



## Addressing inequities in Labour Law: The case of exclusion and unionization challenges in the security services and informal sectors

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### Abstract

Labour law and unionization have been through several amendments to protect the interest of workers and employees in the labour industry. Several provisions in Ghana's labour laws show significant advancement in its labour regime. The tripartite approaches of engaging governments, employers, and workers in negotiations and consultations provide added benefits. However, there are inequalities and an incomplete balance, which hinder the full operation and protection of the fundamental rights of workers in the security services and informal sectors in Ghana. Labour law generally protects the interests of all workers, but, in Ghana, there are certain sectors excluded directly; and some indirectly, from enjoying their fundamental right of freedom of association and unionization. Again, an examination of the labour laws governing unionization reveals certain loopholes and inequities in Ghana's labour laws. Addressing these inequalities will promote and develop the economic sector, protect fundamental human rights and encourage positive work attitudes. The article highlights the inequities in labour law where certain sectors of the public service (security services) are excluded from the Labour Act, 2003 ("Act 651"), prevented from unionizing and exempted from certain expected pension regimes. Some imbalances also affect informal sector workers. Thus, the fulcrum of this article is an exposition of these inequities in Ghana's labour laws and a highlight of some of their adverse implications. This undermines the fundamental freedom of workers to join any association or trade union and needs to be redressed. After examining these inequities in Ghana's labour laws, this article further discusses the methods necessary to curb the problem. If properly adopted by States, including Ghana, these recommended policies and procedures will occlude the gap and loopholes in unionization and create an even footing for all workers.

**Keywords:** Labour Law, unionization, Ghana, Labour Act, 2003 (Act 651), security services

### Introduction

The essence of the law is to protect the fundamental interest of the people and ensure equal and fair treatment of all persons. Labour law specifically protects the social and economic interests of workers and employees but there appear to be inequities in the law, which prevent the full realization of the right of workers to join trade unions and associations in Ghana. This article expounds on some inequities in Ghana's labour laws and makes recommendations for resolving such inequities. The first part of this article discusses the philosophical underpinnings of labour law, and part two focuses on the historical development of labour law. Part three of this article elucidates the fundamental principle of freedom of association and certain restraints on this fundamental principle internationally and locally. Part four, which is the fulcrum of this article throws light on the excluded sectors in Ghana's labour laws and its implications. One of the key areas that breed inequity in labour law is the operation of pension schemes, as provided in the National Pension Scheme. Thus, parts five and six discuss in extenso the national pension scheme, the place of the informal sector, and the issues relating to the exclusion of the security services. Those Chapters provide a comprehensive analysis, by comparing Ghanaian domestic laws with international law and other labour laws in other jurisdictions. The remaining parts of the paper highlight some of the experiences and the lessons learnt. They also discuss appropriate recommendations needed to cure the inequities in labour law if properly applied by Ghana and the countries confronted with such inequities. The final part of this article provides a summary and conclusion of this article.

### Part I: The philosophy and theories surrounding labour rights and equitable treatment of the workforce

Labour law is one of the core fabrics of international and national law that existed centuries ago with its own political and philosophical underpinnings. There are several scholars whose work contributed to the development of labour law and most of these scholars viewed labour law in a special realm. The ideology of free labour better known as positive freedom is one of the philosophical theories of labour law. Jeremy Bentham states that, "All coercive laws, therefore... and in particular all laws creative of liberty, are, as far as they go, abrogative of liberty <sup>[1]</sup>." This statement brings into light the principle of freedom of contract that people should be at liberty in the labour market to exercise their labour rights; as far as proper regulations are observed. This does not call for absolute freedom, but there needs to be proper regulations and laws in place to govern the ideas of freedom of contract and labour rights. This theory thus notes that, free labour is needed for the even development of a society. However, this theory also recognizes that the absence of limitation will also destroy the essence of labour law. For instance, if women are allowed to work overtime and children are allowed to work to the detriment of their health, it will destroy the industrial and economic sectors, and the development society seeks to achieve will be stultified. This creates a duty on the government to make proper legislations to regulate the labour market without necessarily denying people their freedom of labour. Another philosophical theory concerning labour law is the real freedom theory. Some scholars, especially the Marxists argue that people are being coerced to enter into employment contracts as they have no better option than to

accept the terms of the employment contract <sup>[2]</sup>. They see this to be common in capitalist states where the bourgeoisie-proletariat relationship exists. Thus, workers are put under harsh working conditions, and are usually left with “a take it or leave it option”. This hinders the principle of freedom of contract as individuals accept the offer out of coercion and not from voluntary will <sup>[3]</sup>. The essence of this theory is that employment contracts must be opened and negotiable by all and that the employee must not be trapped on “take it or leave terms”. However, Robert Nozick argues that there is no coercion because although the terms of an employment contract may not favour an employee, it does not connote coercion. This is because if an employee is being coerced to enter into an employment contract, then the contract becomes void ab initio as the coercion will act as a vitiating factor nullifying the contract <sup>[4]</sup>.

The next philosophical theory on labour law is based on equity and social justice <sup>[5]</sup>. This theory exposes the exploitative nature of labour law especially in capitalist societies. This argument is premised on the unequal distribution of profits after labour. What the labourer inputs are higher than what he receives. The employees are given a peasant share of their hard work and at the end of the day, the bourgeoisies benefit the most, argues Karl Marx <sup>[6]</sup>. Other scholars such as Joseph Stiglitz, and Peter Self, among others criticize this theory and see it as a way of projecting socialism <sup>[7]</sup>.

