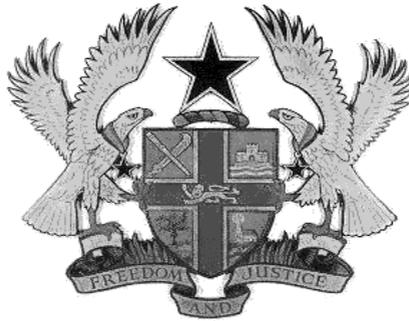


MINISTRY OF EMPLOYMENT AND LABOUR RELATIONS



NATIONAL LABOUR MIGRATION POLICY

2020-2024

FOREWORD

Labour Migration is recognised in many countries as an important aspect of the national development process. This is because it presents important opportunities for a significant number of jobseekers to be recruited between countries of origin and destination. In countries of destination, labour migration can rejuvenate the workforce by providing opportunities to employers in labour-intensive sectors such as agriculture, construction and personal services to meet their skills demands. However, there have been several cases where migrant workers have been subjected to unacceptable working conditions and abuse.

To this end, the international community has put in place a number of guidelines and frameworks aimed at improving structures for effective governance of labour migration through the promotion of safe pathways to migration in general and labour migration in particular.

In Ghana, Government is aware of enormous **opportunities for jobs, skills transfer and revenue** that labour migration can generate for the country if it is adequately mainstreamed into the national development agenda. This avenue of enormous opportunities is well captured by the National Employment Policy (2015). The National Migration Policy (2016) also recognises labour migration as an important means of harnessing the potentials of skilled and semi-skilled labour for national development.

As a country of origin, Ghana stands to gain from managing its unemployment levels by placing excess labour into job vacancies in other countries that are in need of such labour as a complementary approach to other socio-economic policies .

This National Labour Migration Policy (2020-2024) therefore provides a coordinated framework that seeks to promote good governance in the management of labour migration issues in order to protect the rights of migrant workers and maximise the development impacts. This is in accordance with a provision in the Coordinated Programme for Economic and Social Development Policies (2017-2024) which encourages Government to improve coordination of labour migration issues to support the national development agenda.

I would like to reiterate that, the realisation of the objectives of this policy would require the collective effort of all actors.

It is my hope that the much appreciated cooperation and commitment shown by all stakeholders throughout the policy development process would be exhibited in the implementation phase.

A handwritten signature in black ink, consisting of several loops and flourishes, representing the name Ignatius Baffour Awuah.

Hon. Ignatius Baffour Awuah (MP)
Minister of Employment and Labour Relations

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The Ministry is also deeply appreciative for the cooperation of its tripartite constituents, namely the Trade Unions Congress (TUC) and the Ghana Employers' Association (GEA), every step of the way in this endeavour. It is our profound hope that this cooperation and collaboration will be extended to the implementation phase of this policy.

Technical advice from our Development Partners such as the International Organisation for Migration (IOM) and the International Labour Organisation (ILO) was important for the completion of this assignment. Specifically, the Ministry is eternally grateful for financial support received from these UN Agencies in the course of developing this policy and beyond.

LIST OF ABBREVIATIONS AND ACRONYMS

AU	- African Union
CBOs	- Community Based Organisations
CMS	- Centre for Migration Studies
CSOs	- Civil Societies Organisations
DAUOP	- Diaspora Unit of the Office of the President
ECOWAS	- Economic Community of West Africa States
ERP	- Economic Recovery Programme
FBOs	- Faith-Based Organisations
GCM	- Global Compact Mechanism
GDP	- Gross Domestic Product
GEBSS	- Graduate Business Support Scheme
GIPC	- Ghana Investment Promotion Centre
GIS	- Ghana Immigration Service
GLMIS	- Ghana Labour Market Information System
GPRS	- Ghana Poverty Reduction Strategy
GSGDA	- Ghana Shared Growth and Development Agenda
GSS	- Ghana Statistical Service
HDI	- Human Development Index
ILO	- International Labour Organisation
IMF	- International Monetary Fund
IOM	- International Organisation Migration
JLMP	- Joint Labour Migration Programme
LMIS	- Labour Market Information System
LMMIS	- Labour Market & Migration Information System
MDAs	- Ministries, Departments and Agencies
MELR	- Ministry of Employment and Labour Relations
MFARI	- Ministry of Foreign Affairs & Regional Integration

MGCSPP	- Ministry of Gender, Children & Social Protection
MINTER	- Ministry of the Interior
MLGRD	- Ministry of Local Government & Rural Development
MMDAs	- Metropolitan, Municipal and District Assemblies
MOF	- Ministry of Finance
MOI	- Ministry of Information
MOTI	- Ministry of Trade and Industry
NDPC	- National Development Planning Commission
NGOs	- Non-Governmental Organisations
NLC	- National Labour Commission
NLMP	- National Labour Migration Policy
NMC	- National Migration Commission
NTC	- National Tripartite Committee
NYEP	- National Youth Employment Programme
OAG	- Office of the Attorney General
PAMSCAD	- Programme of Action to Mitigate Social Cost of Adjustment
PEAs	- Private Employment Agencies
SAP	- Structural Adjustment Programme
SDGs	- Sustainable Development Goals
SOM	- Smuggling of Migrants
STEPP	- Skills Training and Entrepreneurship Placement Programme
TIP	- Trafficking in Persons
TUC	- Trades Union Congress
UN	- United Nations
UNDESA	- United Nations Department of Economic and Social Affairs

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EXECUTIVE SUMMARY

In recognition of the developmental impacts of migration and the challenges associated with its governance, the Government of Ghana launched a National Migration Policy in April 2016 to provide a framework for migration governance in the country. While the National Migration Policy provides broad policy strategies for managing migration, it also recommended the development of sectorial policies to deal with specific migration-related issues. In line with this recommendation and in response to increased reportage on the abuse of the rights of Ghanaian migrant workers in some countries of destination, the Ministry of Employment and Labour Relations (MELR), in collaboration with other state agencies and social partners, formulated the National National Labour Migration Policy to guide the management of labour migration into and out of Ghana.

The overriding goal of the National National Labour Migration Policy is “*an improved labour migration governance that harnesses the benefits of labour migration for socioeconomic development in Ghana*”. In order to achieve this overarching goal, the policy is set to pursue the following four policy objectives:

- a. To promote good governance of labour migration
- b. To strengthen systems for the protection and empowerment of migrant workers and their families
- c. To enhance mechanisms for maximising the developmental impacts of labour migration

- d. To improve labour market and migration information systems

The policy outlines strategic policy actions under three core implementation areas, namely governance of labour migration, protection and empowerment of migrant workers and their families, and maximising the developmental impacts of labour migration. In addition to these three core implementation areas, labour migration data challenges are addressed as a cross-cutting issue. Institutional arrangements for the implementation of the policy have also been outlined.

In terms of governance of labour migration processes, the policy stipulates strategies for enhancing the legislative, institutional, regulatory, and international frameworks. With reference to legislative framework, the policy directs for the ratification of international instruments on labour migration. These include ILO Convention on Migration for Employment (revised 1949) (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Maintenance of Social Security Rights Convention, 1982 (No. 157); Private Employment Agencies Convention, 1997 (No. 181); and Domestic Workers Convention, 2011 (No. 189).

The policy provides for simplification of the requirements for the acquisition of residence/work permits. The regulatory framework for labour migration governance is expected to be strengthened through implementation of ILO guidelines on fair recruitment; regulation of the Ghanaian recruitment industry

through effective licensing schemes and penal; and enhancing the capacity of Public Employment Centres to provide tailored migration-related information to potential emigrants and immigrants.

The policy also makes provisions for strengthening of the institutional framework through effective coordination and enhancing the resource and technical capacity of the various agencies responsible for labour migration management. There is also a need to enhance international cooperation through signing of bilateral labour agreements and address differences between domestic labour laws and international as well as regional protocols.

As a way of protecting migrant workers against abuse and exploitation, the policy proposes the use of effective mass communication channels and pre-departure training programmes to raise awareness about the dangers of irregular migration and rights of migrants. Other policy proposals for protecting labour emigrants and their families include: strengthening the resource and technical capacity of Ghana Embassies to play a key role in the protection of migrant workers; engaging Governments of destination countries to set-up mechanisms for migrant workers to lodge complaints about violations of their rights and implementing regulations to prohibit the seizure of travel documents of migrant workers. The National Labour Migration Policy also presents policy proposals for enhancing systems for the protection and empowerment of labour immigrants and their families in Ghana. It calls for combating trafficking in persons,

child labour and smuggling of migrants. In line with the rights-based approach to migration governance, the policy also provides for strategies for social security portability for migrant workers.

The key strategies for the maximisation of the developmental impacts of labour migration in Ghana are mainstreaming labour migration into development planning, mobilisation of remittances, promotion of migrants' investments and transfer of skills from current and returned migrants. The following strategies are provided for Government to leverage remittances for development include: empowering of Ghana Missions to develop services to facilitate remittances transfers; working with the Bank of Ghana and banks/financial institutions in destination countries to reduce the cost of transferring money to Ghana; organising financial literacy programmes for migrants and recipients of remittances; and working with financial institutions to develop more attractive remittances-linked investment products.

Migrants-led investments is expected to be promoted by organising regular investment promotion campaigns among migrants, establishing fiscal and non-fiscal incentives for migrants' business development and growth, reducing the administrative cost of doing business in Ghana, fostering partnerships with prominent Ghanaian professionals abroad and using them as agents to lobby entrepreneurs to invest in Ghana. The strategies proposed for promoting skills transfer include: collaboration with Development Partners to fund short-term

knowledge exchanges between Ghanaians in the diaspora and their counterparts in Ghana, working with Ghana Missions to provide information on employment opportunities in Ghana, fostering stronger links between local and Diaspora professional associations, developing online platforms for initiating engagement processes for those who desire to return home permanently, and collaborating with the ECOWAS countries to harmonise work permit regimes and reduce the cost of work permits for highly skilled immigrants from the West Africa sub-region.

