

# **INFORMAL WORKERS AND SOCIAL DIALOGUE IN GHANA**

**THE CASE OF UNIWA AND THE  
ACCRA METROPOLITAN ASSEMBLY**

# CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>FOREWORD</b>	<b>3</b>
<b>1. BACKGROUND</b>	<b>4</b>
1.1 Socio-political context	4
1.2 Profile of the UNIWA's members	4
1.3 Short history of workers' organisation/TUs representing workers in the sector	5
1.4 The legal framework governing the sector and workers' rights within it	7
<b>2. STAKEHOLDER ANALYSIS: MAPPING SOCIAL PARTNERS INVOLVED IN THE SECTOR (ROLES, EXPECTATIONS, ETC.)</b>	<b>9</b>
2.1 Union of Informal Sector Workers Association (UNIWA)	9
2.1.1 Background	9
2.1.2 UNIWA's Structure and Leadership	10
2.1.3 UNIWA's Performance	10
2.2 Market Traders Association - The Greater Accra Markets Association (GAMA)	11
2.3 The AMA	12
2.3.1 The Security Personnel and AMA Taskforce	14
2.3.2 Private Developers/Contractors	14
<b>3. UNRAVELLING THE SOCIAL DIALOGUE PROCESSES:</b>	<b>15</b>
3.1 Timeline of (informal) events which form part of the SD process	15
3.2 Description of SD: issues, agenda setting, set-up/level institutionalisation/ad-hoc nature, participants, legal significance of outcomes, etc.	15
3.3 Different negotiation (including lobby, if applicable) strategies adopted	15
3.4 Impact/outcome of SD on the sector and workers' working conditions, rights and	16
3.5 And now: future steps to implement/sustain achieved results or to enhance effectiveness of SD	17
<b>4. CONCLUSION</b>	<b>18</b>
4.1 Enabling conditions for Social Dialogue	18
4.2 Obstacles to Social Dialogue	18
<b>BIBLIOGRAPHY</b>	<b>20</b>
<b>ANNEX: LIST OF INTERVIEWS AND FOCUS GROUPS</b>	<b>21</b>

# EXECUTIVE SUMMARY

The Union of Informal Sector Workers (UNIWA) is an umbrella trade union of informal sector workers associated with the Trade Union Congress (TUC) of Ghana. It is made up of 17 active associations with an estimated membership of 125,000 representing only 2 percent of the population of informal sector workers in Ghana. The current membership is urban-based and predominantly market traders/vendors with the majority operating within the Accra Metropolitan Area (AMA).

The development and management of markets within the metropolis also require engagement with market traders since they may result in temporal or permanent relocation of traders, the supply of basic amenities (e.g. sanitation and security) as well as determination of rents among other things.

It is against this background that UNIWA approached the AMA when the new government assumed office in 2017 leading to the first Forum held in July 2018. The dialogue was made possible because of the political will and goodwill of both parties, availability of donor funding, and some level of capacity to engage. A key outcome of the forum was to sign a Memorandum of Understanding (MOU) to institutionalise the dialogue platform on a quarterly basis. However, eight months after the dialogue, the MOU has remained a draft with no agreement on the date and agenda for the next dialogue.

This study has observed that the lack of a legal and institutional framework can be an obstacle for a continued dialogue given the lack of commitment, especially on the part of AMA. Although Ghana's multi-party democracy enables policy dialogues, those outside formal industries are ad hoc and not legally binding.

The sustainability of the social dialogue platform also depends largely on UNIWA's ability to self-finance the initiative. The current arrangement is part of a project that is fully funded by the Mondiaal FNV and the TUC, posing a challenge in terms of continuity when the project is completed.

In spite of these obstacles, the leadership of UNIWA is confident of sustaining the dialogue beyond the project time frame. It has initiated fundraising activities to finance some of its own activities including dialogue. Although the AMA has been slow in responding to the request to input into the MOU, UNIWA is hopeful that the agreement will be concluded at its March 2019 conference. UNIWA has reported improved cooperation and increased consultation between it and the AMA on issues affecting their members. However, the Greater Accra Markets Association (GAMA) is consulted more by AMA on issues of market development and management. Therefore, collaboration with like-minded traders associations like GAMA may be required if UNIWA is to increase its leverage to sustain this Forum.

# FOREWORD

This research was commissioned by Mondiaal FNV within the scope of their Social Dialogue programme as part of the Trade Union Cooperation Programme 2017-2020. The research project aims to take stock and investigate in which ways issues of informal workers are addressed in social dialogue mechanisms and to what extent informal workers are or can be included. To be able to distil this macro-perspective, a micro-approach was adopted by zooming in on eight case studies across the world. Each case study pursued the following research objectives (1 & 2) and investigated the related research questions (a-e):

## 1) DEEPEN THE UNDERSTANDING OF THE SD PROCESSES OF THE SELECTED CASE STUDIES:

- a. Which social partners (SP) are involved?
  - What are their goals/interests they hope to achieve through SD?
  - Where does their bargaining power stem from?
- b. Which bargaining strategies are adopted by each social partner?
- c. Which issues are on the SD agenda?
  - Who sets the agenda?
  - Are all SP equally committed to the agenda? Who is the driving force?
- d. What are the main obstacles to SD in the selected cases and how were they overcome?
- e. What were the key enabling conditions that allowed SD to be effective (e.g. respect for the rule of law/ institutionalisation, respect for TUs rights, well-organised labour organisations)?

## 2) DEVELOP A LIST OF KEY LESSONS LEARNED THAT CAN BE USED AS A BASIS FOR EXCHANGE ACTIVITIES

Each case study adopted a qualitative research approach looking into successful cases of “inclusive” social dialogue processes. Primary data was collected during 5 to 8 days of fieldwork and included semi-structured interviews, focus groups discussions, participant observation and in some cases participatory workshops. The primary data was contextualised via literature review as well as media and document analysis adopting a historical, political economy perspective.

Following the Terms of Reference (TOR) developed by Mondiaal FNV, social dialogue and collective bargaining were defined as followed in all eight case studies:

*“Social dialogue can be characterised by bipartite or tripartite bargaining and negotiation processes between government institutions, employer organisations/employers and trade unions at four levels: internationally, nationally and at sector and company level. So, collective bargaining is seen as a part of social dialogue as well.”*

Although specific attention was given to less-institutionalised forms of social dialogue by including the wide range of informal negotiation processes found in both the formal and informal economy.

The following report represents the research results of one of the eight case studies: Market- and street-vendors in **Ghana** and the initial steps made by UNIWA towards local informal workers’ forums.

The other 7 case studies are about:

- Indirect workers (or *tercerizados*) in **Colombia’s** palm oil industry and their struggle for formalisation
- Street-vendors in **India** and their adaptations to Town-Vending Councils as new social dialogue arenas
- Domestic workers in **Peru** and their collective action towards the ratification of ILO Convention 189 (on Domestic work)
- Boda boda (motor taxi) drivers in **Uganda** and the political tango they are in to protect their livelihoods
- Construction workers in **Rwanda** and the creation of various Memorandums of Understanding by tapping into the political priorities of the government
- Guides and porters in **Nepal’s** tourism sector and the sector-wide agreements that have been accomplished
- Informal construction workers and outsourced workers in the electricity sector in **Indonesia** making slow but steady gains in an uncondusive environment

These 8 cases show us that there is not one-size-fits all when it comes to social dialogue practices of informal workers. Nevertheless, another Mondiaal FNV’s research SOCIAL DIALOGUE AND INFORMAL WORKERS: WHAT WE CAN LEARN FROM 8 SUCCESS CASES summarises the overarching insights based on the comparative analysis of the eight case studies.

# 1. BACKGROUND

## 1.1 SOCIO-POLITICAL CONTEXT

The Union of Informal Sector Workers (UNIWA) is an umbrella trade union of informal sector workers associated with the TUC of Ghana. Although UNIWA aims to organise all informal sector workers in Ghana, its current membership is urban-based and predominantly market traders/vendors operating within the capital city of Ghana, Accra. The Union currently has a total membership of 125,000, representing only two percent of the estimated informal sector population in Ghana.