The most dominant and widely accepted theory of all is the theory based on equality. This theory is premised on fundamental equality in the society. Equality enhances fairness and respect for others. Timothy Hinton refers to this philosophical ideology as “equality status”. Anderson Kant shares the same idea with Hinton and argues that even in a master-servant relationship, the master must observe and respect the dignity of the servant for “[H]e can never behave as if he owned them (dominus servi); for it is only by a contract that he has brought them under his control, and a contract by which one party would completely renounce its freedom for the other’s advantage would be self-contradictory, that is, null and void, since by it one party would cease to be a person and so would have no duty to keep the contract but would recognize only force <sup>[8]</sup>.” He clearly expounded on this when he attempted to justify the need for equal autonomy in employer-employee relationships. He stated that “Now it might seem that someone could put himself under obligation to another person, by a contract to let and hire to perform services (in return for wages, board, or protection that are permissible in terms of their quality but indeterminate in terms of their quantity, and that he thereby becomes just a subject, not a bondsman. But this is only a deceptive appearance. For if the master is authorized to use the powers of his subject as he pleases, he can also exhaust them until his subject dies or is driven to despair (as with the Negroes on the sugar islands); his subject will have given himself away, as property, to his master, which is impossible.—Someone can therefore hire himself out only for work that is determined as to its kind and its amount, either as a day labourer or as a subject living on his master’s property <sup>[9]</sup>. For instance, the employee’s right to privacy, freedom from discrimination, right to fair wages and provision of health and safety conditions must be respected. This also includes the prevention of sexual assaults and child abuse and the provision of proper measures to ensure the safety of

workers. Workers must be paid adequately as they deserve and employees also must show positive work attitudes. This creates an equal and democratic system that fosters harmony and unity in the various sectors. Under this theory, there is liberalization of the work sector and freedom of contract. The work sector becomes less oppressive as there is respect and dignity for one another.

## Part II: Historical development of labour law

Pierre Teilhard correctly observed that nothing is comprehensible without an understanding of its history <sup>[10]</sup>. Therefore, it is imperative to discuss the philosophical and theoretical development of labour law. In every society, there exist organizations and institutions with employer-employee relationships. Labour law sprouts from the actions of the class movement by the working class as far back as the seventh century in Europe. The movement flourished because of the massive support it received from prominent scholars at the time such as Karl Marx, Ferdinand and Robert Owen <sup>[11]</sup>. Owen contributed to the formation of a National Trade Union in England in 1834 through his works, while Ferdinand inspired the formation of the German Work Union in 1863 <sup>[12]</sup>. Karl Marx, who propounded the Marxist theory and whose work was geared towards class struggle in the society contributed to the development of labour law than most of the scholars. The works of Karl Marx led to the unionization of the working class (Proletariat) and the formation of the first international movement known as the International Working Men’s Association <sup>[13]</sup>.

Both international and local laws began to recognize labour rights as the pressure kept increasing in the economic and industrial sectors. Trade unions and associations gained legal recognition and laws were made to properly regulate the unions’ activities internationally and nationally or domestically. During the pre-league of the nation’s era, when international human rights were weak and less recognized, some States managed to enter into treaties to protect their international relations with other States. In Europe, for instance, there was an international instrument prohibiting woman from working at night. During the League of Nations era in 1919, human rights were protected. A human rights system was adopted which emphasized the right to freedom of association. Subsequently, the International Labour Organization (“ILO”) prohibited employment discrimination, provided for social security, equal pay and freedom to join unions, and the right to work. The Organization has contributed immensely to the development of trade unionization and global economic growth and has been widely adopted by the United Nations <sup>[14]</sup>.

## Part III: Freedom of association

Freedom of association is one of the core bases of democracy practiced in almost every part of the world. The existence of democratic institutions and associations is an indicator of the country’s commitment to promoting the rule of law and ensuring participatory democracy. International law upholds this fundamental principle and makes it a requirement in all human rights conventions. The International Labour Organization’s instrument of Freedom of Association and Protection of the Right to Organize Convention of 1948 makes special provisions for the right to organize and join an association <sup>[15]</sup>. Article 2 of this

convention provides that workers and employers shall have the right to establish and join organizations of their choice. Article 5 also provides that workers and employers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers. This does not exclude any form of persons or employers. It includes all the sectors and their workers. Article 9 makes a special provision for the security services, that is, the armed forces and the police service. Article 9 provides that the guarantees provided in the convention apply to the armed forces and the police service but are subject to the national laws of a State or any other regulation. This connotes that; international law recognizes the right to freedom of association of all workers including the security services whose offices are sensitive public offices.

Article 22 of the International Covenant on Civil and Political Rights ("ICCPR") provides that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests <sup>[16]</sup>. Another human rights instrument that provides the fundamental right of freedom of association is the International Covenant on Economic, Social and Cultural Rights ("ICESCR"). Article 8 of this convention provides that the State parties undertake to ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others <sup>[17]</sup>. Clause 2 of this article provides a caveat for States to put restrictions on other sectors such as the security services (the armed forces and the police service). Other regional instruments which recognize the right of freedom of association include the African Charter on Human and Peoples' Rights which provides under Article 10, the fundamental freedom of association <sup>[18]</sup>. This guarantees and protects the rights of workers and employees in the workplace.

### **The Ghanaian perspective on labour law and unionization**

The national laws of most countries have enshrined as part of their internal or domestic legal framework, the fundamental freedom of association. Article 21(1)(e) of the 1992 Constitution of Ghana provides that all persons shall have the right to freedom of association, which shall include freedom to form or join trade unions or other associations, nationals and international, for the protection of their interest <sup>[19]</sup>. This enables every Ghanaian citizen to join any union of their choice without any form of hindrance. Article 24(3) of the 1992 Constitution of Ghana reiterates Article 21 and makes special provisions for workers. This article provides that every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests. This is reiterated under section 79 of the Labour Act of Ghana, 2003 (Act 651). In *Mensima v The Attorney General*, the Plaintiff sought a declaration that regulations 3(1) and 21 of the Manufacture and Sale of Spirits Regulations, 1962 (LI 239) are

inconsistent with the letter and spirit of the Constitution, 1992 and therefore null and void. The said provisions of L.I. 239 required all distillers to be a member of a registered Distiller's Co-operative. It was held that, Articles 21(1)(e) and 24(3) of the Constitution, 1992 entitled every worker to form or join a trade union of his choice for the promotion and protection of his economic and social interest. Therefore, the compulsory requirement of membership could not be justified in terms of Article 21 of the Constitution <sup>[20]</sup>. The decision in this case thus reinforced the right to freedom of association as guaranteed under the Constitution.