Given that lack of accurate, comprehensive and reliable data on migrant workers is a challenge to effective labour migration management, the policy also provides strategies for strengthening existing Labour Market and Migration Information Systems for the production and dissemination of comprehensive information on labour migration trends. A harmonised labour migration information system would facilitate planning, support policy formulation and enable the monitoring and evaluation of national development planning.

CHAPTER ONE

INTRODUCTION AND SITUATIONAL ANALYSIS

1.0 INTRODUCTION

This chapter presents the background and situational analysis of key aspects of labour migration as well as the identified key issues that needs to be addressed.

1.1 BACKGROUNND

International migration flows have increased in recent years as a result of a number of factors, including globalisation, economic prospects in destination countries and geopolitical tensions. The global stock of international migrants increased from 173 million in 2000 to 222 million in 2010 and then reached 258 million in 2017, which represents about 3.3 percent of the world's population (UNDESA, 2018). Estimates by the International Labour Organisation (ILO) indicate that out of the 258 million migrants worldwide in 2017, about 164 million (constituting 63.6 percent) were migrant workers, of whom 58.4 percent were males and 41.6 percent were females (ILO, 2018).

While migration is an integral part of livelihoods in many parts of the World, there are contesting views on its actual developmental outcomes. Until recently, media and academic discussions on labour migration largely focused on its negative effects, notably pressure on social services in migrants' destination countries and brain drain in migrant-sending areas. However, recent research has shown that, if properly managed, migration can contribute to the socioeconomic transformation of the economies of both the countries of origin and destinations of

migrants (Mangala, 2017; OECD/ILO, 2018). In addition, there is adequate evidence to suggest that migration can increase income, reduce poverty, promote skills acquisition and improve the wellbeing of individual migrants and their families.

In view of the potential for migration to promote socio-economic development, migration management was, in 2015, included in the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), marking the first time that migration is formally integrated into the global development agenda. Migration governance is recognised as a key strategy to achieve SDG 10 which is to: “reduce inequality within and among countries”. Migration governance has also been emphasised in the following targets of the Goals 10 and 8:

- Target 10.7: “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”;
- Target 10.7.1: “recruitment cost borne by employee as a proportion of yearly income earned in country of destination”;
- Target 10.7.2: “number of countries that have implemented well-managed migration policies” and
- Target 10c: “by 2030, reduce to less than 3 percent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 percent”.
- Target 8.7: “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment

and use of child soldiers, and by 2025 end child labour in all of its forms”;

- Target 8.8: “protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment;
- Target 5.2: “eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”.

In response to calls for mechanisms for effective management of migration, the Global Compact for Safe, Orderly and Regular Migration (GCM), was negotiated and adopted by over 150 countries in December 2018. The GCM, which has been formally negotiated and endorsed by the UN General Assembly, is the first comprehensive framework of principles and objectives to guide international cooperation on migration.

It is widely acknowledged that, in order to maximise the developmental impact of labour migration, there is the need for national policies that promote good governance and the protection of migrant workers and their families. The need for labour migration policies is also clearly stated in the International Labour Standards governing migration for employment. For example, article 10 of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) calls upon Member States to declare and pursue a national policy to promote and guarantee equality of opportunity and

treatment “by methods appropriate to national conditions and practice”. Similarly, article 1 of the ILO Migration for Employment Convention (Revised), 1949 (No. 097) proposes that states should make available information on national policies relating to emigration and immigration.

At the regional level, the African Union (AU) has designed a number of policies and programmes to govern migration. The AU Migration Policy Framework, designed in 2006, for example, provides guidelines to promote free movement on the continent and to assist African Governments in the formulation and implementation of national migration policies. The AU Declaration on Migration, adopted on 25th June 2015, also reaffirmed previous commitments aimed at accelerating mobility and integration on the continent. The AU Joint Labour Migration Programme (JLMP) also seeks to support effective implementation of intra-regional migration policies on the African continent.

At the sub-regional level, the Economic Community of West African States (ECOWAS) has designed a number of frameworks to improve migration management and promote harmonisation of policies throughout the region. In 1979, ECOWAS Member States adopted the Protocol on Free Movement of Persons, which entails ‘Free Entry, Right of Residence and Establishment’. The Free Movement Protocol grants ECOWAS citizens the right of residence in Member States “for the purpose of seeking and carrying out income earning employment”. Since the implementation of the

ECOWAS Free Movement Protocol, a number of programmes and policies have been adopted with the aim of facilitating intra-regional movement. For example, the 2008 ECOWAS Common Approach on Migration aims at facilitating intra-regional migration, harmonising migration-related policies, and protecting the most vulnerable migrants. Other ECOWAS policies and programmes aimed at facilitating migration for work include the ECOWAS General Convention on Social Security; ECOWAS Employment Policy; and ECOWAS Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates in Member States.

It is within this global and regional context and in recognition of the importance of harnessing the potential benefits of labour migration, that Government launched the National Migration Policy in April 2016 to provide guidelines for migration governance in the country. While the National Migration Policy outlines broad policy objectives and strategies for managing migration, it also recommends the development of sectorial policies to address specific migration-related issues, such as diaspora engagement and labour migration governance.

In line with this recommendation and the recognition of the fact that labour migration has not been adequately mainstreamed into development policy in Ghana, the Ministry of Employment and Labour Relations (MELR) led the development of a National Labour Migration Policy to create a coordinated framework for the improvement of the labour migration governance in Ghana.

1.2 SOCIO-ECONOMIC CONTEXT OF LABOUR MIGRATION: A SITUATIONAL ANALYSIS

This section presents a situational analysis of the socio-economic context of labour migration in Ghana. In so doing, it also details out trends of labour migration. Apart from providing baseline information on the flow of labour migration, this situational analysis is intended to identify relevant opportunities and gaps as well as the key stakeholders involved in labour migration governance.

1.2.1. Demographic Characteristics

Results of national population censuses conducted in 1960, 1970, 1984, 2000 and 2010 clearly indicate that Ghana has experienced significant demographic changes, since 1960. The population of the country almost doubled from 6.7 million in 1960 to 12.3 million in 1984. It then increased to 18.9 million in 2000 to 24.7 million in 2010. In 2018, the population was estimated at 29.6 million by the Ghana Statistical Service. The average annual growth rate increased from 2.4 percent in the 1960-1970 period to 2.7 percent in the 1984-2000 period before declining again to 2.5 percent between 2000 and 2010. On the average, the population doubled every 25 years. For the most part of Ghana's history, females outnumber males. Since 1960 when there were 102.2 males per 100 females, the sex ratio has declined gradually to 95.2 in 2010

As in many developing countries, the age structure for all the census years in Ghana shows a youthful population and very

few aged persons. Although the proportion of young persons in the population has been declining since 1970, it is still very high with 38.3 percent of the population being less than 15 years in 2010. The proportion of the population classified as aged (i.e 65 years or more) increased gradually from 3.2 percent in 1960 to 5.3 percent in 2000 before declining slightly to 4.7 percent in 2010. This increase in the population of elderly persons is a manifestation of increasing longevity (GSS, 2013).

Consistent with trends in the rest of Africa, Ghana's population is becoming increasingly urbanised, as a result of a multiplicity of factors, including rural-urban migration, natural increase in towns, and re-classification of villages into towns once they attain the threshold population of 5000 and above (Owusu, 2008). The proportion of the population living in urban areas increased from 23.1 percent in 1960 to 43.8 percent in 2000, then to 50.9 percent in 2010 (GSS 2013), and it is projected to increase further to 63 percent by 2025.

The above demographic features have implications for both labour immigration and emigration. First, the teeming youthful population and inadequacy of employment opportunities in urban centres have contributed to high rate of unemployment. This in turn serves as a driver of labour emigration, as unemployed youth search for economic opportunities abroad. In addition, urbanisation increases international migration flows, as people in urban centres tend to have more resources and stronger networks to facilitate international migration.

1.2.2. Economic Features

The economy of Ghana was relatively strong and attracted international migrant workers during the colonial and early post-independence periods when the agricultural and mining sectors were very vibrant. In the 1970s and 1980s, Ghana faced serious economic challenges as a result of political instability and poor terms of trade. In order to deal with these challenges, the Government adopted an Economic Recovery Programme (ERP) in 1983 and Structural Adjustment Programmes (SAPs) in 1988. As part of these programmes, which were financially supported by the International Monetary Fund (IMF) and the World Bank, a number of state enterprises were privatized and Ghana took significant external loans for investment in productive sectors.

The broad policies adopted included the removal of subsidies, introduction of user fees for health and water, and trade liberalisation. However, SAPs have been blamed for worsening the economic situation for many citizens who were required to pay for social services. In addition, privatisation led to the redeployment of many urban workers. Some of these redeployed workers migrated from urban areas to rural areas or destinations outside Ghana. Over-borrowing under SAPs also led to increased public debt.

Despite the cost of social services for citizens, SAPs also achieved positive results. Inflation, for example, declined from three digits to below 30 percent. The Gross Domestic Product (GDP) also grew significantly from about 0.5 percent in 1980 to about 5 percent by 1985. The SAPs generally laid the

foundation for economic transformation in Ghana in the last three decades. In addition to SAPs, Ghana implemented a number of national development strategies and structural reforms aimed at enhancing economic development. The programmes implemented since the year 2000 include Growth and Poverty Reduction Strategy (GPRS I: 2003-2005), Ghana Poverty Reduction Strategy (GPRS II: 2006-2010), and Ghana Shared Growth and Development Agenda (GSGDA I: 2010-2013; GSGDA II 2014-2017). Currently, the Government is implementing the 2018-2021 National Medium-Term Development programme which is the first of the ten development policy frameworks expected to be implemented towards the achievement of the broad policy objectives of the National Long-Term Development Plan (NLTDTP).

All the above development programmes focused on employment creation, income generation, poverty reduction and shared growth. As a result of these and other programmes, the country is currently the second largest economy in the West African sub-region and the sixth largest in Sub-Saharan Africa. Ghana became a lower middle-income country in 2010 and ranked 139th globally with a Human Development Index (HDI) score of 0.579. The GDP of Ghana has increased from US\$ 1.22 billion in 1960 to US\$ 32.19 billion in 2010 and then to a peak of US\$ 47.86 billion in 2013 before declining slowly to US\$37.54 billion in 2015, after which it increased again to US\$ 42.69 billion in 2016. The GDP per capita also increased significantly since 2000 and the country attained a lower middle-income status in 2010 with per capita GDP of US\$1,305, which

increased to a peak of US\$1,841 in 2013 before declining slowly to US\$1,325 in 2015. It however increased again to US\$ 1,551 in 2016. The GDP growth rate has increased in the last two decades and is often cited as a success story in Africa.