The importance of trading to the economy of Ghana cannot be overemphasised. In 2017, trade (including repair of vehicles and sale of household goods) constituted 6.3 percent of Ghana's GDP<sup>1</sup> and retail and wholesale (including repair of vehicles and motor cycles) employed 20.7 percent of the employed population in Ghana<sup>2</sup>.

Despite the importance of trading to the economy, vendors in Accra face considerable obstacles. Trading within the capital city, like elsewhere, is generally permitted to be carried out in a market or at stalls at designated public places such as streets and parks. However, due to limited market stores/stalls and opportunities created by vehicular traffic in Accra, vending on the streets of Accra (including principal streets) has become common. Arguably, local authorities have been generally slow to build sufficient markets to keep pace with urban growth. But even when they do, the markets are located outside the central business district making vendors reluctant to move for fear of inadequate clientele and reduction in volume of sales, especially when allocation of sites is uncertain and non-transparent, or when provisions are inadequate to ensure that all the traders move at the same time" (Steel et al., 2014: 57)<sup>3</sup>. Anyidoho's (2013) found that traders within central locations made sales that were more than twice that of their non-central counterparts, probably due to the higher customer traffic in the city centre.

Also, Accra, like many other developing cities, is undergoing new development and redevelopment, resulting in attempts to relocate vendors or simply displace them

especially by private landlords who may not feel obliged to provide alternative vending sites for affected traders. The result is periodic, short-lived, attempts at eviction—sometimes including destruction of structures (such as kiosks and tables used by vendors), as well as confiscation of goods from itinerant hawkers (Steel et al., 2014: 57).

The low unionisation rates in Ghana particularly within the informal sector means that traders by themselves face city authorities and private developers who are better resourced and can employ state resources (e.g. security agencies such as the police and military personnel) to enforce evictions. The feeling of helplessness during such incidences motivated the market traders associations to join (the UNIWA of the) TUC, arguably for protection. As a consequence, one of the preoccupation of UNIWA is to establish a standing social dialogue with local assemblies within areas where its members operate.

This report presents a case study of social dialogue in the informal sector focusing on UNIWA's Forum with the AMA. It examines the relationship between the AMA and traders, highlighting the contribution of traders to the assembly and the economy in general, the challenges facing them and opportunities for dialogue. Based on this background, the report further examines the outcomes of the UNIWA-AMA Forum, enabling conditions for sustainability as well as possible obstacles.

## 1.2 PROFILE OF THE UNIWA'S MEMBERS

The majority of the current membership of UNIWA's associations are traders who are located within the Greater Accra Region and operate from the central business district of Accra. Other members of the union include associations of artisans, domestic workers, musicians, caterers and head porters.

The Ghana Statistical Service (GSS) defines the informal sector as all businesses across sectors which are not registered with the Registrar-General's Department and do not keep formal accounts. Using this definition, 62 percent of non-household or commercial establishments in Ghana operated in the informal sector in 2016

<sup>1</sup>Provisional 2017 Annual GDP published by Ghana Statistical Services, April, 2018.

<sup>2</sup>2015 Force Survey

<sup>3</sup><http://www.wiego.org/sites/wiego.org/files/publications/files/Anyidoho-informal-formal-linkages-market-vendors-Accra.pdf>

(2016 Regional Spatial Business Report), and contributed GHS 73.3 billion (28.6 percent) to GDP in 2017. Yet only 2 percent of informal sector workers pay taxes (GRA, 2019)<sup>4</sup>.

Analysis of data from Ghana Living Standard Survey Round 6 (GLSS6, 2012/2013) shows that the informal share of employment rose from 84 percent in 2000 to 90 percent in 2012/2013, with more women (54.9%) than men (45.1%). About 28.1 percent of these informal sector workers are services or sales workers with the female proportion nearly four times (22.4%) compared to males (5.7%). Specifically, women make up 88 per cent of street traders (Budlender 2011).

However, men traders enjoy higher turnover (in total value of sales) than their women counterparts because men often tend to trade in higher value items than the women who often trade food or small items (Anyidoho, 2013).

The predominance of women in the informal economy, particularly trading, is partly associated with the gender gap in education. Women tend mostly to have lower education levels but formal wage jobs mostly require higher level of education (Anyidoho and Steel, 2016). Generally, the rapid expansion of the informal sector can be explained by multiple factors including (i) slow expansion of the (public and private) formal sector to absorb new entrants into the labour market, (ii) poor educational outcomes, resulting in a large number of semi-skilled and unskilled labour, (iii) increased urbanisation, (iv) generally low levels of education, and (v) the desire to avoid cumbersome administrative procedures and associated financial burden, incentivised by low state regulation.

There is a high incidence of poverty among informal sector workers. A total of 43 percent of informal sector workers earn below the national average income and 34.9 percent of them earn below the upper poverty line. Social protection coverage among them is low with only five percent estimated to be covered by existing social security schemes (UNIWA Policy Brief). In a study of urban informal sector workers, Anuwah-Armah (2015) found that 75.6 percent of respondents earn below the poverty wage of US\$ 2 a day, with the average daily income of both employers and employees at US\$ 1.83.

Despite Ghana's informal sector being the largest provider of employment, it has not received the attention needed in the policy discourse. Until recently, there were no clear policies on how to transform the informal sector to serve its operators well though the sector had gained widespread recognition of its magnitude and growth. Since 2017 however, the Government of Ghana has outlined key strategies to formalise the sector. Three out of the five key objectives of the Ghana Digital Agenda aims to transform the informal sector in the following manner: (i) build a Biometric National Identity Register, (ii) deploy a Digital Property Addressing System, and (iii) Mobile Money Interoperability<sup>5</sup>. UNIWA is a member of a committee to mobilise Informal Economy Workers established by the Ministry of Employment and Labour Relations. The Committee has drafted a roadmap for formalisation of the informal economy with inputs from UNIWA.

### 1.3 SHORT HISTORY OF WORKERS' ORGANISATION/TUS REPRESENTING WORKERS IN THE SECTOR

The activities of the market traders association pre-dates present day Ghana and were prominent during the pre-independence struggles. For instance, market associations served as gateways to entice the masses in support of one of the nationalistic parties (Clark, 2010; Zjos et al, 2015) and funded the activities of the Convention Peoples Party (CPP), which won independence for Ghana. Between 1981 and 2000, the 31st December Women's Movement (the women's wing of the Provisional National Defense Council (PNDC) which later became National Democratic Congress (NDC) and currently the largest opposition party in Ghana had large followers from markets in Accra.

However, industrial relation structures instituted after independence were built on wage-labour relations, alienating informal sector workers as they lacked these characteristics. This structure has continued to date with the 2003 Labour Act defining a worker as, "a person employed under a contract of employment whether on a continuous, part-time, temporary or casual basis". The strictest application of this definition excludes informal sector workers who are predominantly own-account workers.

Long before independence, market traders organised themselves into associations championing the rights of their members and providing solidarity for each other.

<sup>4</sup><https://www.myjoyonline.com/business/2019/February-17th/only-2-in-informal-sector-pay-taxes.php>

<sup>5</sup>The other two pillars are (i) digitising Government services and (ii) institutionalise paperless port operations.

Traders in the markets, generally large, organised themselves according to commodities (e.g. tomatoes, fish, yams etc) and nominated a head called “Queen”. Above them is an overall Market Queen. In large cities like Accra, these market queens have formed regional market traders association. Over the years, the different markets in Accra have formed their own associations and sought affiliations with local and international organisations that share common aspirations with them. This was the case with the TUC in 1991, when it granted associational status to three market traders association, namely: (i) New Makola Traders Union; (ii) The Ga East Traders Association and the Greater Accra Tomato Traders Association. At the same time, the TUC admitted two associations of own-account workers: the Ghana Actors Guild and the Musicians Association of Ghana (MUSIGA).

Five years later in 1996, the TUC laid institutional foundations at its 5th Quadrennial Delegates Congress (QDC) where it encouraged its affiliates to recruit informal sector associations. In 2000, the Informal Economic Desk was installed and in 2004, at the 7th QDC, a policy was adopted that made the association or affiliation of informal sector workers’ organisations to TUC easier (Osei-Boateng & Ampratwum, 2011). All TUC affiliates from then onwards were expected to organise informal workers within their jurisdictions and those outside a clear jurisdiction could become directly affiliated as associational members (Britwum, 2010; Vlaminck et al, 2015).