There are other provisions that also guarantee the right to join other associations such as political parties. Article 21(3) provides that all citizens shall have the right and freedom to form or join political parties and to participate in political activities subject to such qualifications and laws necessary in a free and democratic society and are consistent with this constitution <sup>[21]</sup>. This depicts a positive development towards trade unionization and freedom of association. There are several unions and organizations established in Ghana by virtue of the fundamental freedom of association guaranteed under the constitution. Some of these include the Ghana National Association of Teachers (GNAT), the Civil Servants' Association, the State Registered Nurses' Association, the University Teachers Association of Ghana (UTAG) and other labour associations. Some laws which guarantee labour rights in Ghana include the Labour Act of Ghana, 2003 (Act 651), Labour Regulations (LI 1833) 2007, Factories, Offices and Shops Act, 1970 (Act 328), Labour Regulations (LI 1822) 2006 and Workmen's Compensation Act, 1987 (PNDCL 187).

### **Part IV: The exclusion of certain sectors from the labour act and its implications**

The Supreme Court by a slim 2-to-3 majority decision affirmed the non-unionization position of Management of Customs and Preventive Service (Plaintiff) in the case of *Customs, Excise & Preventive Service v. National Labour Commission (with Public Services Workers' Union (PSWU) of GTUC appearing as Interested Party)* 2009 GHASC 8 (4th February 2009). The plaintiff which was battling its Senior Staff, Junior Staff, PSWU, and Labour Commission (who were all in support of unionization) claimed per its writ of summons, a declaration that on a true and proper interpretation of the Labour Act 2003 (Act 651), particularly Section 1, the application or the purported application of the said Act to cover the Customs, Excise and Preventive Service (CEPS) is inconsistent with, or in contravention of Article 24 (4) of the Constitution and to that extent the court ought to declare that restrictions prescribed by law and reasonably necessary in the interest of national security or public order require that Customs, Excise & Preventive Service be excluded from the application of the Labour Act 2003 (Act 651) since it is established as a Security Service. The Plaintiff claimed further that by virtue of the combined effect of Article 1(2) and Article 11(6) of the Constitution, the Court declares a Collective Bargaining Certificate dated 20th March 1987 issued to cover the Customs, Excise & Preventive Service void and of no effect.

The substance of the Plaintiff's claim and the court's holding was that insofar as the Labour Act 2003 (Act 651)

applies to the workers of the Customs, Excise and Preventive Service, the same is inconsistent with or in contravention of Article 24(4) of the Constitution and to that extent is null and void. And that the continued operation of a Collective Bargaining Certificate dated the 20th day of March 1987 in respect of the Customs Excise and Preventive Service is for the same reason also null and void. The stance of the Plaintiff in the above case shows that the Senior Staff and Junior Staff of CEPS had a great interest in unionizing, and were using every effort to fight their exclusion from the Labour Act. Their Management were however up in arms against them and pursued their case at the Labour Commission where they lost, but later used the above writ to invoke the jurisdiction of the Supreme Court. The slim nature of the Supreme Court's 2-to-3 majority and the stance of the parties including the Senior Staff and Junior Staff of CEPS (who were the proxies the Labour Commission was fighting for) shows the sharply divided views on the subject.

Moreover, Act 651, a vital piece of legislation aimed at protecting workers' rights and promoting fair labour practices, surprisingly excludes certain sectors from its coverage, particularly the security services. This exclusion has far-reaching implications that can lead to the perpetuating exploitation, inequality, and vulnerability among affected workers. Some of these implications are discussed in this chapter.

### **Lack of legal protection**

The lack of legal protection emanating from unionization for workers in the excluded sectors, particularly the security services, is a likely critical consequence of the Labour Act's limitations. Without legal recourse, workers face difficulty filing complaints, limited access to labour courts, and inadequate enforcement, making them susceptible to overwork, underpayment, and neglect of safety protocols. This can lead to denying them basic rights such as fair wages, safe working conditions, and social security, and leaving them vulnerable to exploitation, harassment, and abuse. This can disproportionately affect the security personnel and perpetuate existing social and economic inequalities<sup>[22]</sup>. The consequences are likely to extend beyond individual workers, impacting economic growth through reduced productivity, increased poverty, and potential social unrest.

### **Exploitation and vulnerability**

Security service personnel in Ghana, excluded from the Labour Act, can easily face exploitation, including long working hours, low wages, hazardous conditions, and physical and emotional abuse. Vulnerable groups, such as female personnel, migrant workers, and contract staff, are illustrative microcosms of persons disproportionately affected. In the case of *CHRAJ v Ghana National Fire Service & the Attorney General (CHRAJ & others v. GNFS)*<sup>[23]</sup>, the High Court (Human Rights Division), declared the dismissal of two female employees from the National Fire Service on the ground of their pregnancy, illegal and constituting gender discrimination. The exclusion of the National Fire Service from the Labour Act, 2003 was flagged as an excuse by Defendants in that case, but the High Court rejected that argument and declared as

discriminatory the pregnancy clause of the National Fire Service (Regulation 33(6)) which stipulated that a female employee shall not be dismissed on the ground that she is pregnant, provided she has served the first three years.

From the legal arguments in the Court, the Labour Act's exclusion seems to have emboldened the Service to have laws and regulations of that nature. But pregnancy clauses in conditions of service which forbid women from becoming pregnant during probationary periods of their employment are discriminatory. Workplace regulations or employment contracts that restrict a female worker's prerogative to determine when or whether she may have children are discriminatory. Terminating employment based on pregnancy and pregnancy-related illness is also discrimination.

A female police officer who faces assault cases by a superior officer is an example of exploitation and vulnerability that require levels of protection, not exclusions. Also, private security guards protesting unpaid wages and poor conditions in their places of work and migrant security guards from neighboring countries working without social security benefits, highlight the lack of protections. Though such persons are not deemed part of the Security Service of Ghana, the inequities affecting them are easily scalable and relatable to inequities arising from contexts of exploitation or vulnerability as seen in the Ghanaian Labor Law.

The exclusion of Security Services from the Labour Act's coverage can easily perpetuate and institutionalize exploitation, deny the affected persons legal recourse and perpetuate physical suffering, emotional distress, financial hardship, and social exclusion. All these issues, concerns, and realities underscore the urgent need for action-oriented research inquiries to influence policy reforms to safeguard their well-being and dignity.

### **Perpetuation of inequality**

The exclusion of security services from Ghana's Labour Act perpetuates mistreatment and defenselessness among personnel, disproportionately affecting vulnerable groups: women, migrants, and minorities. The case of *CHRAJ v Ghana National Fire Service & the Attorney General (CHRAJ & others v. GNFS)* and the legal arguments of the Ghana National Fire Service before the High Court amply illustrate this situation. This worsens existing social and economic inequalities, leading to physical suffering, emotional distress, financial hardship, and social exclusion due to wage exploitation, excessive work, hazardous environments, verbal and physical abuse, and bias based on gender, race, ethnicity, or immigration status.