The annual growth rate increased from 0.5 percent in 1980 to 7.9 percent in 2010 and then reached a peak of 14 percent in 2011, buoyed by onset of crude oil production. The growth rate declined in recent years to 3.5 percent in 2016 as a result of worsening terms of trade and energy crisis. The non-oil growth rate has also declined even faster from 7.6 percent in 2010 to 3.9 percent in 2014 and this is a source of worry to many development practitioners (GSS 2018). Apart from the favourable economic conditions, Ghana is also one of the most politically stable countries in West Africa. The country has relatively good public institutions with a track record of good governance and relatively good infrastructure. As a result of abundant natural resources and political stability net flows of foreign direct investment (FDI) increased significantly from US\$136.75 million in 2003 to US\$ 3,363.39 million in 2014 (GIPC, 2017).

Despite these achievements, recent decline in economic growth rates is a source of worry to Government and Development Partners. These economic conditions have implications for both immigration and emigration. In view of relatively better economic conditions and peaceful environment compared to its neighbours, Ghana continues to attract labour migrants from other West African countries, especially from Mali, Burkina

Faso, and Nigeria. However, compared to economically advanced countries, Ghana's economy is relatively weak and this explains why many Ghanaians continue to migrate to other countries in search of economic opportunities.

1.2.3. Employment Situation

The employment situation in Ghana was impressive in the 1970s but it worsened in the 1980s as a result of Structural Adjustment Programme (SAPs) which led to retrenchment of some Government workers. As a way of minimising the negative effects of SAPs, the Government of Ghana introduced the Programme of Action to Mitigate the Social Cost of Adjustment (PAMSCAD). This entailed the establishment of community projects to generate employment for vulnerable groups, such as retrenched workers, rural households and poor urban households.

The programme also provided small enterprise credit for women and small-scale miners. In the mid-1990s, employment generation interventions were implemented as part of the Vision 2020 Development Strategy, which aimed to propel Ghana into the middle income level. Since the year 2000, Government has implemented a number of employment generation programmes, including the Skills Training and Employment Placement Programme (STEPP), National Youth Employment Programme (NYEP), the Graduate Entrepreneurial & Business Support Scheme (GEBSS), Rural Enterprises Programme, and Young

Entrepreneurs Programme (MELR, 2012). Despite these programmes, unemployment is still a major challenge.

In recent years, formal public and private sector employment has worsened as a result of a freeze and reduction of employment in the public sector and declining growth of the manufacturing sector. The informal economy employs over 88 percent of the labour force (MELR, 2018). The proportion of the Labour Force employed by agricultural sector has declined from 57.6 percent in 2000 to 42.9 percent in 2016 but the current figure is still very high. At the same time, data provided by ILO indicates that the proportion of the labour force employed by the service sector increased from 27.3 percent in 2000 to 42.9 percent in 2016, while the proportion of the labour force employed by industry has declined from 15.1 percent in 2000 to 14.2 percent in 2016.

At the national level, the report of the 2016 Labour Force Survey indicates that unemployment rate increased from 5.2 percent in 2013 to 11.9 percent in 2016, while youth unemployment rate increased from 5.5 percent in 2013 to 16.9 percent in 2016. According to the report people in the urban areas are likely to be unemployment than those in the rural areas. Underemployment and vulnerable employment are the most serious challenges facing the country in the employment sector. About 10 percent of the employed population is actually under-employed while 70 percent of the working population is engaged in vulnerable employment (i.e. low-paid, short-term and insecure jobs). There is also over casualisation of workers in the service sector, especially in the banking and

telecommunication sub-sectors. These practices negatively affect decent working conditions (MELR, 2018).

The employment opportunities in the country contribute to both emigration and immigration. While limited employment opportunities in the formal sector and high rates of unemployment serve as push factors for emigration to economically advanced countries, many labour immigrants are in Ghana because of opportunities in the informal sectors.

1.2.4. Patterns of Immigration and Emigration

This section describes the historical patterns of the flow of immigrants and emigrants, based on secondary data provided by the Ghana Statistical Services and international organisations, especially the United Nations Department of Economics and Social Affairs Population Division. These figures tend to underestimate the actual flows because a significant proportion of migration into and out of Ghana is undocumented.

1.2.4.1. Immigration

Ghana has a long history of attracting immigrants, particularly from ECOWAS countries. In the 1960s, many migrants from West African countries, especially Togo, Mali, Nigeria and Burkina Faso migrated to Ghana to work in plantations, mines, construction and the trade sector. Economic challenges and mass expulsions in the late 1960s and early 1970s negatively affected migrant inflows. Since 2000, however, there has been increased migration to Ghana. The number of immigrants in Ghana increased from 191,601 in 2000 to 337,017 in 2010 and

then to 417,642 in 2017 (UNDESA, 2018). This means that between 2000 and 2010, the decadal growth rate in the immigrant population was 76 percent, while the growth rate between 2010 and 2017 was 24 percent. Nationals of ECOWAS countries constitute the majority of immigrants.

The latest Population and Housing Census results indicate that, in 2010, about 53 percent of immigrants were males while 47% were females. About 68.3 percent of immigrants in Ghana were from West Africa, with Nigeria, Togo and Burkina Faso being the main countries of origin. In 2010, only 1.3 percent of immigrants in Ghana were non-Africans (GSS 2013), with China, India, and Lebanon being the dominant countries of origin. About 90.3 percent of immigrants were economically active. Many of the immigrants are migrant workers who seek economic opportunities mostly in the agricultural and trade sectors. In 2010, the proportions of the immigrant population working in the various sectors of the economy were agriculture (43%); trade (28%); manufacturing (11%), accommodation and food services (6%), education (4%), transportation and storage (4%), construction (3%), and mining and quarrying (1%) (GSS, 2013).

Even though citizens of host communities in Ghana have coexisted peacefully with immigrant populations for several years, there are still challenges associated with the presence of immigrants. For example, there have been media reports on the violations of the rights of the Ghanaians who work in small-scale firms owned by some Asian entrepreneurs. There is

enough evidence to suggest that some of the migrants also violate mining laws in Ghana (Botchwey et al. 2018). While Ghana's Investment Promotion Act, 2013 (Act 865) does not allow foreigners to engage in petty trade, some migrants are able to operate illicitly by conniving with Ghanaian traders. There have also been violent clashes between migrant Fulani-herdsmen and farmers in some communities in the Ashanti region. These clashes have generated anti-migrants sentiments, especially among local traders and in communities where migrant pastoralists operate.

1.2.4.2. Emigration

Emigration from Ghana is not a recent phenomenon. In the pre-colonial era, some Ghanaians migrated to other regions of Africa for trading and in search of security and fertile lands for farming (Teye et al, 2015). During the colonial era, many labour migrants moved from the northern savannah zone to the forest zone to work at the mines and on the plantations. In the late 1970s and 1980s, worsening economic conditions and political instability influenced many Ghanaians to migrate to Côte d'Ivoire, Nigeria and destinations outside Africa, notably Germany, Italy, UK and United States of America. Many Ghanaians continue to move to these destinations where they have social networks which support them in the migration process and integration. The destinations of Ghanaian emigrants have become more diverse in recent years.

Estimates of the number of Ghanaians in various countries, however, vary widely due to paucity of data. The report of the 2010 Population and Housing Census indicates that there were 250,624 Ghanaians living outside the country. Data provided by receiving countries and Ghanaian Missions abroad are more reliable (Quartey, 2009). According to Twum Baah (2005), about 1.5 million Ghanaians were living outside the country. Figures provided by UNDESA indicated that the number of Ghanaians residing in other countries increased from 470,000 in 2000 to 720,000 in 2010 (53 percent decadal increase) and then 860,000 in 2017 (UNDESA, 2018).

Despite media reports and political narratives which suggest an exodus of African migrants to Europe, the majority of Ghanaian emigrants are found in destinations within the West African sub-region. The estimates produced by UNDESA (2018) indicated that about 48.7 percent of Ghanaian migrants resides in ECOWAS countries. Outside Africa, the major destinations of Ghanaian emigrants are North America (19.7 percent), followed by Northern Europe (14 percent), Western Europe (7.6 percent) and Southern Europe (7.4 percent). With regards to specific host countries, Nigeria is the most popular destination country for Ghanaian emigrants, hosting 222,377 Ghanaians, followed by the US (134,338) and the UK (102,837). Other popular destinations of Ghanaian migrants include Togo (46,794), Italy (46,548), Côte d'Ivoire (42,749) and Burkina Faso (32,217). A gendered analysis of UNDESA data on emigrants profile of the five top destinations shows that males dominate Ghanaian emigrant stock in countries, such as Italy (61 percent males as

against 39 percent females), US (59 percent males as against 41 percent females), Nigeria (55 percent males as against 45 percent females). Females dominate the Ghanaian emigrant stock in other countries such as Togo (41 percent males as against 59 percent males) and UK (47 percent males as against 53 percent females).

West Africa, Europe and the United States of America have traditionally been the popular destinations of Ghanaian emigrants. However, recent data shows a massive flow of migrants, especially women, to the Gulf States to work in the informal sectors. Data provided by the Ghana Labour Department shows that in the year 2015, a total of 1,550 Ghanaian workers migrated to four Gulf States, namely Saudi Arabia, United Arab Emirates, Qatar, and Kuwait, with the assistance of Private Employment Agencies. In 2016, the total number of migrants to the four countries and Jordan was 2,372. The number of Ghanaian workers recruited by Private Employment Agencies (PEAs) to these same five (5) countries within the first five (5) months (January to May) of 2017 was 1,589. Despite the fact that Government placed a temporary ban on recruitment by PEAs to the Gulf States in June 2017, there is enough evidence to suggest that many Ghanaians still continue to migrate to these countries.