The TUC’s medium-term policy report for 2004-2008 stipulated clear goals regarding the extension of union coverage to informal workers and the application of minimum labour standards in the informal economy for the first time. In the report, a total of sixty strategies were outlined, which include developing links with existing informal economy associations, designing programmes and activities to respond to the identified needs of workers in the informal economy and encouraging unorganised informal economy workers to form associations (Britwum, 2010). In their 2012-2016 policy report, the TUC reaffirmed their commitment towards organising informal workers. This should be understood within the context of increased informalisation of labour as nearly all new jobs are created in the informal economy (GLSS, 2014). The TUC asserts in its policy that, *“Organizing informal economy workers will not only increase union membership but more importantly it can empower informal economy workers to deal with the numerous challenges facing them,”* (TUC, 2012).

The 2012-2016 Informal Sector Policy encouraged expansion of the TUC’s informal sector associate members and by 2013, it had nine members, which formed the Council of Informal Sector Associations (CIWA). Later in 2014, CIWA became UNIWA, holding its first conference in 2015. Four of these nine founding members of UNIWA were market traders associations.

The TUC 2012-2016 also pledged to ensure that its 18 affiliate national unions who organise in the informal sector ceded their informal sector members to the yet to be established UNIWA. Six years after the establishment of UNIWA, this is yet to be achieved with strong opposition from some of its national unions. A leader of one of the TUC’s affiliate bemoaned that establishment of UNIWA is not consistent with how unions are structured.

*“Since the beginning of trade union movement in Ghana, we have organised along trades or sectors. This principle informed my union strategy of integrating informal sector workers into the union structure. The informal sector is not homogenous; in fact it’s no longer a sector but rather an economy. Therefore when you set up a structure like UNIWA, then you’re setting up parallel union structure. How can you bring musicians, traders, artisans and all the different trades under one umbrella?”*

On the contrary, another leader of a formal sector-national union interviewed lauded the TUC’s efforts noting that reaching out to the informal sector does not only boost the strength of trade union membership but gives it legitimacy as representing both formal and informal sector workers.

*“We cannot continue to say we’re worker’s representatives if we represent only the small formal sector. Organising informal sector workers boost our strength and legitimacy. It also offers opportunity to develop new ways of organizing needed to confront new challenges even in the formal sector -casualization. TUC supporting UNIWA espouses its strong values- Solidarity - it means the strong supporting the weak.... FNV and others are supporting TUC and UNIWA because of solidarity. The movement must not and cannot die. Even among the formal sector workers, there are unequal forms of contribution. Workers in the informal sector have no guaranteed and regular income and therefore we cannot expect them to contribute the same as we do.”*

## 1.4 THE LEGAL FRAMEWORK GOVERNING THE SECTOR AND WORKERS' RIGHTS WITHIN IT

There are no legal barriers to engaging in petty trading in Ghana. The Company Registration Code, 1963 (Act 179), the Partnership Act, 1962 (Act 152), the Business Name Act, 1962 (ACT 151) and the Ghana Investment Promotion Centre Act 1994 (Act 478) specify the conditions under which businesses can establish and operate. The registration procedure for sole proprietorship business (usually micro and small-scale business) has fewer requirements than companies. Importantly, wholly Ghanaian owned businesses/companies also have fewer requirements to meet than those that have foreign interest (either wholly or partly), yet most Ghanaian microenterprises are unregistered and unregulated.

The Constitution of Ghana (1992) guarantees every citizen economic rights. Article 24 (1) gives every person the right to work under satisfactory, safe and healthy conditions and to receive equal pay for equal work without discrimination of any kind. Article 240 (2e) of the 1991 Constitution states that: *"To ensure the accountability of local government authorities, people in particular local government areas shall, as far as practicable, be afforded the opportunity to participate effectively in their governance."*

The Ghana Labour Act (Act 651) of 2003 guarantees the rights and responsibilities of both employers and employees. The Act covers provisions on employment protection, conditions of employment, remuneration, termination of employment to mention but a few. The Act does not distinguish between formal and informal sector workers but defines a worker as: "a person employed under a contract of employment whether on a continuous, part-time, temporary or casual basis." This definition in its strictest sense limits the provisions in the Act to persons who have an employment relationship and excludes own-account workers who dominate the informal sector such as market traders. To this extent, only paid employees of market traders are covered by the provisions of the Act. However, most of these workers do not enjoy the basic provisions of the Act such as 40 hours maximum working hours per week, social security cover and paid sick and maternity leave (in the case of female paid employees) due to limited knowledge of their rights and enforcement of standards by the mandated institutions.

While there are no entry requirements for Ghanaian petty traders, local assemblies have enacted by-laws to regulate their operations consistent with Section 181 of Local Governance Act (Act 936, 2016) which provides that: "A District Assembly may make bye-laws for the purpose of any function conferred upon it by or under this Act or any other enactment". Accordingly, the AMA Street Hawking Bye-laws, 2011 prohibits<sup>7</sup>:

- i. Sale, offer of sale or purchase of merchandise to vehicle drivers or passengers
- ii. Trading on the street (except for street markets)
- iii. Littering on streets, pavements and from moving vehicles
- iv. Owners of vehicles required to provide waste bins for passengers and to use those
- v. Solicitation of alms, aiding and encouragement of solicitation of alms (with exception of religious or charitable organizations)
- vi. Responsibility of a parent to avoid child delinquency
- vii. Promotional activities on streets or in markets without proper permit.

The enforcement of these bye-laws has often resulted in scuffles between AMA taskforce and street hawkers, seizure and destruction of wares as well as bribery, assault and prosecutions. A study conducted by Osei-Boateng (2012) on legal cases involving the AMA and street hawkers noted the following:

- i. Frequent scuffles between AMA taskforce and street hawkers leading to confiscation and destruction of wares and sometimes assault;
- ii. Arrest and prosecution of "offenders" under the bye-laws and criminal code<sup>8</sup>;
- iii. Majority of cases involving street vendors were fast-tracked. Most vendors arrested were arraigned before court and charged within 24 hours;
- iv. Majority of street vendors arraigned before court had no legal representation and in the absence of one were coached by prosecutors to plead guilty to lessen their sentence;
- v. Most alleged offenders pleaded guilty and were fined.

On social protection, the National Pensions Act (2008) recognises self-employed workers like market traders and makes provision for their enrolment under a tier system. The Act reinforces payment of social security by employers and employees. Self-employed persons

<sup>7</sup>AMA (Street Hawking) Bye-laws, 2011, September 1, 2010.

<sup>8</sup>(1) Obstructing public way contrary to Section 296 P of the Criminal Offences Act (Act 29/60) and (2) Assault contrary to Section 84 of Act 29, 1960.



by the law can voluntarily join pension schemes and make contributions based on their declared earnings/income. The Act establishes a three tier scheme with mandatory first two tiers for paid employees and a voluntary third tier for both paid employees and self-employed persons. Yet, most paid employees in the informal sector do not enjoy these rights for similar reasons stated above - limited knowledge and lack of enforcement.

Since its passage, there has been increased attention to designing appropriate social security schemes compatible with the earning patterns of operators in the informal sector. Unlike the mandatory first two tiers, contributions under the third tier are not fixed and can be irregular, a design characteristic that fits the irregular patterns of informal sector income. The national pension scheme Social Security and National Insurance Trust (SNNIT) was the first to launch a special scheme for the informal sector - the Informal Section Pension Fund - in 2009. Since then, other players including UNIWA have launched schemes for the informal sector. In September 2016, the People's Pension Trust Ghana became Ghana's first private sector pension fund offering products tailored to the informal sector. The Old Mutual Pension Trust Ghana joined in March 2017 and subsequently the TUC-UNIWA Informal Sector Pension Scheme joined the competition for informal sector clientele in June 2017.