To combat this, policymakers may have to amend the Labour Act to cover security services, provide reasonable limitations, not total absolute exclusions, enhance enforcement mechanisms, establish alternative safeguards, educate personnel about their entitlements, and provide support services for exploited workers, promoting equitable labour practices, safe working conditions, and social protection for all security personnel, and ensuring well-being, dignity, and national security in Ghana.

Preventing unionization of security services in Ghana can rather have far-reaching consequences, including limited security, staging of coups, social unrest, and bribery and corruption. By denying security personnel the right to collective bargaining and better working conditions, the

government may rather be fomenting an environment of discontent, low morale, and vulnerability to manipulation among other ills. This can lead to security breaches, compromised national safety, and increased risk of coups, as disillusioned personnel may seek drastic changes. Social unrest and protests may also erupt as frustrated personnel and citizens demand improved conditions and accountability.

Furthermore, the lack of transparency and accountability in security services creates fertile ground for bribery and corruption, undermining trust in institutions and the rule of law. Ultimately, Ghana's national stability, democracy, and economic development can be jeopardized by the restrictions on security service unionization. All these critical concerns highlight the urgent need for reforms. This exploitation perpetuates poverty and inequality, as workers may lack access to effective social security, pensions, fair wages, and safe working conditions <sup>[24]</sup>.

The economic consequences on informal economies are significant, especially in situations where the component of security services pensions and tax revenue are taken out of the general pool of pension and revenue funds. Such situations can result in reduced tax revenue, lost economic potential, increased poverty, and distorted competition all of which undermine economic growth and perpetuate poverty. The social consequences on informal economies are equally concerning. Social isolation, limited access to healthcare, increased inequality, and reduced social mobility are all direct results on informal economies. Informal workers often lack access to social services and benefits, healthcare, and education, perpetuating intergenerational poverty <sup>[25]</sup>. Furthermore, the growth of the informal economy raises significant human rights concerns. The exploitation of vulnerable groups, child labour, and forced labour are all prevalent in informal economies. Women, migrants, and minorities are disproportionately represented in informal economies, exacerbating existing social and economic disparities.

#### **Part V: The challenges related to pensions and their adverse implications**

As has been highlighted earlier, omitting the armed forces, Police Service, Prisons Service, Fire Service, and Security and Intelligence Agencies the nation's general pensions and not making them contribute to the general pool of pension revenue worsens the challenges confronting Ghana's national pensions scheme. Inadequate funding is a key challenge facing Ghana's pension system, threatening the sustainability of the general pension pool. This issue arises from a combination of factors, including insufficient contribution rates, inadequate investment returns, and inefficient management of pension funds. The National Pensions Act, 2008 (Act 766) requires a 13% contribution rate from employees and employers, with 5% from employees and 8% from employers, but this rate is often not enforced, leading to significant shortfalls. Additionally, investment returns on pension funds have been low due to conservative investment strategies and a lack of diversification, further exacerbating the funding deficit <sup>[26]</sup>.

Thirdly, administrative inefficiencies, corruption, and mismanagement of pension funds have resulted in significant losses, reducing the overall value of the pension pool <sup>[27]</sup>. The impact of inadequate funding is far-reaching, affecting both current and future pensioners. With a

significant deficit, the pension pool may struggle to meet its obligations, leading to reduced pension benefits, delayed payments, or even a complete collapse of the system. This would have devastating consequences for Ghana's elderly citizens, who rely heavily on pensions for their livelihood. Fourthly, inadequate funding undermines trust in the pension system, discouraging workers from contributing and potentially leading to a decrease in participation rates. To address this challenge, it is essential to increase contribution rates, explore alternative funding sources including the expansion of the net of contributors, and improve investment strategies to ensure higher returns. Regular actuarial reviews and audits should also be conducted to identify areas of inefficiency and implement corrective measures. Effective management and transparency are crucial to restoring confidence in the pension system and ensuring its long-term sustainability, thereby safeguarding the financial security and well-being of Ghana's elderly citizens <sup>[28]</sup>.

Fifthly is the issue of the aging population. Ghana's aging population poses a significant challenge to its pension system, as the proportion of elderly citizens increases, placing pressure on the pension pool. With life expectancy rising and fertility rates declining, the elderly population (65+ years) is projected to triple by 2050, accounting for over 10% of the total population <sup>[29]</sup>. This demographic shift increases pension liabilities, as more individuals become eligible for benefits, straining the system's resources. The aging population also leads to a decrease in the workforce, reducing the contributor base and exacerbating the funding deficit. Sixth, elderly citizens require more healthcare and social services, increasing the financial burden on the pension system. As a result, the pension system faces significant strain, threatening its ability to provide adequate benefits to retirees, and compromising the financial security and well-being of Ghana's economy.

Seventh, is the issue of over-dependence on the Government for support. The government provides substantial subsidies to the pension fund, accounting for a considerable portion of its revenue <sup>[30]</sup>. This dependence on government support creates uncertainty and vulnerability, as changes in government policies or economic conditions can impact the pension fund's financial stability. Furthermore, the government's financial constraints and competing priorities can lead to delayed or reduced subsidies, compromising the pension fund's ability to meet its obligations. The dependence on government support also undermines the pension system's autonomy and independence, as decisions regarding fund management and investment are often influenced by government interests rather than actuarial considerations <sup>[31]</sup>. The historical context of Ghana's pension system explains its dependence on government support. Established during the colonial era, the system was initially designed to provide pensions to civil servants. Following independence, the government expanded the system to cover additional public sector employees, with the state bearing the majority of the financial burden. This legacy has persisted, with the government continuing to provide significant subsidies to support the pension fund <sup>[32]</sup>. While intended to ensure the system's viability, this dependence on government support has created unintended consequences, including inefficiencies and lack of accountability <sup>[33]</sup>. The impact of dependence on government support is multifaceted. It creates uncertainty among pensioners, who

rely on timely and adequate payments. Delays or reductions in government subsidies can lead to delayed or reduced pension payments, aggravating poverty and financial insecurity among elderly citizens<sup>[34]</sup>. Moreover, dependence on government support discourages private sector participation and innovation in pension fund management, stifling potential efficiency gains and investment opportunities. The lack of autonomy and independence also hinders effective governance and decision-making, as pension fund managers must navigate complex government bureaucracies and competing interests.