Data provided by the Labour Department for 2015 further shows that the majority of the number of migrant workers recruited for placement in the major destinations in the Gulf region were males. However, in 2016 and 2017 there were more female

emigrants than male emigrants. In 2016, for example, 54.9 percent of the 2,372 workers recruited to the region were women. A recent study commissioned by IOM Ghana, however, shows that when differentiated by country of destination, Ghanaians recruited for work in the United Arab Emirates and Qatar are largely men, while those recruited for Saudi Arabia are largely women. In 2016, for example, 78.5 percent of Ghanaians recruited for Saudi Arabia were women. These gender patterns are a result of the job opportunities in the various countries. A majority of Ghanaians recruited for Saudi Arabia in 2017 were domestic workers and this explains most of them were women.

In contrast, many of the Ghanaians recruited for work in Qatar and United Arab Emirates worked in the construction sector as labourers, masons and carpenters and this explains why men are usually recruited to Qatar and United Arab Emirates. Accounts by returned migrants and media reports shows that the rights of many of the emigrants in the Gulf States are abused by employers and recruitment agents. Against this background, it would be useful for the National Labour Migration Policy to stipulate strategies that would facilitate regular, safe and orderly migration.

1.2.5 Irregular Migration

There are different categories of irregular migration. Düvell (2009) identified the following:

- regular entry and working in breach of regulations after overstaying visas;

- refused asylum seekers who do not wish to return to their country of origin or are unable to return;
- withdrawal or loss of immigration and work permit status for various reasons;
- entry without appropriate documents. In Ghana, this categorisation applies to both immigration and emigration.

With regards to immigration, some migrants, especially from neighbouring ECOWAS countries, have been entering Ghana through unapproved routes without the required travel documents (Awumbila et al, 2014; Teye et al, 2015). Some migrants also enter Ghana legally but then work in breach of visa and residence regulations or overstay. For example, many foreigners illegally engage economic activities reserved the Ghana Investment Act, 2013 (Act 865) for Ghanaians. These include petty trading or selling of goods in a stall at any place; operation of taxi or car hire service in an enterprise that has a fleet of less than 25 vehicles; operation of a beauty salon or a barber shop; and retail of finished pharmaceutical products.

Again, while Ghana's mining laws reserves artisanal and small-scale mining for only Ghanaian citizens, many migrants, especially from China, have moved to Ghana to work illegally in the small scale gold mining sector. According to Botchwey et al. (2018), from the mid-2000s to 2013, about 50,000 Chinese migrants, mostly from the Shanglin County, Guangxi Zhuang Autonomous Region, entered Ghana for the purpose of engaging in small-scale gold mining. Migrant workers from China are

able to work illegally in this sector by establishing reciprocal networks with local people (Badasu et al., 2017).

In 2013, the security forces of Ghana have arrested and deported over 4,500 Chinese when Government put in place a military taskforce against illegal mining (Loubere and Crawford, 2017). A recent research has, however, shown that a number of Chinese are still working in the illegal mining sector. These recalcitrant immigrants are protected by their Ghanaian business partners, who 'front as the business owners' (Badasu et al., 2017). There are also irregular immigrants, mostly from Asia and other African countries, in the retail sector of Ghana.

On the other hand, Ghana is a major source of irregular emigrants. With regards to the categories of irregular migration, irregular entry in Europe through the Mediterranean has received public attention in recent years. In the year 2016, Ghana was ranked 11th in terms of source countries of irregular migrants reaching Italy by sea. During that year, 5,636 Ghanaians irregularly entered Italy by sea. Some Ghanaians have also entered European and North-American countries regularly but are working in breach of their visas. The drivers of irregular migration from Ghana are multifaceted and include proximate factors, precipitating forces and mediating factors.

The proximate factors are the macro-economic challenges, security problems, and environmental degradation which influence the decision to migrate. Precipitating drivers are the conditions that actually trigger departure from Ghana. These are unemployment, low incomes, poverty and misconceptions that

life abroad is very comfortable. Mediating factors, which tend to facilitate migration, include improved communication systems, availability of financial resources needed for the trip and the role of intermediaries. Efforts of the Government to reduce irregular migration flows from Ghana must therefore deal with these multifaceted factors.

Trafficking in persons and smuggling of migrants are other forms of irregular migration that this policy seeks to address. Although there is a general paucity of data on trafficking cases in the entire West African sub-region, there is enough evidence to suggest that Ghana is a country of origin, transit, and destination of trafficked persons. Women and girls, in particular, are increasingly trafficked from Ghana for sexual exploitation and forced labour in Europe and Asia. At the same time, there have been cases where women and girls have been trafficked from neighbouring West African countries into Ghana for sexual exploitation. There is also growing concern over child trafficking and child labour in the country. Children are usually trafficked from the rural areas to work in fishing communities, cocoa farms and urban centres. A baseline study conducted in 2016 in the Volta and Central regions of Ghana, has shown that more than one child had been trafficked in 20 percent of households (Ministry of Gender, Children and Social Protection, 2017).

Migrant smuggling is also another form of irregular migration that is pervasive in Ghana. In contrast with trafficking in persons, smuggled persons tend to voluntarily request assistance

from smugglers to irregularly enter into other countries. In reality, there is a very thin line between trafficking in persons and smuggling of migrants, as smugglers do at time end up exploiting and abusing the migrants that were willing to be smuggled. A number of young persons from Ghana have been smuggled to Europe and North-America, and most of them often find themselves in situations of extreme vulnerability.

1.2.6. Return Migration and Reintegration

While a significant proportion of Ghanaians continue to migrate, return migration is also on the increase, although there are no reliable figures on the actual number of Ghanaians who have returned in the last decade. Anecdotal evidence suggests that recent economic improvement and peaceful political environment, especially in the last decade, are among the driving forces of return migration in Ghana. In addition, economic challenges in traditional migrant destinations (Europe and North America), tightening of asylum process, political instability in Libya which used to host large numbers of African migrants, including Ghanaians, and increased securitisation of migration in the wake of growing threat of terrorisms may have contributed to the recent increase in the number of return migrants in Ghana. A number of Ghanaians migrants have also been deported due to non-compliance with migration laws in the countries of destination. Figures provided by the Ghana Immigration Service (GIS) indicate that the number of Ghanaians deported to the country has increased from 925 in

2010 to 2,352 in 2013 before declining to 1,278 in 2016 and 774 in 2017.

In spite of these numbers, Ghana is yet to put in place comprehensive measures for the management of returns, readmissions and reintegration of migrants workers who return voluntarily and involuntarily. Many return migrants who seek readmission into their original professions continue to face challenges, for example, in the case of healthcare professionals. In addition, the lack of a comprehensive policy has resulted in an ad hoc Government response to the needs of returnees, particularly vulnerable returnees who need assistance, even though various institutions and agencies have implemented return and reintegration programmes.

There is therefore the need for this National Labour Migration Policy to make provisions for strategies that would facilitate the reintegration of returnees in such a way that they are supported to contribute to socio-economic development.

1.2.7. Governance of Labour Migration

Labour migration governance in Ghana is guided by international instruments, notably the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, sub-regional conventions of ECOWAS and national laws and policies. Until 2016, Ghana did not have a comprehensive National Migration Policy. However, the

country had relied on various legislative instruments to govern several aspects of migration.

The current migration governance legislative instruments include the 1992 Constitution, which guarantees free movement in line with the ECOWAS Protocol and permits citizenship by birth and marriage. In 1996, the Constitution was amended to grant dual citizenship to Ghanaians. The Citizenship Act, 2000 and the Citizenship Regulations, 2001 (LI 1690) further outline requirements for acquisition of citizenship by naturalisation and registration. Entry, admission, residence, employment and removal of immigrants are guided by the Immigration Act 2000 (Act 573); Immigration Amendment Act, 2012 (Act 848); Immigration Act 2016 (Act 908) and Immigration Regulations, 2001 (L.I 1691). These legislative instruments provide guidelines for managing immigration and combating migrant smuggling. The Human Trafficking Act, 2005 (Act 694) and Human Trafficking (Amendment) Act, 2009 (Act 784) provide a framework for combating human trafficking. The Immigration Act, 2000 (Act 573) and the immigration Act Amendment, 2012 (Act 848), as well as the National Action Plan on migrant smuggling (2019-2023) specifically criminalize migrant smuggling. The Ghana's Investment Act, 2013 (Act 865) and the Free Zone Act, 1995 (Act 504) have regulations for governing immigration and investments by foreign entrepreneurs in Ghana. The Labour Act, 2003 (Act 651) and Labour Regulations, 2007 (L.I 1833) regulate the activities of employment agencies, including those recruiting Ghanaians for

employment in other countries. The Refugee Act 1992 (PNDCL 305D) provides a framework for the protection of refugees.

In recognition of the lack of policy coherence as a result of a lack of an effective coordination among various policy actors, Government, led by the Ministry of the Interior, started the process of formulating a holistic National Migration Policy (NMP) in 2010. The policy, which draws on international/regional migration governance frameworks, was adopted in April 2016. It aims to harness the benefits and minimize the costs of both internal and international migration for national development. In 2016, a Diaspora Engagement Policy was drafted under the auspices of the Ministry of Foreign Affairs and Regional Integration to guide the country's engagement with its diaspora. There is, however, limited coherence in existing migration-related laws, mainly due to the absence of coordination among the various Departments and Agencies dealing with migration-related issues. Efforts to implement migration policies are also affected by weak institutional frameworks and resource constraints.

1.2.8. Migration and Development

Government has recognised the fact that if properly managed, migration can positively contribute to socio-economic development and poverty reduction. Consequently, Government has developed some strategies to enhance the developmental impacts of migration. As in many other countries, efforts to maximise the developmental impact of migration have centred

on remittances and investment. This is not surprising because most Ghanaian emigrants send non-cash and cash remittances back home to families who use them to cover basic needs, education and marginally for investments.