The TUC-UNIWA Pension Scheme has the People's Pension Trust Ghana as its corporate manager and has so far registered 1000 of UNIWA's members. Attempts by government to introduce the Cocoa Farmers Scheme is gaining momentum after a decade of political promises. A committee has been set up now to facilitate the establishment process, and UNIWA serves on this committee.

In spite of the introduction of informal sector schemes a decade ago, social security coverage among informal sector workers remains low. In a study on the urban informal economy by Anuwa-Armah (2016), 21 percent of sampled 5,000 informal sector employers and employees across the ten regions of Ghana indicated they contributed to SSNIT with 15.4 percent having life insurance and 5.4 percent on private pension. 1.3 percent and 0.9 percent of the remaining respondents of the study contributed to a retirement fund, and group insurance respectively.

The enforcement of labour laws is entrusted to relevant state institutions including the Department of Labour, the National Labour Commission, the National Pensions Regulatory Commission and the courts. The magistrate courts are often used by the AMA to prosecute offenders or people who violate its By-laws on street hawking. Generally however, enforcement of labour standards is low.

## 2. STAKEHOLDER ANALYSIS: MAPPING SOCIAL PARTNERS INVOLVED IN THE SECTOR (ROLES, EXPECTATIONS, ETC.)

### 2.1 UNION OF INFORMAL SECTOR WORKERS ASSOCIATION (UNIWA)

#### 2.1.1 Background

UNIWA was established in 2013 under the name Council of Informal Sector Associations (CISA) and inaugurated in 2014 with a change of name. It held its first conference in 2015 to elect its current leadership for a four year term. A second conference is due March 2019. Ahead of the conference, the union is reviewing its constitution to create local structures among other changes.

UNIWA's vision is to bring all informal sector associations under one umbrella with the mission to promote their common interest and strengthen their bargaining power vis-à-vis the government and employers. However, the TUC has expanded UNIWA's membership to include all its associates, formal or informal. Therefore UNIWA's membership includes WACAM, a non-governmental organisation and disabled workers' union formed by formal sector employees with a disability.

In January, 2019, UNIWA was granted a trade union status by the Labour Department but UNIWA remains an associate and therefore ineligible to hold executive positions within the TUC. It was not clear at the time of this study if this position will change.

From the initial founding member associations of nine, the union currently has 17 active associates with an extended membership of about 125,000.

UNIWA is a non-partisan trade union, but some of its members and leaders are linked to the major political parties in Ghana. For instance, the President of the Makola Market Traders Union (MMTU) who is currently the Deputy Organiser of UNIWA is a known sympathiser of the ruling New Patriotic Party (NPP). However, the study does not establish the extent to which they are able to use their connections to leverage government's support for the union. UNIWA owes its credibility to the TUC.

#### AIMS & OBJECTIVES OF UNIWA

- Organise workers into associations for protecting, sustaining and promoting their common interest
- Educate its members on relevant issues
- Negotiate remuneration and conditions of work of its members
- Assist the TUC and other national unions to achieve their aims and objectives
- Instill in its members a sense of discipline and hard work to ensure high productivity in their areas of work
- To protect members from abuses, discrimination, undue suffering and to resist violations of their human and economic rights
- Settle grievances, disputes and disagreements among members
- Provide legal assistance to members as and when necessary
- Affiliate or subscribe to any organisation national or international having similar objectives to those of the union
- To do any other thing that the Union may consider necessary in order to achieve these aims and objectives

#### UNIWA'S MEMBER ASSOCIATIONS

- i. Ga East Traders Association
- ii. Tema Station Traders Association
- iii. StreetNet (IHVAG)
- iv. Odawna Market
- v. Dansoman Market traders
- vi. Makola Market Traders Union
- vii. United Spare Parts Merchant of Ghana
- viii. Musicians of Ghana Association (MUSIGA)
- ix. WACAM (a non-governmental organisation)
- x. Aluminum Fabricators of Ghana
- xi. National Artisans of Ghana (NAUG)
- xii. United Caterers of Ghana
- xiii. Indigenous Caterers
- xiv. Disabled Workers Union
- xv. Domestic Workers Union
- xvi. Ghana Porters Union
- xvii. Ghana Actors Guild (GAG)

### 2.1.2 UNIWA's Structure and Leadership

UNIWA's structure is similar to that of the national affiliates of the TUC. The National Delegate Conference is UNIWA's highest decision making body that is attended by the management committee, 20 delegates from every member association, observers and invited guests. The Quadrennial Conference adopts policies and resolutions and elects a management committee, comprising the chairman and two vice chairmen (one of whom shall be a woman); the general secretary and the deputy, the financial secretary, the treasurer, the organiser and the deputy as well as male and female youth representatives.

Beneath the National Delegate Conference is the National Executive Committee (NEC) made up of members of the management committee, two elected members of every member association, co-opted members appointed by the management committee who shall have no voting rights and a TUC representative.

#### BOX 1: FUNCTIONS OF THE NEC

- i. Consider reports approved by the management committee
- ii. Settle disputes arising within and between member associations
- iii. Approve budgetary proposals from the Union
- iv. Authorise contractual transactions between the Union and other organisations or persons
- v. Consider reports to be sent to the conference
- vi. Appoint committees to deal with specific issues that arise at any time
- vii. Consider and confirm appointments made by the management committee to the secretariat
- viii. Establish offices of the Union in the regions and districts as it may consider necessary for the effective operations of the Union
- ix. Consider audited accounts of the Union
- x. Adopt annual plans and programmes that will enhance the work of the Union
- xi. Take any other action in furtherance of the aims and objectives of the Union
- xii. Ratify disciplinary decisions taken by the management

Source: UNIWA's Constitution

The NEC meets at least once every quarter to discuss plans, budgets and make decisions. The decisions of the NEC are implemented by the Management Committee, which assesses and reviews the day to day aims and objectives of the Union. However, given UNIWA's high dependency on the TUC and donors, its autonomy over decision-making is questionable.

### 2.1.3 UNIWA's Performance

Consistent with its aims and objectives, the union is reportedly serving its members well. In a Focused Group Discussion (FGD), representatives of UNIWA's members mentioned that their expectations for joining the union were being met. For most of them, they joined the union at a time when they were being persecuted by local authorities and private developers but the union has been able to intervene. Being a member of UNIWA and therefore the TUC has given them a bigger voice and the opportunity for empowerment. Below are some comments from discussants at a FGD session with UNIWA members.

*"As artisans, we have a lot of problems, so we applied to join TUC for protection and we were advised to join UNIWA. Six months into being part of UNIWA, our members faced eviction from Cable and Wireless where we have operated for years. With the help of the TUC, we got court injunction and undertook a number of collective actions including petitioning the government. TUC initiated dialogue with Ghana Post which claimed ownership of the land to reach some favourable agreements. We are still occupying the land."*

*"We, the traders at Tema Station, joined TUC six years ago at a time when the AMA was threatening eviction and refused to listen to us. The AMA now consults with us on decisions that affect us. We also present our concerns to the AMA through UNIWA."*

*"The harassment street vendors faced from the AMA has reduced significantly. We have been able to reach some agreements with the AMA. Some streets which hitherto were prohibited for vending have now been designated by the AMA. We, the leadership, are also monitoring to ensure the vendors comply, so we can do our business in peace."*

Another milestone achieved by UNIWA is the establishment of a pension scheme for its members. As mentioned earlier, the scheme was launched in 2017 and has since enrolled 1000 UNIWA members. This number, compared to UNIWA's 125,000 membership, is woefully

inadequate. Some of UNIWA's members are however members of SSNIT informal Sector Fund which began operation in 2009 and other insurance and saving schemes. The scheme allows flexible contribution payable directly at the office of the corporate manager, or through sales agents, or through using mobile money transfer or bank transfer/standing order.

UNIWA is gradually gaining recognition by policy makers. It is represented on a committee for the mobilisation of Informal Economy Workers set up by the Ministry of Employment and Labour Relations. The Committee has developed a roadmap to formalise the informal sector with UNIWA's inputs. On social security initiatives, UNIWA is represented on the National Pensions Regulatory Committee (NPRA) tasked to extend coverage of social security to informal sector workers. The Ministry of Finance also extended an invitation to UNIWA to join a committee working to establish the Cocoa Farmers Pension Scheme. SSNIT has also expressed interest in working with UNIWA.