In addition, Ghana's pension system faces significant funding challenges, with a substantial deficit threatening its long-term sustainability. The dependence on government support worsens this challenge, as subsidies may not keep pace with growing pension liabilities. As the population ages and pension liabilities increase, the government's ability to provide adequate subsidies will be tested, potentially compromising the system's viability. The consequences of dependence on government support are far-reaching, affecting not only pensioners but also the broader economy and society. It is for these reasons elucidated above, that it appears very crucial for all workers including the armed forces, Police Service, Prisons Service, Fire Service, and the Security and Intelligence Agencies to contribute to the pension scheme's pool of funds.

#### **Part VI: Analyzing the barriers to unionization faced by excluded sectors**

Unionization is a vital tool for workers to collectively bargain for better working conditions, fair wages, and social protection. However, certain sectors, including informal, rural, and precarious workers, face significant barriers to unionization, hindering their ability to improve their working lives<sup>[35]</sup>. This part of the paper examines the key barriers to unionization in these excluded sectors, including legal and regulatory, economic and social, structural and organizational, and cultural and social norms, and highlights the consequences of these obstacles. First, legal and regulatory barriers significantly hinder unionization efforts in excluded sectors. Restrictive labor laws limit freedom of association and collective bargaining rights, making it difficult for workers to unionize. In some cases, laws explicitly exclude certain sectors, such as agriculture or domestic work, from labor protections, and in Ghana, it was not until the year 2020, almost 17 years after the enactment of the Labour Act, 2003 that regulations were put in place for domestic workers through the Labour (Domestic Workers) Regulations, 2020 (LI 2408). Issues and gaps regarding the implementation and enforcement of the provisions of that regulation will fill hundreds of large-volume books. Second, registration requirements and bureaucratic processes can delay or prevent union formation<sup>[36]</sup>. These barriers perpetuate power imbalances, allowing employers to maintain control over workers and undermine unionization efforts. Third, economic and social barriers also pose significant challenges to unionization in excluded sectors. Poverty and vulnerability are pervasive, making union dues and activism unaffordable for many workers. Fear of retaliation from employers is widespread, increasing vulnerability. Workers may face dismissal, wage deductions, or other forms of reprisal for union involvement. Limited education and awareness about labor rights and unionization further hinder organizing efforts.

Many workers lack knowledge about their rights, making them more susceptible to exploitation. Fourth, structural and organizational barriers impede unionization in excluded sectors. Fragmentation is a significant challenge, as informal and rural workers are often dispersed, making organizing and mobilization difficult. Unions face limited financial and human resources, hindering their capacity to organize and support excluded sectors. Fifth, traditional unions may not effectively represent excluded sectors' interests, leading to mistrust and disillusionment. Inadequate union representation perpetuates power imbalances, allowing employers to maintain control. Sixth, cultural and social norms also influence unionization in excluded sectors. Power dynamics between employers and workers can discourage unionization, as workers may fear reprisal or loss of employment. Social and cultural norms may stigmatize unionization or view it as confrontational. Gender and ethnic disparities further complicate unionization efforts, as women and minority workers face additional barriers. These norms perpetuate existing power structures, undermining unionization efforts.

The consequences of these barriers are dire. Limited collective bargaining power allows employers to maintain exploitative working conditions and low wages. Poor working conditions and low wages perpetuate poverty and vulnerability. Increased vulnerability to exploitation compromises workers' well-being and dignity. The absence of effective union representation undermines social and economic justice, perpetuating existing power imbalances. Addressing these barriers requires a comprehensive approach that includes labor law reforms, union capacity building, education and awareness campaigns, support for grassroots organizing, and inclusive and representative union structures<sup>[37]</sup>. By understanding and addressing these challenges, excluded sectors can overcome obstacles to unionization, improving working conditions and promoting social and economic justice.

#### **Comparative analysis and international perspectives**

Act 651 provides the framework for employment regulations in the country. However, it did not have detailed provisions for domestic workers, agricultural workers, and informal sector workers in its protections. For instance, it was in the year 2020 that the Labour (Domestic Workers) Regulations, 2020 (LI 2408) was promulgated to address issues regarding domestic workers. This exclusion leaves these vulnerable groups without legal recourse in cases of exploitation or abuse. Domestic workers, for example, are often subjected to long working hours, low wages, and poor working conditions without any legal protection. Agricultural workers also face hazardous working conditions and lack access to social security benefits. Even with the enactment of the Domestic Workers Regulations, several gaps remain in the implementation and enforcement of its provisions and interventions.

Secondly, Ghana's Labour Act allows freedom of association but with restrictions. The Act requires trade unions to register with the government and obtain certification before engaging in collective bargaining. These restrictions limit the ability of workers to organize and negotiate better working conditions. Lastly, Act 766 established a pension scheme for formal sector workers. However, it makes informal sector workers' contributions largely voluntary. It thereby indirectly excludes informal

sector workers, who comprise a significant portion of the workforce. This indirect exclusion can result in the denial of informal sector workers access to social security benefits, and leave them vulnerable to poverty and financial insecurity in old age.

In contrast, Cote d'Ivoire's Labour Code 2015 provides comprehensive protections for all workers, including domestic workers and agricultural workers. The code sets minimum wage standards, guarantees paid leave, and regulates working hours<sup>[38]</sup>. This inclusive approach ensures that all workers, regardless of sector or status, have access to basic rights and protections. In addition, Cote d'Ivoire's National Social Security Fund provides coverage for formal sector workers and plans to extend coverage to informal sector workers. This progressive approach recognizes the importance of social security for all workers, regardless of sector or status. Moreover, Cote d'Ivoire's Trade Union Act, of 2015 promotes freedom of association and collective bargaining. The Act simplifies trade union registration and certification processes, enabling workers to organize more easily<sup>[39]</sup>.