A recent study, commissioned by IOM Ghana and conducted by the Ghana Statistical Service, shows that 63 percent of migrants' households interviewed received remittances within 12 months prior to the study (Ghana Statistical Service, 2017). Figures provided by the Bank of Ghana, which do not account for remittances sent through informal channels, indicate that the volume of remittances to Ghana has increased tremendously from about US\$ 1.28 billion in 2004 to US\$ 4.98 billion in 2015, before declining to US\$ 2.98 in 2016 and then rising again to US\$ 3.54 billion in 2017. The contribution of remittances as a percentage of GDP declined from 14.5 percent in 2004 to as low as 3.8 in 2013, then increased to 13.2 percent in 2015 and before declining again to 7.7 percent in 2017.

The most important countries of origin of remittances to Ghana are the United States of America, United Kingdom, Nigeria, Italy, Germany, Côte d'Ivoire, Canada, Togo, Burkina Faso, and Netherlands. This means that, contrary to the general belief that remittances flow from only European countries and the United States of America, a significant proportion of remittances to Ghana comes from African countries, such as Nigeria, Côte d'Ivoire, Togo and Burkina Faso.

Within the past five (5) years, Government of Ghana, in collaboration with Development Partners, has implemented a number of programmes to leverage remittances for development. For example, in response to concerns that remittances flows may decline in the future, Government has initiated programmes to encourage Ghanaian diaspora to increase financial transfers to the country. In addition, the Ministry of Finance and private financial institutions in Ghana have created remittances-linked products such as diaspora bonds; mortgage products which are rated in foreign currencies; and diaspora project accounts which allow people in the diaspora to open bank accounts and transfer money to directly fund specific projects. These products are however not yet popular among the diaspora or the receiving communities.

As efforts towards managing migration have largely focused on strategies to enhance the flow of remittances and investments, there is a general lack of comprehensive mechanisms for maximising the developmental impacts of both labour emigration and labour immigration. In addition, migration has not been adequately integrated in national development planning agenda and poverty reduction strategies. One major challenge to enhancing the developmental impact of migration is lack of accurate data on the flow of migrants and remittances. The labour market and migration information systems are weak.

This policy therefore focuses on the need to develop mechanisms to harness other benefits of migration, such as skills

transfer, reducing the cost of remittances, and diaspora engagement.

1.3. KEY ISSUES

Based the situational analysis of labour migration in Ghana, the following key issues needs to be addressed in order to improve the labour governance system as well as harness the benefits for national development:

- i. High level of irregular migration from Ghana as a result of high population growth, unemployment and limited of formal channels for migration.
- ii. Violation of employment and trade laws by immigrants
- iii. Weak legislative instruments and limited coherence in existing migration-related laws, mainly due ineffective coordination among the various departments and agencies dealing with migration-related issues.
- iv. Weak institutional capacity and inadequate of resources for implementing labour migration programmes and legislation.
- v. High incidence of trafficking in persons, child labour and smuggling of migrants
- vi. Violation of the rights of immigrants in Ghana and emigrants by employers and private recruitment agencies
- vii. Tensions between immigrants and host communities in Ghana
- viii. Weak systems for protecting migrant workers and their families in Ghana and outside Ghana

- ix. Lack of comprehensive, accurate and up-to-date data on migration flows and remittances for policy making and planning
- x. Weak labour market and migration information systems
- xi. Lack of effective mechanisms for maximising the developmental impacts of labour emigration and labour immigration.

CHAPTER TWO POLICY FRAMEWORK

2.0 INTRODUCTION

This chapter presents the rationale for the National Labour Migration Policy. It also outlines the core values and guiding principles, legal and institutional frameworks, as well as existing policies and programmes that relevant to development and implementation of this policy. The chapter also presents the goal, strategic objectives and the policy development process.

2.1 RATIONALE

Government recognises that although labour migration is not without challenges, labour immigration and emigration can contribute to overall economic development in Ghana if it is well managed. The Coordinated Programmes for Economic and Social Development Policies (2017-2024) therefore calls for state agencies and the private sector to put in place measures that would consolidate the labour migration governance system for maximum impact. Accordingly, this National Labour Migration Policy has been developed to:

- Provide comprehensive legislative, regulatory and institutional frameworks for effective governance of labour migration within and outside Ghana.
- Promote decent work and develop mechanisms for enhancing the protection of the human and labour rights

of migrant workers and their families in Ghana and host countries.

- Provide a framework for mainstreaming labour migration issues in national development planning agenda.
- Minimise the negative impacts and maximise the benefits of labour migration for migrant workers and Ghana as a whole.
- Facilitate the mobilisation of resources for an effective governance of migration for development.
- Facilitate the production and dissemination of accurate, relevant and timely data on labour migration into and from Ghana.

These are in line with provisions in the National Migration Policy which recommends the development of sectorial policies to address specific issues.

2.2 CORE VALUES AND GUIDING PRINCIPLES

The core values and principles that underpin this policy are:

- a. **Good Governance of Migration:** Good governance of labour migration entails participatory policy processes, transparent regulations, strong institutions, and effective partnerships that promote the interest of potential and actual migrant workers in line with international standards.
- b. **Decent Work:** According to ILO, decent work involves opportunities for work that are productive and deliver a fair income, security in the workplace and social protection for

families, better prospects for personal development and social integration freedom for workers to express their concerns at the workplace, opportunities for all workers to organise and participate in the decisions that affect their lives. Hence, the policy promotes the four pillars of decent work, which are, employment creation and enterprise development, social protection, standards and rights at work and social dialogue.

- c. **Empowerment and Participation:** Strengthening systems for empowerment and participation of the vulnerable and marginalized groups (including migrants) in the formulation, implementation and evaluation of the policy for the expected outcomes.
- d. **Social protection:** This entails policies and strategies implemented to reduce poverty and vulnerability by promoting efficient labour markets, reducing workers exposure to risks, and enhancing their capacity to manage economic and social shocks.
- e. **Social Justice:** Social justice embraces values such as the equal worth of all human beings (e.g. both migrants and non-migrants) and their equal right to meet their basic needs including wealth, health, wellbeing and access to opportunities.
- f. **Social Dialogue:** According to ILO, Social dialogue includes all types of negotiation, consultation or exchange of

information between, or among, representatives of Governments, employers and workers, on issues of common interest relating to economic and social policy.

- g. **Sustainable Development:** This refers to a developmental approach that takes into account the needs of current and future generations. If well managed labour migration can contribute to realisation of the sustainable development goals.

The above core values and principles that guided the development of the policy largely emanate from the following:

- a. All international treaties, protocols and conventions for the protection of human rights, including rights of migrants. These protocols and treaties include: International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; ILO Migration for Employment Convention (Revised), 1949 (No. 97); ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and their respective Recommendations.
- b. All international conventions and protocols on forced labour. These include: ILO Convention 29, its 2014 Protocol, and Convention 105 which prohibit/abolish all forms of forced and compulsory labour; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of

Discrimination Against Women; the Convention Against Torture; and Convention against Transnational Organised Crime; United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air.

- c. All international Conventions on social security. These include ILO Convention No. 102 concerning Social Security (Minimum Standards), 1962; and ILO Convention No. 118 concerning Equality of Treatment (Social Security), 1962 as well as ILO Convention No. 157 Maintenance of Social Security Rights, 1982 and its accompanying recommendation: R. 167 Maintenance of Social Security Rights Recommendation, 1983 which contains a model social security bilateral agreement.
- d. The United Nations General Assembly Resolution A/RES/70/1 of 25 September 2015 on the adoption of the 2030 Agenda and Sustainable Development Goals (SDGs). This resolution provides framework for mainstreaming migration into national development planning agenda.
- e. The Global Compact on Migration (GCM), a new global agreement which aims to promote safe, orderly and regular migration. GCM enumerates the following objectives: promotion of migrants' well-being; achieving migration-related Sustainable Development Goals, such as reducing the costs of recruitment and remittances; enhancing the developmental impacts of migration; shaping policies and

public perceptions based on empirical data; and dealing with environmental change-induced migration.

- f. Regional protocols and conventions on migration and development which include: the 2006 African Union Migration Policy Framework for Africa which seeks to promote migration on the continent; The Rabat Action Plan and Declaration of July 2006; The AU 2015 Declaration on Migration which seeks to promote mobility and integration; The Joint Labour Migration Programme (JLMP) which seeks to support effective implementation of intra-regional migration policies on the African continent; the AU protocol of Free Movement of Persons;
- g. Sub-regional protocols and conventions on migration which include: The ECOWAS Free Movement Protocol, which provides for free entry, settlement and establishment of ECOWAS citizens in member states; The ECOWAS Common Approach on migration adopted in 2008, which emphasises free movement of ECOWAS citizens, the need to protect migrants and effective management of migration for development; and ECOWAS general Convention on Social Security.
- h. Adherence to the 1992 Constitution of Ghana, which guarantees the rights of Ghanaians to emigrate and the right of all persons to circulate freely within Ghana. As stated in article 21(1)(g): “All persons shall have the right to freedom of movement which means the right to move freely in

Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana”.

- i. The National Migration Policy of Ghana which aims “to promote the benefits and minimize the costs of internal and international migration through legal means with the rights and security of migrants well respected in order to ensure socio-economic development in Ghana”

2.3. GOAL

The goal of the National Labour Migration Policy is “**an improved labour migration governance that harnesses the benefits of labour migration for socioeconomic development in Ghana**”.

2.4. STRATEGIC POLICY OBJECTIVES

1. To promote good governance of labour migration.
2. To strengthen systems for the protection and empowerment of migrant workers and their families.
3. To enhance mechanisms for maximising the developmental impacts of labour migration.
4. To improve labour market and migration information systems.

2.5. POLICY AND LEGAL CONTEXT

The objectives of the National Labour Migration Policy are informed by principles highlighted by the following existing legal instruments (laws, regulations and policies), which provide guidance for migration and employment governance in Ghana.