In the absence of a strong informal sector association in Ghana, the political space for engagement is likely to expand for UNIWA. Currently, only a few informal sector membership based and advocacy based organisations (e.g. the Ghana Union of Traders (GUTA)) exist and most of these organisations are narrow in their focus, not well structured and operate on ad hoc basis. Therefore, if harnessed well, UNIWA could earn a place as the mouthpiece of informal sector workers in Ghana. To do this effectively, UNIWA would need to expand its membership base particularly to the rural areas who are currently underrepresented.

While the union aims to expand its membership across regional capitals and districts and gain recognition by policy actors, it is very much dependent on donor funding. UNIWA's activities are largely funded by donors and the TUC. The birth of UNIWA and the establishment of the Pension Scheme were primarily sponsored by the FES Ghana and the Danish trade union (LOTF). The current activities of UNIWA including the forum with AMA are being funded by the Mondiaal FNV and the TUC. A leader of one of the national unions interviewed expressed concerns about the sustainability of the UNIWA.

*"The TUC takes our money and uses it on UNIWA and at the same time wants to take our members for UNIWA."*

*UNIWA cannot even cover its own administrative cost without the support of TUC or donors... They are not a threat to us but a threat to themselves because their operations are not sustainable."*

However, another trade union leader justified the need to invest in UNIWA noting that: *"The benefit of supporting UNIWA outweighs the cost. The conscious thing to do is to make this investment; it's an investment we need to make. And I believe we will reap it in different ways."*

UNIWA has commenced internal fundraising to sustain its operations. It has introduced annual dues of GHS800 (€136) consisting of affiliation fees and a levy but this is yet to yield any significant results. The union is also introducing Identification Cards (ID) for its members at GHS100 (€17) and a monthly service levy of GHS5.

## **2.2 MARKET TRADERS ASSOCIATION - THE GREATER ACCRA MARKETS ASSOCIATION (GAMA)**

The GAMA is one of the vibrant market traders associations within the capital of Ghana. The association has members from 39 markets across Accra and has been in existence for at least 30 years.

Between 1982 and 2000, GAMA was known as the Market Queens Association, and had a strong link with the 31 December Women's Movement formed by the Ghana's former first lady Nana Konadu Agyemang Rawlings, the wife of former President Rawlings who ruled Ghana from 1981 to 1991 (PNDC) as a military government and from 1992 to 2000 (NDC) as a democratically elected President.

The 31 December Women's Movement was a non-government organisation that focused on women's empowerment. It was a de facto women's wing of the PNDC which became NDC under Ghana's fourth Republic and currently the major opposition party. The Movement's strong ties with the Makola market led to the change of its name to the 31st December Market and the Makola Square to Rawlings Park by the NDC government and subsequent adoption of the market by the former first lady, Nana Konadu Agyemang Rawlings<sup>9</sup>. The leadership of the Market Queens Association enjoyed a good relationship with the then government and was the main point of contact at the Makola market until the NDC lost power in 2000.

<sup>9</sup><https://www.ghanaweb.com/GhanaHomePage/NewsArchive/31st-December-Market-To-Revert-To-Makola-16939>

The assumption of the new government saw new market associations rumoured to have connections with the then government - the NPP which currently forms the government of Ghana - which led to a power shift in the market. The Makola Market Traders Union (MMTU), a member of the UNIWA, was one of the unions that emerged around that time, having some of its leadership connected to the NPP. Although it was formed in 1999, it was not until 2002 that MMTU registered with the Registrar General's Department and subsequently became an associate of the TUC in 2003 and a founding member of UNIWA.

The Market Queens Association later changed its name to Greater Accra Markets Associations and again became closely linked to the NDC between 2009 and 2016, when the party regained power. Media reports showed a close relationship between the President of the GAMA, Mercy Nee Djan, and former President John Dramani Mahama and his wife with the former publicly declaring the association's support for the NDC government<sup>10</sup>. This close ties has been leveraged for government support to the market and vice-versa. The AMA is said to have collaborated with GAMA to collect market tolls between 2009 and 2016.

Prior to the establishment of UNIWA, GAMA had close working relationship with the TUC but the TUC did not grant it associational status. Given the large base of the GAMA, the AMA (now under NPP leadership) though has appointed a new market leader, engages with GAMA frequently. This was confirmed by President of the MTTU, an affiliate of UNIWA in a key informant interview. In March 2018, a section of the market traders protested what they called continuous dominance of the GAMA leaders in the market in spite of the change in government<sup>11</sup>.

### 2.3 THE AMA

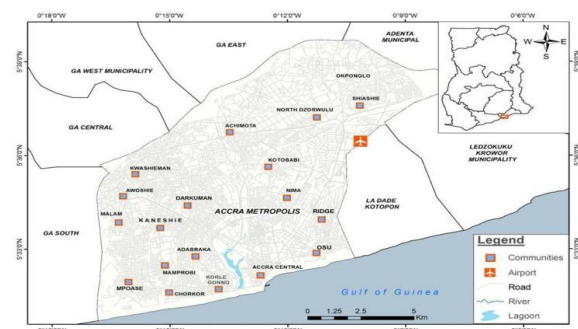
The AMA is one of Ghana's 254 Metropolitan, Municipal and District Assemblies (MMDAs) spread across the sixteen administrative regions. It is one of the 21 MMDAs within the Greater Accra Region which hosts Ghana's capital, Accra, with an estimated population of nearly 1.7 million in 2010 (National Population and Housing Census, 2010). It has six sub-metropolises and six constituencies. However, as the centre of trading in Accra, it is estimated that during the day time the Metropolis hosts a population of over 3.5 million for various

socio-economic activities (Owusu, 2008). This is due in part to the continuation of the colonial "conventional approach of creating Central Business Districts (CBDs) with concentrated work/business functions at a central point, which often results in congestion problems," (Adanu, 2004:1; Anyidoho & Steel, 2016).

The concentration of corporate offices and businesses within the central business district has resulted in heavy vehicular and human traffic, which makes selling in such areas attractive to vendors to do business. Generally, an increase in population and commercialisation of land in the city has increased the pressure on public spaces. The AMA, like many other local authorities, has also been slow to build sufficient market areas to keep pace with urban growth. When local governments struggle to meet the surging infrastructural demand, informal settlements and markets emerge, which provides forms of sustenance beyond the legal realm<sup>12</sup>.

The commercialisation and high cost of land in Accra forces the AMA to relocate markets to the periphery or smaller and controlled spaces (Oz and Eder, 2012). This reality is often not acknowledged by vendors who complain of the far distance and inadequate security at the relocation site. As a result, the traders resist attempts by the AMA to relocate them only to return to the streets shortly after a successful decongestion exercise by the AMA.

Figure 1 : Accra Metropolitan Area



Source: Accra Metropolitan Assembly

The 1992 Constitution describes the MMDAs as the highest political authority at the local level of governance, with deliberative, legislative and executive powers. The primary function of district assemblies in Ghana is to promote local economic development. This

<sup>10</sup><https://www.ghanaweb.com/GhanaHomePage/regional/First-Lady-hosts-NDC-women-organisers-and-market-Queens-270508>

<sup>11</sup><https://www.adomonline.com/ghana-news/makola-traders-protest-imposition-market-queen/>

<sup>12</sup>[https://jwtc.org.za/resources/docs/salon-volume-7/19\\_TheSalon\\_Vol7.pdf](https://jwtc.org.za/resources/docs/salon-volume-7/19_TheSalon_Vol7.pdf)

includes providing the enabling environment - including operating permits and infrastructure such as markets and related social amenities (e.g. electricity and sanitation facilities) - for trading to thrive. Local authorities are expected to consult with stakeholders in developing their plans and budget to fulfil this mandate. With respect to the development and management of markets, the AMA consults traders' association such as the GAMA. However, the meetings are ad hoc, lack legal backing and therefore commitments made by parties during those meetings are not always fulfilled.