The ILO promotes inclusive labour laws covering all workers, regardless of sector or status. ILO conventions emphasize freedom of association, collective bargaining, and social security protections<sup>[40]</sup>. ECOWAS promotes regional labour standards, including freedom of association and collective bargaining. Member states are encouraged to adopt inclusive labour laws and protect workers' rights<sup>[41]</sup>. Ghana's labour laws, directly and indirectly, exclude some key sectors from the labour law and pensions arrangements. Strengthening labour protections and promoting inclusive sector coverage will enhance social and economic justice for all workers.

### **Part VII: Insights from the International Labour Organization (ILO) regarding labor rights and practices**

To begin with, ILO emphasizes four fundamental principles and rights at work, which are the cornerstone to promoting social justice and fair labour practices. These principles include freedom of association, elimination of forced labour, abolition of child labour, and elimination of discrimination. Freedom of association allows workers to form and join unions, enabling collective bargaining and better working conditions. Elimination of forced labour ensures workers are not coerced or exploited. The abolition of child labour protects children from harmful work and promotes education<sup>[42]</sup>. Elimination of discrimination guarantees equal opportunities and treatment for all workers. The ILO's Decent Work Agenda promotes fair and equitable working conditions globally. Decent work encompasses four pillars: promoting employment, guaranteeing social protection, promoting social dialogue, and respecting fundamental rights<sup>[43]</sup>. This agenda aims to create jobs, ensure fair wages, provide safe working conditions, and protect workers' rights. By promoting decent work, the ILO seeks to reduce poverty, inequality, and social injustice<sup>[44]</sup>.

The ILO sets international labour standards through conventions and recommendations, establishing minimum requirements for fair labour practices. These standards cover various topics, including minimum wage, working hours, occupational safety, and health. Labour standards provide a framework for governments, employers, and workers to promote fair labour practices and protect workers' rights. By ratifying ILO conventions, countries commit to

implementing these standards, ensuring a level playing field for workers globally. Workers' rights also include protection from unfair dismissal, access to social security, and freedom to join unions<sup>[45]</sup>. The ILO encourages social dialogue between governments, employers, and workers to promote labour peace and cooperation. Social dialogue involves negotiations and consultations to address labour issues, resolve disputes, and improve working conditions. This tripartite approach fosters cooperation, trust, and mutual understanding among stakeholders. Effective social dialogue promotes collective bargaining, resolves labour conflicts, and enhances economic and social stability<sup>[46]</sup>. By engaging in social dialogue, countries can create a conducive environment for investment, job creation, and sustainable growth.

### **Reflection on lessons learned from experiences and international practices**

The examination of experiences and international practices offers invaluable lessons for improving labour laws and practices. Historically, the evolution of labour laws has been shaped by social and economic transformations, technological advancements, and the struggles of workers. By reflecting on these experiences, we can identify effective strategies for promoting fair labour practices, protecting workers' rights, and fostering social and economic progress. One significant lesson learned from experiences is the importance of international cooperation and standards. The ILO, established in 1919, has played a pivotal role in promoting fair labour practices globally. The ILO's conventions and recommendations provide a framework for countries to adopt and implement minimum labour standards, ensuring a level playing field for workers worldwide. The experiences of countries like Cote d'Ivoire and Ghana highlight the need for inclusive labour laws. Cote d'Ivoire's Labour Code 2015, for instance, provides comprehensive protections for all workers, including domestic workers and agricultural workers. In contrast, Ghana's Labour Act 2003 did not fully provide for these vulnerable sectors, although recent steps on domestic workers seem to suggest very good prospects. International practices also demonstrate the effectiveness of social dialogue in promoting labour peace and cooperation. Ghana has done very well in that direction. Ghana, like Sweden and Denmark, has implemented tripartite approaches, engaging governments, employers, and workers in negotiations and consultations. This collaborative approach fosters trust, cooperation, and mutual understanding, resolving labour conflicts and enhancing economic and social stability<sup>[47]</sup>. Ghana should deepen this advantage. Furthermore, experiences emphasize the need for effective labour inspection and enforcement mechanisms. Weak enforcement and inadequate inspections can lead to exploitation and abuse. Countries like Brazil and Argentina have implemented robust inspection systems, ensuring compliance with labour laws and protecting workers' rights<sup>[48]</sup>. The impact of technological advancements on labour markets is another crucial consideration. The rise of the gig economy and non-standard forms of work has created new challenges for labour regulations. Countries like Singapore and South Korea have adapted their labour laws to address these changes, providing protections for workers in non-traditional employment arrangements (Williams, 2007, p. 12). Lastly, international practices highlight the importance

of addressing informal employment. Many countries struggle with high rates of informal employment, which can perpetuate poverty and inequality. For example, countries like Peru and Colombia have implemented policies to formalize informal employment, providing access to social security benefits and labour protections. This aligns with Yankson's (1989) assertion that the urban informal sector plays a significant role in employment creation but requires targeted policies to improve conditions and reduce socio-economic disparities. In conclusion, reflecting on experiences, comparative policies, laws and actions of other countries, and international practices offers valuable lessons for improving labour laws and practices. By adopting inclusive labour laws, promoting social dialogue, ensuring effective enforcement, addressing technological advancements, and tackling informal employment, countries can create fair and equitable labour markets. These lessons inform policymakers, employers, and workers, guiding them toward better labour practices and a more just and equitable society.

### **Part VIII: Recommendations**

Firstly, it is proposed that the labour laws of Ghana be revised to include those sectors which are currently excluded from their applications. Revising labour laws to include excluded sectors while implementing reasonable limitations is crucial for promoting fair labour practices. The labour laws provide a foundation for labour regulations, covering minimum wage, overtime pay, record keeping, and child labour standards. However, certain sectors such as agricultural work, informal sectors and domestic work which were excluded from these protections for a long time, need critical attention. The armed forces, police service, prison service, fire service, security and intelligence agencies remain excluded, but protected under different legal arrangements.

To address this issue, it is essential to revise the current labour laws to ensure the inclusivity of those sectors. This can be achieved by considering several key factors. Revised laws should cover all workers, including those in agricultural work, and informal sectors, as well as the security services. Domestic work where enforcement of the existing regulations protecting them is crucial, also needs to be looked at. This will provide protections for vulnerable workers who have historically been exploited. Secondly, reasonable limitations must be implemented. This means balancing worker protections with security concerns, business needs, human rights, and other related matters such as public order, national interest, flexible work arrangements and reasonable overtime requirements. This will prevent undue burden on security services and businesses while ensuring workers' rights are protected.