2.5.1. LAWS AND REGULATIONS

- 1992 Constitution
- Children’s Act, 1998 (Act 560)
- Citizenship Act, 2000, (Act 591) and Citizenship Regulations, 2001 (LI 1690)
- Immigration Act, 2000, (Act 573), Immigration (Amendment) Act, 2012 (Act 848), Immigration Act 2016 (Act 908) and Immigration Regulations, 2001 (L.I 1691)
- Labour Regulations, 2007 (L.I 1833)
- National Labour Commission Regulations, 2006 (LI 1822)
- National Pensions Act, 2008 (Act 766)
- The Free Zone Act, 1995 (Act 504)
- The Ghana Investment Act, 2013 (Act 865)
- The Human Trafficking Act, 2005 (Act 694) and Human Trafficking (Amendment) Act, 2009 (Act 784)
- The Labour Act, 2003 (Act 651)
- Youth Employment Agency Act, 2016 (Act

2.5.2. POLICIES AND PROGRAMMES

The existing national policies underpinning the National Labour Migration Policy are:

- Coordinated Programmes for Economic and Social Development Policies (2017-2024)
 - Ghana National Climate Change Policy
 - Ghana National Social Protection Policy
 - National Employment policy
 - National Health Policy
 - National Migration Policy
 - National Population Policy (revised)
 - National Trade Policy
 - National Youth Policy

2.6. POLICY DEVELOPMENT PROCESS

In order to ensure policy coherence and ownership, the development of this Policy involved a systematic collaborative and consultative process. The policy development process began in the last quarter of 2017 with the procurement of a labour migration consultant to work with an Inter-Ministerial Technical Working Group to oversee the development of the policy.

The working group was made up of representatives of different actors in the labour migration governance and the National Development Planning Commission. The policy drafting process began with a situational analysis which was conducted by the consultant to provide useful information on the socio-

economic context of labour migration in Ghana. The situational analysis also sought to identify relevant opportunities and issues to be addressed by the policy. Upon completion of the situational analysis, a four (4) day training and consultative workshop was organised for members of the Inter-Ministerial Technical Working Group and IOM to refresh them on the concepts of labour migration and also to validate the situational analysis report. The group discussed possible strategies to address the identified labour migration challenges. The workshop was facilitated by the consultant who had been engaged to support the development of the policy. At the end of the workshop, participants outlined the goal, strategic objectives, structure and some recommended policy strategies. Based on the policy proposals discussed at the workshop, the consultant produced the first draft of the policy, which was discussed by the Inter-Ministerial Working Group at the second meeting in Accra. The third and fourth meetings were held to further discuss the policy as well as the policy implementation plan, M&E framework, and budget. The final draft of the policy was significantly improved by incorporating inputs by comments by labour migration experts from ILO, IOM, ECOWAS and the Centre for Migration Studies (CMS). The final draft policy was later validated by the Inter-Ministerial Working Group during its fifth meeting.

CHAPTER THREE

STRATEGIC ACTIONS TO ACHIEVE THE POLICY OBJECTIVES

3.0. INTRODUCTION

This section presents the strategic actions through which the key policy objectives would be achieved. In line with the ILO Multilateral Framework, the strategies for managing key labour migration issues are presented under three domains, namely governance of labour migration; the protection of the rights of migrant workers, and migration and development. In addition to these three domains, labour migration data is included as a cross-cutting issue. The strategies provided address the identified labour migration issues in the broader sense of internal and external mobility.

3.1. STRATEGIC OBJECTIVE 1: TO PROMOTE GOOD GOVERNANCE OF LABOUR MIGRATION

It is generally acknowledged that an effective labour migration governance system is important for harnessing the benefits of migration and minimising its negative effects. A good labour migration governance system is also expected to promote policy coherence, reliable data and the protection of the rights of migrants and their families. Recent research has shown that effective labour migration governance entails strong collaboration among various state institutions, social partners (e.g. workers' organisations, employers' organisations), Non-

Governmental Organisations, and international actors. Good governance of labour migration also involves ratification, domestication and implementation of relevant international instruments and forging international cooperation through bilateral/multilateral labour agreements. In line with the ILO Multilateral Framework on Labour Migration, the challenges and strategies for improving labour migration governance system in Ghana are addressed under four broad areas, namely legislative, institutional, regulatory and international frameworks.

3.1.1. Legislative Framework

As noted already, labour migration governance in Ghana is guided by international instruments, sub-regional conventions and national laws and policies. Indeed, Ghana has ratified forty (40) ILO Conventions, including those that make up the ILO's Fundamental Principles and Rights at Work. At the sub-regional level, Ghana has also ratified the ECOWAS protocol relating to Free Movement of Persons, Residence and Establishment on 8 April 1980. At the national level, the 1992 Constitution of Ghana, various migration-related legislative instruments and the National Migration Policy (NMP) provide legal framework for governing migration.

A major challenge with migration governance in Ghana is the fact that, despite ratifying some international instruments, the country has not ratified key labour rights instruments of relevance to the protection of migrant workers, such as the

Migration for Employment Convention, 1949 (Revised) (No. 97), Employment Policy Convention, 1964 (No. 122); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Maintenance of Social Security Rights Convention, 1982 (No. 157); Private Employment Agencies Convention, 1997 (No. 181); and Domestic Workers Convention, 2011 (No. 189).

Given the weak coordination among stakeholders and lack of policy coherence in some cases, there is the need for effective harmonisation and coordination. There are also inconsistencies between some national legislative instruments and sub-regional protocols. In addition, provisions in the National Migration Policy to harmonise strategies and actions of migration related policies have still not been implemented in Ghana. In view of this background, labour migration stakeholders recognise the need for an effective, coherence and harmonised legal framework for regulating both labour emigration and immigration in Ghana.

3.1.1.1 Policy Implementation Strategies

The following are policy strategies for the harmonisation of existing global, regional and national labour migration legislative frameworks:

- i. Ratify the international instruments on labour migration, specifically ILO Convention on Migration for Employment (revised 1949) (No. 97); Employment Policy Convention, 1964 (No. 122); Migrant Workers (Supplementary Provisions) Convention, 1975 (No.

- 143); Maintenance of Social Security Rights Convention, 1982 (No. 157); Private Employment Agencies Convention, 1997 (No. 181); and Domestic Workers Convention, 2011 (No. 189).
- ii. Align national legislative instruments with international instruments regarding work and employment
 - iii. Review and simplify the requirements for the acquisition of residence/work permits.
 - iv. Regularly review and update legislative instruments and policies on labour migration in line with international conventions and national developmental needs.
 - v. Revise the Labour Act, 2003 (Act 651) to reflect emerging labour migration issues.
 - vi. Enhance policy coherence by involving all stakeholders (i.e both state and societal actors) in the formulation of legislative instruments and policies on labour migration governance.

3.1.2. Regulatory Framework

The Ghana Immigration Services tends to focus on immigration control rather than migration in general. As a result, Ghana has not developed effective frameworks for regulating emigration. Most of the potential emigrant workers lack accurate information about job opportunities in destination countries. However, Ghana has witnessed a significant increase in the number of both licensed and unlicensed labour recruitment agencies that recruit Ghanaians for job placements in other countries, especially in the Gulf States where the migrants

mainly work in the informal sectors as domestic workers and artisans. According to the Labour Department, the number of known recruitment agencies increased sharply from 3 in the mid-2000s to about 200 in 2015. Out of the over 200 recruitment agencies in Ghana, only 43 have been licensed by the Labour Department to recruit for job placement abroad. In addition, there are also many individual middlemen and syndicates, popularly referred to as ‘connection men’ who operate as recruiters in the migration industry.

The regulation of these private recruitment agencies and intermediaries has been an issue of great public concern since the year 2000. One challenge is the fact that the existing regulatory framework focuses only on corporate bodies and therefore does not cover activities of informal intermediaries. In addition, there are no strict penal systems to deal with agencies or persons that violate stated rules on recruitment, and it is also difficult to regulate private employment agencies operating online from outside Ghana.

As a result of the activities of unregulated recruitment agencies and lack of awareness of risks associated with irregular migration, there have been reports of many of smuggling of Ghanaians by intermediaries through the Sahara Desert to Europe. Some Ghanaians are also trafficked to Europe and the Gulf States where they are usually stranded and particularly vulnerable to exploitation. Other risks and dangers associated with the recruitment through poorly regulated private agencies and informal networks include extortion of exorbitant

recruitment fees from migrants, debt bondage, seising of travel documents, and unsecure contracts. In response to reports of serious violations of migrant workers' rights in the Gulf region, the recruitment of domestic workers to Gulf States was temporary banned in 2017.

The National Labour Migration Policy therefore seeks to develop strategies for promoting regular labour migration, enhancing regulation of the market and protecting migrant workers from abuses by recruitment agencies and employers. The responsible state agencies would work with other stakeholders to enhance frameworks for promoting fair and ethical recruitment.

3.1.2.1. Policy Implementation Strategies

The policy strategies for enhancing labour migration regulatory framework are:

- i. Ratify and domesticate the Private Employment Agencies Convention, 1997 (No. 181).
- ii. Implement ILO General Principles and operational guidelines on fair recruitment and design comprehensive frameworks on the responsibilities of private recruitment agencies and penalties for violation of the rights of migrants.
- iii. Regulate the Ghanaian recruitment industry through effective licensing schemes, codes of conduct, publishing the list of licensed private recruitment agencies (PEAs), monitoring and penal provisions to address offences by private recruitment agencies, including withdrawal of

recruitment and placement licenses in cases of violations, and requirements for insurance bonds to be used to offer monetary compensation to internal and international migrant workers when a private recruitment agency fails to meet its obligations.

- iv. Consult social partners in preparing the regulatory framework relating to labour migration and promote social dialogue on employment and work.
- v. Establish and implement stiffer penal systems to deal with private employment agencies and Government officials that violate rules governing fair and ethical recruitment.
- vi. Empower and strengthen Ghanaian diplomatic missions to provide information to migrant workers and critically review and assess foreign-based recruitment agents and employers hiring Ghanaian nationals.
- vii. Enhance the capacity of Public Employment Centres and mandate them to provide tailored information and orientation to potential emigrants, returned migrants and immigrants on legal migration channels, recruitment processes, pre-departure issues, challenges of migration, requirements for re-engagement (for return migrants), responsibilities of recruitment agencies, human trafficking and xenophobia, among others.