Section 12 of the Local Governance Act, 2016 (Act 936) provides the functions of MMDAs to include strategies for the effective mobilisation of resources (including market tolls) necessary for the overall development of the district. Act 936 provides for consultation on fee fixing rates with relevant stakeholders including market traders. Accordingly, the AMA in consultation with stakeholders determines local taxes, property rates, fines, fees for permits to provide infrastructure and services; to which all businesses within the metropolis (formal or informal) contribute. Internally generated funds are estimated to constitute at least 60 percent of the AMA's revenue. As the hub of businesses, market tolls and fines constitute a significant proportion of its revenue, and thus provide leverage for market traders to have influence over decisions made by the AMA. It is estimated that market tolls constitute about 20 percent of the AMA's locally generated revenue (Budlender, 2015). Every year, the AMA approves a Fee-Fixing Resolution that details categories of fees and licenses for different business groups including fees for markets. Officials of the AMA say discussions are held with traders before rates are finalised.

The membership of AMA, like any other MMDA, consists of 70 percent elected and 30 percent appointed members. The Assembly elects from among themselves a Presiding Member who chairs the General Assembly held three to four times in the year. By law, elected assembly members serve as liaisons between the assemblies and their constituents. The assembly members collate views, opinions and proposals of constituents through individual consultation and public fora and present them to the assemblies during meetings as well as feedback decisions taken by the assemblies back to the constituents (Budlender, 2015). In practice

however, the performance of assembly members is constrained by a number of factors including excessive control by the executive officers (e.g. Mayor), limited resources and central government interference in the running of assemblies. Hawkers report they are not consulted by the AMA on plans of city redevelopment and decongestion (Osei-Boateng, 2012). However, the AMA asserts that consultations are held with the leadership of the markets before decongestion exercises are carried out. In addition, the AMA says it publishes/announces intended decongestion exercises in the various media houses at least one week ahead before carrying them out.

The AMA's decongestion exercise has been described as erratic, inhumane and unsustainable. However, pedestrians and city drivers who view vendors as obstructions support the assembly when decongestion is carried out. They say the hawkers are to blame for the heavy vehicular and human traffic as well as filth in the city. Traders who operate inside the markets also support the decongestion exercises. According to them, the hawkers on the streets prevent buyers from entering the market to patronage their wares. Thus, the AMA has often gained the support of the market associations when consultations are held ahead of the exercise. For instance, in February 2019, the leadership of the markets in Accra, led by Mercy Nee Djan, met to discuss the development and management of the markets within the metropolis including planned decongestion exercises and declared their support for the exercise<sup>13</sup>.

In 2009, the travel guide -Lonely Planet- ranked Accra as the second worst cities in the world, describing Accra as "ugly, chaotic, sprawling, and completely indifferent to its waterfront location," (Wagle 2010). This reinforced the notion that Accra is dirty and hawkers are the cause of it. The AMA said activities of vendors along the "sidewalks" hamper pedestrian movement, cause road traffic, create filth and general uncleanness<sup>14</sup>. With Accra (and Kumasi) designated as "Millennium Cities" by Columbia University's Earth Institute in 2010, efforts to rid hawkers off the streets was intensified. The AMA reviewed its 1995 by-law in September with its outcome being the 2011 AMA by-law on street hawking, which criminalises both the act of buying and selling on the streets. Eight years on, the story has not changed; there has been a series of

<sup>13</sup><http://ghheadlines.com/agency/citifm/20190206/108673015/accra-mayor-meets-market-leaders-over-decongestion-of-pavements>

<sup>14</sup>[https://jwta.org.za/resources/docs/salon-volume-7/19\\_TheSalon\\_Vol7.pdf](https://jwta.org.za/resources/docs/salon-volume-7/19_TheSalon_Vol7.pdf)

decongestion exercises but none, including the most successful one, has lasted beyond an election cycle. For fear of the ruling party losing votes, decongestion exercises are often put on hold in the run up to elections. On the other hand, opposition political parties campaign on promises of protecting the rights of workers, a promise the two major political parties have never kept.

### **2.3.1 The Security Personnel and AMA Taskforce**

In line with their core mandate, security personnel comprising police and military are often called upon to back demolition or decongestion exercises within the Accra Metropolis. Their efforts is to complement AMA taskforce whose daily duty is to keep hawkers off the pavements and streets. Private developers and other government Ministries, Departments and Agencies (MDAs) also engage the services of the security forces to enforce eviction orders.

The AMA's taskforce popularly called "aba ye" (a Ga phrase meaning they are coming), are deployed to streets and public spaces prohibited for hawking to keep traders off. Traders are often on the lookout for them and run helter-skelter with their wares to avoid arrest and seizure of their wares. There have been reported cases of assault and destruction of traders' wares by security forces. In February 2018, a group of military men who were acting on the orders of the Ministry of Sanitation to evict traders from a particular piece of land at the Mallam Attah market reportedly assaulted the traders and destroyed their wares<sup>15</sup>.

AMA taskforce are often accused of taking bribes from vendors either to allow them to trade at prohibited places or in return for seized wares. Anecdotal evidence suggests that some female street hawkers sometimes negotiate their wares through sexual favours to the taskforce in return for their seized

wares. This is corroborated by Mutillah's (2005) findings that women involved in street vending are pushed into paying bribes to obtain licenses to operate and in some cases, offer sexual favours to law enforcement officers.

Traders have also accused the taskforce of extortion and bias in enforcing the law. In February 2018, eleven AMA taskforce were dismissed on charges of misconduct. The eleven were allegedly spotted by the AMA's monitoring team taking unspecified sums of money from traders, loitering and sleeping on duty<sup>16</sup>.

### **2.3.2 Private Developers/Contractors**

Reclaiming of private or public spaces for development/redevelopment or construction of new markets often brings private and contractors into contact with street vendors and market traders. The AMA cooperates with the private sector to construct markets partly due to limited public resources. For instance, the AMA's 2014 composite budget planned for collaboration with the private sector to construct high-rise buildings for seven markets. Consultation with traders was held for their inputs into the design of the buildings.

According to the traders, markets constructed by private developers tend to be more expensive, compared to those owned by the AMA. For some street vendors, the high cost of market stalls is the main reason why they hawk on the streets but others have abandoned their market stalls to join the street vendors due to low patronage (as a result of the presence of vendors on the streets).

Some private developers use the security to enforce eviction orders and hardly engage in dialogue with the traders at all. Traders often call on the AMA to intervene when they are served eviction notices by private developers.

<sup>15</sup><https://www.myjoyonline.com/news/2018/february-19th/traders-outrage-as-soldiers-storm-mallam-market-destroy-185-bags-of-salt.php>

<sup>16</sup><https://www.ghanaweb.com/GhanaHomePage/NewsArchive/AMA-dismisses-11-task-force-members-622826>

# 3. UNRAVELLING THE SOCIAL DIALOGUE PROCESSES

## 3.1 LEGISLATIVE

Against this background, the leadership of UNIWA has been exploring ways to engage the AMA on issues affecting their membership. In a focus group discussion, the NEC of UNIWA mentioned that it approached the new leadership of the AMA in 2017 following the change in government to establish a relationship for dialogue on issues affecting traders within the metropolis. With funding from Mondiaal FNV, the dialogue was planned as part of its project activity with the view of sustaining it beyond the duration of the project. This led to the birth of its first formal dialogue held in July 2018. Between 2017 and 2018, series of meetings were held with the leadership of the AMA to agree on date and agenda for the dialogue.

On the part of the AMA, dialoguing with market traders forms part of its strategies to educate traders on the AMA policies and programmes and to win their support for implementation. Officials at the AMA believed that a lack of an effective educational campaign to sensitise traders is the cause of most of the challenges they face with respect to enforcing its policies on street vending. The Mayor of the AMA since assuming office has been engaging with the leadership of traders to dialogue on issues of development of the market including ways to promote compliance with the city's bye-laws.

## 3.2 DESCRIPTION OF SD: ISSUES, AGENDA SETTING, SET-UP/LEVEL INSTITUTIONALISATION/AD-HOC NATURE, PARTICIPANTS, LEGAL SIGNIFICANCE OF OUTCOMES, ETC.