Thirdly, social dialogue must be encouraged. This means, deepening tripartite discussions between governments, employers, and workers to address labour issues and promote collective bargaining. This will foster cooperation and understanding among stakeholders. Lastly, effective enforcement mechanisms must be established. This means, establishing robust inspection and enforcement mechanisms to prevent labour exploitation. This will ensure compliance with labour laws and protect workers' rights.

The ILO standards provide a framework for promoting fair labour practices globally. Countries like Cote d'Ivoire have implemented inclusive labour law providing valuable

models for revision. The potential benefits of revising labour laws are numerous including improved working conditions, increased economic growth, and enhanced social justice to mention a few. Fair labour practices can boost economic growth, productivity, and competitiveness while promoting social justice and reducing inequality.

### **Suggestions for addressing challenges related to pension schemes and unionization**

To address challenges related to pension schemes and unionization, governments and policymakers can consider several strategies. For pension schemes, this includes implementing automatic enrollment, increasing contribution rates, and introducing flexible retirement options. Additionally, integrating informal sector workers into formal pension systems and providing financial education can enhance coverage and sustainability. Regarding unionization, promoting social dialogue, simplifying union registration processes, and strengthening collective bargaining rights can foster greater worker representation and protection. Governments can also establish tripartite councils to facilitate cooperation between workers, employers, and policymakers. Furthermore, investing in labour administration and inspection systems can ensure the effective enforcement of labour laws and protections. By adopting these measures, countries can strengthen pension schemes, promote unionization, and ultimately enhance social security and worker well-being. To improve security services in Ghana, legislative reforms are necessary, including amendments to the Police Service Act (1970), Immigration Service Act (2000), Ghana National Fire Service Act (1999), and Private Security Agencies Regulation Act (1992). Regulatory enhancements, such as a centralized database and standardized training, should be implemented alongside operational improvements like improved logistics, intelligence gathering, and inter-agency collaboration. Personnel welfare should be prioritized through better working conditions, mental health support, and career development opportunities. Accountability and transparency can be achieved through independent review boards, body cameras, and internal affairs units. International cooperation, community engagement, and technological advancements, including digital forensic tools, cyber security measures, surveillance drones, and emergency response mobile applications, are also crucial. Additionally, fostering public trust through community outreach, public education, and citizen participation in security initiatives will enhance overall security effectiveness in Ghana.

### **Consideration of international labour arrangements and best practices**

International labour arrangements and best practices offer valuable insights for improving labour standards and protections. The ILO provides a framework for fair labour practices through its conventions and recommendations, emphasizing freedom of association, collective bargaining, and social dialogue. Countries like Sweden and Denmark demonstrate successful implementation of tripartite approaches, fostering cooperation between governments, employers, and workers. The European Union's labour regulations, such as the Working Time Directive and the Temporary Agency Workers Directive, provide models for protecting workers' rights. Additionally, countries like

Singapore and South Korea have effectively integrated international labour standards into their national laws, ensuring fair treatment of migrant workers. By considering these international arrangements and best practices, Ghanaian policymakers can develop effective labour laws and policies that promote social justice, equality, and decent work for all. These can be seen in Ghana's efforts to tackle the challenges faced by the Security Services. There's an amendment to be made to Act 766 which excludes the Police Service, Immigration Service and other Security Services from the unification process.

### Part IX: Conclusion

In conclusion, it is noteworthy that the right to freedom of association is the heart of labour law and it is revealed in this article that, employees should be able to join trades and unions because of the fundamental principle of freedom of association. It is also important to emphasize that the law does not guarantee absolute enjoyment of the right to freedom of association and in certain circumstances; it provides some limitations, though these limitations must not be arbitrary and discriminatory. However, it appears that some of these restrictions are discriminatory and create inequities in labour. This hinders the full realization of labour law. The excluded sectors face several challenges which hinder the development of labour law and the protection of worker's social and economic interests. This is evidenced by the pension scheme, which excludes the military and other security agencies from benefiting under the Pension Act, and the Supreme Court and High Court cases involving CEPS and Fire Service respectively where the affected staff raised concerns about the exclusions. These inequities are addressable if the recommendations provided in this article are fully implemented by States facing inequities in their labour laws.

### References

1. Bentham J. Anarchical fallacies, In the works of Jeremy Bentham: Published under the superintendence of his executor, John Bowring, Edinburgh: William Tait, 1843:2:503.
2. Spector H. Philosophical Foundations of Labor Law. Florida State University Law Review, 2006;33:1128. Available at <<https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1221&context=lr>> assessed, October 15, 2024.
3. Hugh Collins, Gillian L. Lester, Virginia Mantouvalou. Introduction: Does Labour Law Need Philosophical Foundations?, Oxford University Press, 2018, 25. Available at <[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty_scholarship)> assessed October 15, 2024.
4. Hugh Collins, Gillian L. Lester, Virginia Mantouvalou. Introduction: Does Labour Law Need Philosophical Foundations?, Oxford University Press, 2018, 4. Available at <[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty_scholarship)> assessed October 15, 2024.
5. Bogg A. Philosophical Perspective on Labour Law. University of Oxford, 2017. Available at <<https://ora.ox.ac.uk/objects/uuid:55529747-d98b-4755-b4317b790b73b8a0/files/m38939cf9606e65a9fdd221b9596e5dd5>> assessed, October 15, 2024
6. Hugh Collins, Gillian L. Lester, Virginia Mantouvalou. Introduction: Does Labour Law Need Philosophical Foundations? Oxford University Press, 2018, Page 25. Available at <[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty_scholarship)> assessed October 15, 2024.
7. Stiglitz J. Whither Socialism. MIT Press, ISBN 978-0262691826. Self P., Socialism (in A Companion to Contemporary Political Philosophy, editors Goodin, Robert E. and Pettit, Philip. Blackwell Publishing, (1995), Page 339 (Peter Self sees "extreme equality" as requiring "strong coercion" and forecloses "reasonable recognition [for] different individual needs, tastes (for work or leisure) and talents"), 1996.
8. Spector H. Philosophical Foundations of Labor Law. Florida State University Law Review, 2006, 33. Available at <<https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1221&context=lr>> assessed, October 15, 2024.
9. Spector H. Philosophical Foundations of Labor Law. Florida State University Law Review, 2006, 33. Available at <<https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1221&context=lr>> assessed, October 15, 2024.
10. De Chardin PT. Excerpt from The Future Of Man. Reprint, Crown Publishing Group, University of Michigan, 2006, 93.
11. Collins H. Introduction: Does Labour Law Need Philosophical Foundations? Columbia Law School, 2018. Available at <[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3538&context=faculty_scholarship)> assessed October 15, 2024.
12. Spector H. Philosophical Foundations of Labor Law. Florida State University Law Review, 2006, 33. Available at <<https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1221&context=lr>> assessed, October 15, 2024.
13. Spector H. Philosophical Foundations of Labor Law. Florida State University Law Review, 2006, 33. Available at <<https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1221&context=lr>> assessed, October 15, 2024.
14. Atkinson J.; Labor Law and Human Rights: Legal and Philosophical Perspectives. University College London, 2020. Available at <[https://discovery.ucl.ac.uk/id/eprint/10093788/1/Atkins on%20%20FINAL%20THESIS%20W%20IMPACT%20STATEMENT.pdf](https://discovery.ucl.ac.uk/id/eprint/10093788/1/Atkins%20%20FINAL%20THESIS%20W%20IMPACT%20STATEMENT.pdf)> assessed, October 15, 2024.
15. The International Labour Organization's Instrument of Freedom of Association and Protection of the Right to Organize Convention, 1948, Article 2.
16. International Covenant on Civil and Political Rights (ICCPR), 1966, Article 22.
17. The International Covenant on Economic, Social and Cultural Rights, 1966, Article 8.
18. The African Charter on Human and Peoples' Rights, 1981, Article 10.
19. The 1992 Constitution of Ghana, Article 21.