3.1.3. Institutional Framework

There is no doubt that effective policy implementation agencies and coordination mechanisms are important for achieving good policy outcomes. As in many countries, Ministries, Departments

and Agencies (MDAs) are responsible for the management of various aspects of labour migration in Ghana. The Ministry of Employment and Labour Relations (MELR) is primarily mandated to coordinate and promote employment opportunities, decent jobs and harmonious labour relations in all sectors of the national economy through the formulation of policies, regulations, monitoring and evaluation of performance of the labour sector.

In Ghana, the enforcement of labour standards pertaining to labour migration is the principal business of the Labour Department, an agency of MELR. The National Tripartite Committee (NTC) which was established under the Labour Act, 2003 (Act 651) also plays a significant role in the governance of labour issues in Ghana. In managing labour migration issues, several agencies and social partners work with MELR. For example, while the Labour Department is responsible for regulating recruitment and placement of migrant workers abroad, the Ghana Immigration Services, under the Ministry of the Interior, is responsible for regulating immigration and emigration; enforcing the rules of entry and exit. The mandate of ensuring that migration in general and labour migration in particular, contributes to national development is a joint responsibility of the Ministry of Finance (MOF), Bank of Ghana (BOG), Diaspora Unit of the Office of the President (DAUOP), Ministry of Foreign Affairs and Regional Integration (MFARI), Ministry of Trade and Industry (MOTI), and the Ghana Investment Promotion Centre (GIPC).

The existing institutional frameworks are not very effective for labour migration governance. Apart from a few occasions where representatives of MDAs come together to work on specific donor-funded programmes, state agencies often perform their functions without in isolation. This is the result of the fact that migration-related functions are fragmented across sectors without a strong sense of coordination. Again, while the Labour Department has a Labour Migration Unit to facilitate safe migration of workers, the Ghana Immigration Service also runs two parallel Migrant Information Resource Centres, in Accra (i.e. Migration Information Bureau) and Sunyani (Migration information Centre).

The spread of labour migration responsibilities across MDAs has contributed to overlapping roles which requires effective coordination. In addition, there is inadequate technical capacity and capacity building opportunities on labour migration. Lastly, inadequate resources to enforce the existing institutional, legislative, and regulatory frameworks on migration is also a major challenge to effective operations of the MERL and other state agencies, due to limited budgetary allocation and inability to attract donor support.

This policy therefore aims at strengthening existing institutional structures and establishing sustainable coordinating mechanisms to address the various capacity and resource constraints of institutions that would enable the responsible labour migration agencies carryout their operations in an effective and coordinated manner.

3.1.3.1 Policy Implementation Strategies

The following are the policy strategies for the promotion of coordination and harmonisation among labour migration institutions:

- i. Increase budgetary allocations to the labour migration unit of the Labour Department and other agencies responsible for labour migration management.
- ii. Enhance the technical capacity of Labour Department and other agencies responsible for governing labour migration by organising training programmes and granting scholarships to officials to undertake further studies.
- iii. Promote institutional coherence and effective collaboration among state agencies and social partners responsible for labour migration management through regular consultative discussions and joint training.
- iv. Enhance coordination and information sharing between and among various state departments and social partners involved in labour migration governance by creating a platform for dialogue by state and non-state actors.
- v. Involve tripartite constituencies, CSOs and private recruitment agencies in the implementation of labour migration policies and programmes.
- vi. Strengthen the Inter-Ministerial working group on Migration to review labour migration processes and advise relevant agencies on key labour migration issues.
- vii. Ensure that existing labour migration management platforms for inter-ministerial dialogue are working efficiently by

allocating funds for organising regular consultative meetings and workshops.

- viii. Ensure that key labour migration-related functions that are fragmented across several ministries are streamlined and coordinated by the MELR.
- ix. Enhance institutional and operational capacity of Ghanaian missions to support and protect the rights of emigrants by assigning them labour attaches, training of staff, and providing sufficient budget for such functions.

3.1.4. International and Regional Collaboration

As no single country has the capacity to govern labour migration-related issues alone, a key dimension of labour migration governance is international cooperation through the ratification of international and regional instruments, treaties and laws, and signing of bilateral labour agreements.

As noted earlier, Ghana has ratified a number of international conventions for protection of migrants, including the ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment. In compliance to the protocol, Ghana like other ECOWAS countries, abolished visa and entry requirements for ECOWAS citizens to enable them reside in the country for up to 90 days. However, there are inconsistencies between Ghana's guidelines for issuing work permits and the right of establishment of the Free Movement Protocol. While the protocol grants all ECOWAS citizens rights of establishment, all non-nationals in Ghana are required to obtain work permits

which are supposed to be issued in view of the scarcity of certain skills in the country.

In addition, Ghana's Investment Act, 2013 (Act 865) prohibits all migrants, including ECOWAS citizens, from engaging in certain economic activities. In order to address these policy ambiguities and inconsistencies, a National Labour Migration Policy is needed.

This policy therefore directs action towards ensuring that national legislative frameworks are consistent with international protocols to promote cooperation and collaboration at the global, regional and sub-regional levels. In addition, the policy recognises the importance of comprehensive bilateral labour agreements with major destination countries to safeguard the rights of migrant workers in line with decent work standards.

Currently, processes are far advanced for Ghana to implement bilateral labour agreements with Qatar and the United Arab Emirates (UAE). Further to this, the National Labour Migration Policy therefore provides strategies for initiating, negotiating and signing of bilateral labour agreements with main destination countries.

3.1.4.1. Policy Implementation Strategies

The following policy strategies ensure promotion of international and regional collaboration for effective management of labour migration:

- i. Review national legislative instruments to resolve contradictions between them and ratified international conventions and regional protocols on mobility, migration and citizenship.
- ii. Ensure that procedures for issuing work permits are in line with ECOWAS free Movement Protocols
- iii. Engage AU, ECOWAS and African countries of origin of immigrants to address the problem of irregular migration and address street begging by migrants and their children.
- iv. Actively participate in regional and international fora on labour migration.
- v. Develop bi-lateral labour migration agreements and memorandum of understanding (MOUs) with the major labour receiving countries.

3.2. STRATEGIC OBJECTIVE 2: TO STRENGTHEN SYSTEMS FOR THE PROTECTION AND EMPOWERMENT OF MIGRANT WORKERS AND THEIR FAMILIES

The protection of the human rights of migrant workers and their families is a key aspect of labour migration management. In view of this, a number of international instruments have been developed to protect these rights. The UN system has a large number of such instruments which provide guidelines for the protection of the rights of all human beings, including migrants workers. It is widely recognised that the protection of the rights of workers is closely linked to the creation of decent jobs. As a

result, the Sustainable Development Goal (SDG) 8, is targeted at achieving **sustained, inclusive and full productive decent employment for all**. Decent work hinges on four pillars; employment creation, social protection, rights at work and social dialogue.

To this end, there are International Labour Standards that seek to propagate these rights for migrant workers and their families through social security, maternity protection, employment policy, occupational safety and health, conditions of work, protection of wages and labour inspection. This strategic objective therefore focuses on putting in place measures and mechanisms for the protection of migrant workers and their families against vulnerabilities and abuse, including combating trafficking in persons, child labour and smuggling of migrants. In line with the rights-based approach to migration management, this strategic objective also presents measures for social security portability for migrant workers.

3.2.1. Protection of Migrant Workers and their Families in Ghana

Although Ghana is considered a country of origin, it hosts several migrant workers, of which about 50 percent are from the West African sub-region (Ghana Statistical Service, 2013). Most of these migrants are low-skilled and work in the informal sectors, while a few work for multinational companies. Due to the informal nature of their work, the low-skilled immigrant workers and their families are vulnerable to exploitation and abuse by their employers and or persons who helped them

migrate. There have also been reports of harassments by some low-skilled migrants who tend to use the land borders by officials.

The rights of migrants in detention centres are also sometimes violated by security officials. In addition, low skilled migrants tend to lack access to basic services, including healthcare. In some cases, there have been violent clashes between migrant groups and local groups/communities. For example, clashes between Fulani herdsmen and local farmers. These clashes have led to loss of life and property.

In order to address these issues, the Ministry of Employment and Labour Relations (MELR) has been implementing a number of programmes aimed at promoting decent jobs, industrial peace and harmony for industry. MELR has also been implementing strategies to resolve labour-related disputes and ensure that the occupational safety and health of workers (i.e. both Ghanaians and migrants) are guaranteed. In furtherance to these efforts, this policy provides more comprehensive strategies for dealing with workplace tensions and all forms of abuse. The policy makes provisions for strategies aimed at enhancing the integration of immigrants and for preventing conflicts between migrants and host communities.

3.2.1.1 Policy Implementation Strategies

The following policy strategies aim at protecting the rights of migrant workers and their families:

- i. Strengthen the capacity of the Ministry of Employment and Labour Relations to continue to design and implement programmes aimed at promoting decent jobs, enhancing occupational health and safety of all workers and promoting industrial peace and harmony for both migrant and Ghanaian workers.
- ii. Establish partnership with the business and industrial sectors to promote greater understanding of their human rights obligations, including their responsibility to respect the rights of migrant workers and the need to consider issues of gender, vulnerability and the specific challenges that may be faced by migrant workers and their families.
- iii. Enhance capacity of labour inspectors to conduct regular labour inspections in sectors and workplaces where immigrants are employed and ensure that they are being treated in line with international standards and domestic laws.
- iv. Establish mechanisms to reduce racial discrimination and xenophobia by educating the public about the negative effects of xenophobic violence and encouraging immigrants to use the legal system to deal with citizens that engage in xenophobic violence.
- v. Strengthen the capacity of the Labour Department to provide labour-related information to immigrants and educate newly

arrived immigrants on the cultures of Ghana and public behaviours that are considered alien to the society and create specific migrant integration services.

- vi. Establish a Complaints Mechanism to deal with reported cases of abuse and rights violations within the labour migration process and at the work place.
- vii. Promote peaceful co-existence and cordial relationships between migrant workers and host communities by educating the Ghanaian host communities on the positive contribution of migrant workers.
- viii. Educate law enforcement officials on the rights of immigrants, including those in in detention, and punish officials who violate the rights of immigrants.