In July 2018, UNIWA held its first dialogue with the AMA under the theme: *Promoting Social Dialogue for Decent Work in the Informal Economy*. The General Secretary of UNIWA, in her address to the Mayor, highlighted that the choice of theme signified the lack of social dialogue between the two parties as a decent work deficit with negative consequence on their work. The dialogue was attended by UNIWA's executives and members and officials of the AMA. The Mayor served as the patron of the forum. The AMA demonstrated its commitment to the forum by providing a conference hall for the event.

*"Pursuant to the objectives of the MOU, the AMA and TUC/UNIWA agree to meet quarterly to deliberate and agree on issues relating to the use of space in the metropolis".*

Draft MOU

## 3.3 DIFFERENT NEGOTIATION (INCLUDING LOBBY, IF APPLICABLE) STRATEGIES ADOPTED

Ahead of the forum, the leadership of UNIWA's active 17 associations met with their membership to discuss their concerns and agree on issues to be put forward. Key issues raised included provision of shelter for vendors, collection of revenue (taxes, tolls and fees), provision of sanitation and security within the market among others as shown in Table 3.

The NEC of UNIWA met to consolidate feedback from the associations and further deliberate on the issues and agreed on key demands. In the process, the issues were clustered to avoid repeated requests on the same issues. A summarised address highlighting key demands was put together and discussed with the leadership of the AMA at a meeting held prior to the forum. The aim of this meeting was to make the leadership of the AMA aware of the issues to be presented. It was also for both parties to agree on issues and action points ahead of the public event. During that meeting, some of the issues were clarified and therefore deleted from the list of issues.

This process ensured that there was little disagreement between UNIWA and the AMA at the forum. It also allowed both parties to assess a request being made against resources to inform the level of commitment it could make.



Table 1: UNIWA's key demands to the AMA

**KEY HIGHLIGHTS OF UNIWA'S ADDRESS AT THE MAIDEN FORUM HELD IN JULY 2018**

- i. Provide affordable market stalls, tents and sheds and waste containers
- ii. Educate and sensitise informal sector workers on taxes, tolls, licensing, and A.M.A regulations
- iii. Institutionalise the forum to be held on a quarterly basis to facilitate constant engagement for deliberations and negotiations on issues that affect informal sector workers
- iv. Clear the filth in the market
- v. Designate offloading sites
- vi. Educate informal sector workers on the taxes they pay and what they are used for
- vii. Engage/ involve us in determination of taxes that we pay
- viii. Help us to differentiate between genuine and fake receipts that are issued for our payments and to avoid payment without receipt
- ix. Give us representation on the Assembly's committee in order to be part of decision making that mostly affect us

**3.4 IMPACT/OUTCOME OF SD ON THE SECTOR AND WORKERS' WORKING CONDITIONS, RIGHTS AND LIVELIHOODS IN PARTICULAR**

A key outcome of the forum was an agreement to sign a MOU to institutionalise a Quarterly Dialogue Platform -Informal Sector Forum- to discuss issues of mutual interest. However, the draft MOU is yet to be signed eight months after the first dialogue was held and no dialogue has since been held. UNIWA is currently lobby-

ing the AMA to make inputs into the draft MOU for both parties to sign during the March 2019 conference.

In a focus group discussion with traders who were not members with UNIWA, they were enthused about the outcome of the forum even though they did not participate. They noted that the outcome of the forum would benefit them all. They were also eager to become members of UNIWA narrating the challenges they face unorganised.

*"We often mass up at the AMA office whenever we are aggrieved, demanding to meet the Mayor. Although, we are often met by the Mayor, follow up becomes challenging given that we do not have leadership,"* the traders narrated.

In spite of the delay in formalising the relationship, UNIWA's executives said their relationship with the city authorities is cordial. There is now increased consultation between UNIWA's executives and AMA on matters affecting the former's members. In a focus group discussion a discussant said:

*"Before we had UNIWA, the AMA officials were doing things without consultation but now they reach out to our leaders before they embark on any action."*

For vendors in the central business district, the obvious outcome is the reduction in intimidation and scuffles with the city authorities. Conditions in the market have also improved with provisions of some amenities and improved security, according to the vendors. Additional streets have also been designated for vending; though this preceded the UNIWA Forum. In March 2017, The AMA designated additional streets for vending<sup>17</sup>.

**OBJECTIVES OF MOU BETWEEN UNIWA & AMA**

- a. Provide a platform for deliberations about the use of space in the Accra Metropolis
- b. Identify all empty and rented market stalls built by the AMA
- c. Establish a transparent system for allocation and/or re-allocating new and existing market stalls to informal workers
- d. Provide broad and specific guidelines for street hawking in the city
- e. Create and agree on designated spaces within the city for informal [trading] activities with defined terms and conditions
- f. Establish markets in certain locations during certain days of the week and during certain times of the day. In this arrangement the AMA and the informal workers will have specific rights and specific responsibilities
- g. Popularise/advertise markets in the sub-metros and encourage informal workers to stay in those markets
- h. Inculcate a culture of cooperation and dialogue among AMA, TUC and informal workers

<sup>17</sup><https://www.todaygh.com/ama-violates-law-allocates-streets-hawkers/>

The impact of this engagement is enhanced capacity of UNIWA's executives to engage other local authorities. A discussant from the Ga East District mentioned that although no formal engagement has been instituted with the Ga East Municipal Assembly, the leadership of the Ga East Traders Association has applied their knowledge and skills to engaging the assembly. This has resulted in a successful dialogue with the Assembly to designate a site for vendors in the municipality.

There is increased interest in the members of UNIWA's associate to engage in the dialogue process, noting the commitment of the AMA to engage. This was evident in attendance of the forum and subsequent meetings involving union members, the NEC reported.

### **3.5 AND NOW: FUTURE STEPS TO IMPLEMENT/SUSTAIN ACHIEVED RESULTS OR TO ENHANCE EFFECTIVENESS OF SD**

A key priority of UNIWA is to maintain the Quarterly Forum to ensure continuous engagement with the AMA on issues that affect its members; and to expand the initiative to other districts across the country. However, this has not been achieved after eight months of the first dialogue with the MOU yet to be signed. As noted earlier, the AMA has not demonstrated enough commitment after the dialogue to confirm its interest in sustaining the forum. When quizzed about the delay in signing the MOU, the General Secretary of UNIWA responded that, *"I think you have that answer. AMA staff are not progressive. They pick calls once in a while. Difficult getting things done on time. But will get it done anyway."*

The AMA's continuous dialogue with other market associations (especially GAMA) on issues affecting traders in the Makola market is an indication that they do not regard any one group as the representative of the traders within the metropolis. Therefore, it may be necessary for UNIWA to forge collaboration with

other trader associations (e.g. GAMA) if the forum is to gain wider recognition. For instance, UNIWA has to institutionalise the forum and make it a forum for all market traders. GAMA's expression of interest to join the TUC is an opportunity for the TUC to initiate a dialogue on this matter.

Sustaining the dialogue also requires funding and commitment from both parties especially on the part of the AMA to continue to engage and address the concerns of traders. UNIWA recognises that the current arrangement for funding its activities (through donors) is not sustainable. Therefore it is currently rolling out fundraising strategies to increase its internally generated funds to sustain this initiative. As noted earlier, annual and monthly dues as well as sale of ID cards are being rolled out to rake in revenue for its activities. Given UNIWA's financial situation however, it would be important for the Union to be cost effective. For instance, the forum can be held at either the AMA's or the TUC's conference halls to cut costs. A greater part of UNIWA's cost is the provision of food and reimbursement of transportation cost to participants who attend events. While this may be justifiable in some cases, there appears to be a standard rate given to all participants including those who are even within walking distances of the venue.

Importantly, the dialogue should translate into actions to address the needs of the informal sector in order to sustain interest. The AMA must demonstrate its commitment beyond hosting the event and negotiating agreements to taking practical actions to address the concerns of the workers. Although the AMA's responsiveness appears slow, UNIWA is confident that these issues would be addressed. The AMA indicated that it is open to dialogue with all traders' representatives that supports its agenda and it is committed to addressing the needs of traders based on available resources.