20. Mensima & Others v Attorney General & Ors [1997-98] 1 GLR 159- 218.
21. The 1992 Constitution of Ghana, Article 21.
22. Adu-Amankwah, K. The Informal Sector in Ghana - Challenge for Trade Union Organization. August 1998, 5. Available at <<https://streetnet.org.za/wp-content/uploads/2011/09/ghana.pdf>>.
23. CHRAJ, Grace Fosu & Thelma Hammond v. Ghana National Fire Service & the Attorney General [2018] Suit No. HR 0063/2017.
24. Boateng, K. Impact of Structural Adjustment on Public and Private Sector Employment and Incomes in Ghana, Paper Presented within the Framework of the GTUC/ICFTUAFRO New Project Approach to Structural Adjustment in Africa, October.
25. Farrell G, Roman J, Matthew FM. Conceptualizing Shadow Economy. *Journal of International Affairs*, 53(2), 393.
26. Farrell G, John R, Fleming M. Conceptualizing the Shadow Economy. *Journal of International Affairs*, 53(2), 38.
27. Kajwang B. Role on Pension Management on Economy Growth. *International Journal of Research in Business and Social Science*, September, 2022, 2.
28. Hart, Keith J. Small-scale Entrepreneurs in Ghana and Development Planning. *The Journal of Development Studies*, February, 2009;6(4):104.
29. Essuman A. Aging Across Sectors: Growing Old in the Non-Western World. November, 2021, 9.
30. Awontayami C. The demographic transition and the demographic dividend: Does Ghana stand a chance? May, 2020, 48.
31. Pensions Digest. Official Newsletter of National Pensions Regulatory Authority. August, 2022;3:2 <<https://npra.gov.gh/assets/documents/3RD-EDITION-ISSUE-3-v2.pdf>>
32. Boachie-Mensah FO, Marfo-Yiadom E. *Entrepreneurship and Small Business Management*, Accra. Ghana Universities Press, 2005.
33. Hart J. Keith. Small-Scale Entrepreneurs in Ghana and Development Planning. *The Journal of Development Studies*, 2009;6(4):104.
34. Yankson PWK. Formation of Enterprises in the Urban Informal Sector in Ghana, *Journal of Management Studies*, University of Ghana, 1991, 7.
35. Debrah YA. Promoting the Informal Sector as a Source of Gainful Employment in Developing Countries: Insights from Ghana. *International Journal of Human Resource Management*, 2007, 18.
36. Dovi E. Tapping Women's Entrepreneurship in Ghana: Access to Credit, Technology Vital for Breaking into Manufacturing. *Africa Renewal*, 2006, 20.
37. Hanson KT. Landscape of Survival and Escape: Social Networking in Urban Livelihoods in Ghana. *Environment and Planning*, 2015, 37.
38. Hanson KT. Landscape of Survival and Escape: Social Networking in Urban Livelihoods in Ghana. *Environment and Planning*, 2015, 37.
39. ILO "Effect to be Given to Resolutions Adopted by the International Labour Conference at its 90th Session (2002), (b) Resolution Concerning Decent Work and the Informal Economy; Governing Body, 285th Session, Geneva, GB.285/7/2.
40. Dovi E. Tapping Women's Entrepreneurship in Ghana: Access to Credit, Technology Vital for Breaking into Manufacturing. *Africa Renewal*, 2006, 20.
41. Sethuraman SV. The Urban Informal Sector: Concept, Measurement and Policy. *International Labour Review*, 2009, 69.
42. International Labour Organization. The Dilemma of the Informal Sector, Report of the Director-General (Part 1), International Labour Conference, 78th Session (1991), Geneva.
43. ILO "Effect to be Given to Resolutions Adopted by the International Labour Conference at its 90th Session (2002), (b) Resolution Concerning Decent Work and the Informal Economy; Governing Body, 285th Session, Geneva, GB.285/7/2.
44. International Labour Organization: "Decent work is necessary for eradicating poverty, but not sufficient on its own." ILO Statement to the Third Committee of the 71<sup>st</sup> General Assembly. (Agenda item 16. October 16, 2016)
45. Williams CC. The Nature of Entrepreneurship in the Informal Sector: Evidence from England. *Journal of Development Entrepreneurship*, 2007, 12.
46. International Labour Organization. Trade Unions in the Informal Sector: Finding their Bearings. *Nine Country Papers Labour Education*, 1999, 3(116).
47. Williams CC. The Nature of Entrepreneurship in the Informal Sector: Evidence from England. *Journal of Development Entrepreneurship*, 2007, 12.
48. Valticos N. *International Labour Law*. Springer Science and Business Media, 2013, 54.