Jun 2011	In Force
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	13 Jun 2000	In Force
Governance (Priority)		
Convention	Date	Status
C081 - Labour Inspection Convention, 1947 (No. 81)	02 Jul 1959	In Force
C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	06 Jun 2011	In Force
Technical		
Convention	Date	Status
C001 - Hours of Work (Industry) Convention, 1919 (No. 1)	19 Jun 1973	In Force
C008 - Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)	18 Mar 1965	In Force
C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	14 Mar 1968	In Force
C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)	19 Jun 1973	In Force
C015 - Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)	20 May 1957	Automatic Denunciation 06 Jun 2011 by C138
C016 - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	20 May 1957	In Force
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	20 May 1957	In Force
C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)	18 Mar 1965	In Force
C023 - Repatriation of Seamen Convention, 1926 (No. 23)	18 Mar 1965	In Force
C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	02 Jul 1959	In Force
C030 - Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)	19 Jun 1973	In Force
C045 - Underground Work (Women) Convention, 1935 (No. 45)	20 May 1957	In Force
C050 - Recruiting of Indigenous Workers Convention, 1936 (No. 50)	20 May 1957	Shelved Conventions
C058 - Minimum Age (Sea) Convention (Revised), 1936 (No. 58)	20 May 1957	Automatic Denunciation 06 Jun 2011 by C138
C059 - Minimum Age (Industry) Convention (Revised), 1937 (No. 59)	20 May 1957	Automatic Denunciation 06 Jun 2011 by C138

C064 - Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)	20 May 1957	Shelved Conventions
C065 - Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)	20 May 1957	Shelved Conventions
C069 - Certification of Ships' Cooks Convention, 1946 (No. 69)	18 Mar 1965	In Force
C074 - Certification of Able Seamen Convention, 1946 (No. 74)	18 Mar 1965	In Force
C088 - Employment Service Convention, 1948 (No. 88)	04 Apr 1961	In Force
C089 - Night Work (Women) Convention (Revised), 1948 (No. 89)	02 Jul 1959	In Force
C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	04 Apr 1961	In Force
C092 - Accommodation of Crews Convention (Revised), 1949 (No. 92)	18 Mar 1965	In Force
C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	04 Apr 1961	In Force
C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)Has accepted the provisions of Part II	21 Aug 1973	In Force
C103 - Maternity Protection Convention (Revised), 1952 (No. 103)	27 May 1986	In Force
C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	15 Dec 1958	In Force
C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107)	15 Dec 1958	In Force
C108 - Seafarers' Identity Documents Convention, 1958 (No. 108)	19 Feb 1960	In Force
C115 - Radiation Protection Convention, 1960 (No. 115)	07 Nov 1961	In Force
C116 - Final Articles Revision Convention, 1961 (No. 116)	27 Aug 1963	In Force
C117 - Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)	18 Jun 1964	In Force
C119 - Guarding of Machinery Convention, 1963 (No. 119)	18 Mar 1965	In Force
C120 - Hygiene (Commerce and Offices) Convention, 1964 (No. 120)	21 Nov 1966	In Force
C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	10 May 2005	In Force
C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	27 May 1986	In Force
C149 - Nursing Personnel Convention, 1977 (No. 149)	27 May 1986	In Force
C150 - Labour Administration Convention, 1978 (No. 150)	27 May 1986	In Force
C151 - Labour Relations (Public Service) Convention, 1978 (No. 151)	27 May 1986	In Force
C184 - Safety and Health in Agriculture Convention, 2001 (No. 184)	06 Jun 2011	In Force