# 4. CONCLUSION

## 4.1 ENABLING CONDITIONS FOR SOCIAL DIALOGUE

The following conditions have enabled the UNIWA-AMA dialogue;

- 1. Political Will:** Social dialogue involves two or more parties negotiating or discussing issues of common interest. Therefore, for this to happen and be sustained, there must be a political will from both parties involved. This is particularly relevant to informal sector workers like market traders given the lack of legislative and institutional framework to mandate and foster social dialogue. As with this case study, UNIWA has an interest in protecting the rights of its members and in earning the support of the leadership of the AMA to provide an enabling environment for their businesses to flourish, while the AMA has an interest in maintaining order, pursuing development and raising revenue which require cooperation from informal sector operators within the metropolis.
- 2. Partisan Politics:** As seen with the history of GAMA, partisan politics appears to enable social dialogue. However, this may only last as long as the party the group is associated with is in power. Ghana's multi-party democracy has only two strong political parties that have transferred power to each other every eight years since 1992 (2000, 2008 and 2016). As a result market traders have aligned their leadership with the two major political parties to leverage government support for their constituents (market traders). For instance, it was gathered that the NPP government has identified a new leader for the market (Mad Christian Laryea). Although it is not clear the role these individuals played in the processes leading to the first Forum, the potential of this factor cannot be ruled out given past experiences.
- 3. Availability of Donor Resources:** The availability of donor resources in the case of UNIWA has enabled the social dialogue. However, this is not sustainable given Ghana's middle income status and the likelihood that donors will withdraw. Importantly, UNIWA must be self-reliant to have autonomy over its decision making.

- 4. Goodwill:** While political will to dialogue is important, the goodwill of the parties involved is a critical enabling factor. This is particularly key given the lack of legal and institutional arrangements to support social dialogue outside of the industrial space. MOUs are not legally binding and therefore both UNIWA and AMA can only hope for each other's commitment to the processes and outcomes. At the moment, UNIWA is riding on TUC's goodwill. The TUC is nationally recognised as the mouthpiece of unionised workers and has cordial relationship with government at all levels.
- 5. Capacity to engage and negotiate:** The leadership of UNIWA, through association with the TUC, have acquired negotiation skills over the years. The TUC's inclusion of UNIWA's leaders on core trade union activities (e.g. collective bargaining) in addition to training have built the capacities of the NEC. However, the informal sector is unique and therefore requires new skills and strategies.

## 4.2 OBSTACLES TO SOCIAL DIALOGUE

- 1. Limited Commitment:** Events after the first dialogue do not demonstrate sufficient commitment on the part of both parties, especially the AMA, to institutionalise the dialogue on a regular basis. Eight months after the dialogue the MOU still remains a draft, and also discussions on the date for the next dialogue have not been agreed on. The AMA's continuous engagement with GAMA on issues of market development and planned decongestion demonstrates some level of commitment to traders generally. Therefore, UNIWA may have to consider joining forces with GAMA to increase its leverage.
- 2. Reduced or Lack of Donor Funding:** The dialogue held in July 2018 formed part of UNIWA's project with Mondiaal FNV with dedicated funding and monitoring tool in place to ensure implementation. Although UNIWA's NEC stated they would find resources to sustain the dialogue, this is yet to be seen. As with many donor-driven initiatives, they come to a halt once the donor funded projects end. To overcome this situation, there will be the need to utilise resources effectively to reduce dependence on external funding. The AMA committing its conference hall for the forum is a good example to

emulate. UNIWA would have to make use of the TUC's resources (e.g. conference halls) and encourage its members to contribute cash and in-kind resources.

**3. No Legal Backing:** Ghana's Labour law provides a framework for social dialogue between persons in an employment relationship. This implies that own-account workers like market traders are excluded. Laws such as those regulating local governance and decentralisation encourage social dialogue but these are subject to availability of resources. Therefore the AMA cannot be sued for failing to dialogue. The success of any dialogue is largely dependent on the goodwill of parties involved. As a consequence, outcomes of policy dialogues are not legally binding.

**4. No Institutional Framework:** the institutional framework for social dialogue is biased towards formal sector workers. There is currently no institutional framework to facilitate dialogue such as those involving traders.

**5. Limited and relevant capacity:** Although the executive officers of the UNIWA have acquired bargaining skills through training and by participating in collective bargaining events led by the TUC, there is still room for improvement. This is particularly so because the informal sector differs from the formal sector and requires different sets of skills.

# BIBLIOGRAPHY

- Adanu, Selase K. 2004. "The need for changes in urban planning, Case study of Accra, capital city of Ghana." Geneva: Paper presented to the 40th ISoCaRP Congress.
- Anuwah-Amarh, T. 2015. Understanding the Urban Informal Economy in Ghana-A Survey Report, Friedrich Ebert Stiftung
- Anyidoho, Nana Akua. 2013. *Informal Economy Monitoring Study: Street Vendors in Accra, Ghana*. Manchester, UK: WIEGO. Available at <http://wiego.org/publications/city-report-informal-economy-monitoring-study-street-vendors-accra-ghana>. Accessed on 13 March, 2019
- Anyidoho, Nana Akua and William F. Steel. March 2016. "Perceptions of Costs and Benefits of Informal-Formal Linkages: Market and Street Vendors in Accra, Ghana" WIEOG Working Paper 35. <http://www.wiego.org/sites/wiego.org/files/publications/files/Anyidoho-informal-formal-linkages-market-vendors-Accra.pdf>. Accessed on 14 January, 2019.
- Britwum, A. O. 2010. Union Democracy and the Challenge of Globalisation to Organised Labour In Ghana. PhD Thesis, Maastricht University, Maastricht.
- Budlender, Debbie. May 2011. "Statistics on Informal Employment in Ghana." WIEGO Statistical Brief No. 6. Cambridge, MA, USA: WIEGO. Available at <http://wiego.org/publications/statistics-informal-employment-ghana>. Accessed on 20 November 2015.
- Ghana Statistical Service (GSS). 2014. *Ghana Living Standards Survey Report of the Sixth Round (GLSS 6)*. Accra: GSS.
- Ghana Statistical Service, November 2016. "Regional Spatial Business Report", Accra-Ghana,
- Ghana Statistical Service, April 2018. "Provisional 2017 Annual GDP published by Ghana Statistical Services, Accra. Accessed on 3 February 2019.
- Osei-Boateng, C and Ampratwum, E 2011, The Informal Sector in Ghana. Frieddrich Ebert Stiftung, Ghana Office
- Osei-Boateng, C 2012, Report on Street Vendors in Ghana. A Research Report Produced under *the Women and Informal Economy Project* implemented by the Ghana Trades Union Congress and Women in Informal Economy Organising and Globalising.
- TUC. (2012). Policies 2012 - 2016.
- Vlaminck, Z, Osei-Boateng, C, Ampratwum E (2015) "Mapping of manifestations of collective action in the informal economy (IE) in Ghana. Report compiled for NWO-WOTRO research project: *Increasing political leverage of formal and informal workers organisations: the cases of Ghana and Benin*.

# ANNEX

## LIST OF INTERVIEWS AND FOCUS GROUPS

Table 2: Participants of Focus Group discussion

UNIWA		
NAME	ASSOCIATION	
Anass Ibrahim Hille	StreetNet (IHVAG)	
David Graham	Makola	
Deborah Y.Quaye	Makola	
Yaw Nkrumah S.		
Emelia Obeng		
Doris Anglo		
Victoria Kisseiu		
David Arthur	NATUG	
Patience Senoo	Tema Station Market	
Esther Kumahlor	Dansoman Market	
Phyllis Araba Paintsil	UNIWA Secretariat	
NON-UNIWA MEMBERS		
NAME	ASSOCIATION	
Mercy A. Acquaye	Makola Market	
Mercy Mensah		
Ajuba Appiah		
Clara Okine		
Comfort Seffa		
Gifty Osei		
LIST OF INTERVIEWEES		
NAME	TRADE UNION/ORGANISATON	DESIGNATION
Deborah Freeman	UNIWA -TUC	General Secretary
Bernard Adjei	PSWU-TUC	General Secretary
Edward Kayeweh	GAWU-TUC	General Secretary
Korankye	AMA	PRO
Ankrah	AMA	
Joshua Ansah	TUC	Deputy Secretary General

## **ABOUT THIS PUBLICATION**

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