3.2.2 Protection of Ghanaian Migrant Workers and their Families in countries of employment

In recent years, there have been increasing reports on the violation of the rights of Ghanaian emigrants by recruitment agencies/intermediaries and their counterparts as well as employers in destination countries. Migrant workers from Ghana face many challenges at different stages of the migration proces, namely;

- pre-departure (from decision-making to preparation for migration);
- migration journey;
- in-service (workers in employment at the destination) and return and reintegration.

During the pre-migration stage, some unregistered recruitment agencies have been reportedly abusing migrants' rights by extorting exorbitant recruitment fees from them, seizing the travel documents, and issuing contracts that put migrant workers at risk.

In the destination countries, particularly in Europe, North America and Asia, migrant workers without appropriate documents and work permits find it difficult to work, and may take up menial jobs associated with low wages, long working hours, and no social security. In the event of deportation, migrant workers in irregular situations generally are unable to repatriate accrued savings and personal belongings. These challenges are a result of the fact that the Labour Department does not have effective systems and comprehensive programmes to educate migrants workers on the consequences of irregular migration, activities of illegal recruitment agencies, employment and life abroad, migrant rights, return and reintegration.

In addition, there is currently very limited engagement with host countries to promote decent work for migrants on the basis of freedom, security and human dignity. Ghanaian Missions abroad also lack the technical capacity and resources to offer effective protection to emigrants. Indeed, the role of consular authorities regarding services to Ghanaian citizens used to be mostly limited to providing travel and identification documents as well as assistance in the event of deportations. Despite some improvements, most of the missions still do not have labour attachés to assist migrant workers in destination countries in the

event of any abuse. There is also limited collaboration between state agencies and Civil Society Groups specialised in matters relating migrant workers and returnees.

The National Labour Migration Policy directs for the relevant state agencies and the private sector to implement measures that ensure better awareness creation, provision of information and support services to migrant workers and returnees.

3.2.2.1. Policy Implementation Strategies

The policy strategies for the protection of the rights of migrant workers and their families in destination countries are:

- i. Ensure that bilateral and multilateral labour migration agreements and or MOUs between Ghana and labour receiving countries/employers focus on decent working conditions, training of migrant workers and mechanisms for addressing violation of migrants' rights.
- ii. Use effective mass communication channels and strategies (e.g. TV documentaries, radio programmes, printed materials, posters, billboards) to disseminate information and raise awareness about labour migration processes, consequences of irregular migration, activities of illegal recruitment agencies, and rights of migrants in host countries.
- iii. Design tools for pre-departure training which include migrant rights, financial literacy, occupation health and safety.

- iv. Enhance the capacity of the Labour Department to verify and attest employment contracts between potential migrant workers and private recruitment agencies.
- v. Work with Governments of destination countries to set-up mechanisms for emigrant workers to lodge complaints about abuse and violations of their rights.
- vi. Issue regulation prohibiting retention of documents belonging to migrant workers.
- vii. Enhance the resource and technical capacity of Ghanaian embassies and their personnel to play a key role in the protection of migrant workers, as well as in the promotion of their welfare.
- viii. Establish mechanisms for the safe return and labour market reintegration for return migrants in need and develop more effective frameworks to protect children left behind by migrants.
- ix. Engage destination countries to regularise irregular migrants who have lived abroad for several years and to ensure that in the event of deportations, the rights of deportees are protected and that they have access to accrued savings and personal belongings.
- x. Strengthen returnee counseling services to address the peculiar needs of return migrants to facilitate their smooth readmission and reintegration back home.
- xi. Assign labour attaches to selected Ghanaian missions and establish operating standards to govern consular services and protection provided to Ghanaian emigrants in destination countries.

- xii. Decentralise and simplify procedures for acquiring identity and travel documents so as to reduce irregular migration.
- xiii. Strengthen collaboration networks between state agencies and civil society groups which seek to offer protection to potential, current and returned migrant workers as well as children left behind by migrants.

3.2.3. Trafficking in Persons, Child Labour and Smuggling of Migrants

Trafficking in Persons (TIP), child labour and smuggling of migrants (SOM) are quite prevalent in Ghana. The increasing feminisation of international migration and associated security implications resulting from trafficking, smuggling, exploitation and abuse of female migrants has been the focus of media and political discussions. There is a growing concern over trafficking of women and girls to the Gulf States, in particular. There have also been cases where women and girls have been trafficked from neighbouring countries into Ghana for domestic servitude and sexual exploitation. Child trafficking and child labour is also pervasive in Ghana.

Migrants smuggling from Ghana has also increased as a result of strict visa regimes in economically advanced countries, especially in Europe and North America. A number of young persons from Ghana have been smuggled through the Sahara Desert to Europe. In 2016, about 5,636 Ghanaian migrants arrived in Italy by sea. Most of these irregular migrants often

find themselves in situations of extreme vulnerability (IOM, 2017).

In order to deal with trafficking in persons, child labour and smuggling of migrants, Ghana has ratified relevant international protocols. These include the ILO Convention concerning the Prohibition and Elimination of the Worst Forms of Child Labour, 1999 (Convention 182), which was ratified in 2000. Ghana also ratified the Minimum Age Convention, 1973 (No.138) in June 2011. Ghana's domestic laws, such as the 1992 Constitution, Labour Act 2003, (Act 651), Labour Regulation 2007, (L.I 1833), Children's Act 1998 (Act 560) and Anti human Traffic Act 2005 (Act 694) all support protection against human trafficking and child labour.

Government has also developed National Action Plans to combat migrant smuggling, human trafficking and child labour. Stakeholders and social partners work, including the Anti-human trafficking Unit of the Ghana Police Service, Anti-human Trafficking Desk of the Ghana Immigration Service, and the Human Trafficking Secretariat at the Ministry of Gender, Children and Social Protection work together to combat human trafficking.

Despite measures to prevent, arrest, investigate and prosecute trafficking cases, there are a number of challenges that need to be addressed. First, there is still limited knowledge among parents in rural communities on human trafficking and child labour. In many cases, parents in rural areas are unable to detect

potential trafficking situations. Many potential migrants are also unaware of the dangers of migrant smuggling and the fact that smugglers can put migrants' lives in danger. There is also limited technical capacity and inadequate resources for the state agencies responsible for combating human trafficking, smuggling of migrants and child labour. Poor collaboration between state agencies and civil society groups dealing with human trafficking and child labour is also a challenge. Lastly, systems for data collection on trafficking in persons, child labour and smuggling of migrants are quite weak.

3.2.3.1. Policy Implementation Strategies

The following policy strategies address trafficking in persons, child labour and smuggling of migrants:

- i. Collaborate with civil society groups and the media to sensitize Ghanaians on the dangers of trafficking in persons and smuggling of migrants (SOM) for the purpose of reducing the vulnerability of citizens to TIP and SOM.
- ii. Enforce existing laws and fully implement the national plans of action on the fight against migrant smuggling, trafficking in persons and child labour.
- iii. Promote the implementation of alliance 8.7, a multi-stakeholder initiative that seeks to eradicate forced labour, end modern slavery, human trafficking and eliminate the worst forms of child labour by 2025.

- iv. Strengthen the technical and financial capacity of the labour department, anti-human trafficking unit and other stakeholders involved in combating trafficking in persons, child labour and migrants smuggling.
- v. Enhance systems for data collection on trafficking in persons, child labour and smuggling of migrants.
- vi. Pincreasedcute perpetrators of human trafficking and ensure stiffer sanctions against TIP and SOM, such as confiscation of profits and assets.
- vii. Improve access to justice for victims of TIP.
- viii. Commission research institutions to collect more data on human trafficking to establish a national human trafficking database.
- ix. Support sustainable return, resettlement and reintegration initiatives for victims of TIP.
- x. Strengthen mechanisms for rescue, withdrawal, empowerment and reintegration of child labour victims
- xi. Collect, collate and analyse data on child migrant workers in Ghana.
- xii. Prosecute persons who employ children for street begging and other hazardous work.

3.2.4. Portability of Social Security Rights

Portability of social security rights refers to migrant worker's ability to preserve, maintain, access and transfer accrued social security rights independent of nationality and country of residence. The administrative procedures associated with portability mainly refer to the "totalisation" of periods of

insurance in the host and the home country to determine the migrant worker's pension, the export of benefits, and in some cases the transfers between public health care authorities to guarantee continued health care coverage for migrants. Portability of social security rights or insurance has gained much attention in recent years as a result of the realisation that many short-term migrant workers who return to their countries of origin before their retirement tend to face challenges in accessing their social security benefits. This is particularly so for migrants who work in countries which do not export benefits unless there are bilateral agreements.

Currently, many Ghanaians who return home before retirement face challenges in receiving social security benefits because, apart from the ECOWAS General Convention on Social Security which governs social security transfers within the ECOWAS region, Ghana has not signed any bilateral social security agreement with host countries to facilitate the transfer of their social security entitlements to Ghana.

This policy therefore seeks to create platforms that facilitate negotiations and signing of social security portability agreements with major destination countries so that Ghanaians working in those countries would be able to access their social security benefits even if they return to Ghana before attaining their retirement age. Such a strategy would encourage Ghanaian professionals living abroad to return home, as anecdotal evidence suggests that lack of access to social security benefits is one reason why some highly-skilled migrants are reluctant to

return. Also, there is a need to develop social security schemes that would allow Ghanaians living in other countries to be able to voluntarily register for social security schemes in Ghana. This would particularly be useful for Ghanaians working in the informal sectors in other African countries, as anecdotal evidence suggests that most of these people are not covered by any social security scheme.

3.2.4.1. Policy Implementation Strategies

The following strategies aim at ensuring portability of social security and personal belongings of migrant workers, including investments:

- i. Formulate new legislative instruments to facilitate the implementation of the ECOWAS General Convention on social security and ILO relevant instruments on migrant workers social protection, particularly the Convention on Social Security (Minimum Standards), 1952 (No. 102); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Maintenance of Social Security Rights Recommendation, 1983 (No. 167) and; Social Protection Floors Recommendation, 2012 (No. 202) which sets basic social security guarantees to all residents and children.
- ii. Sign bilateral and multilateral social security agreements with countries of destination with high numbers of Ghanaian nationals and establish mechanisms through which the social security systems of Ghana and host

- countries can work together to ensure that migrant workers enjoy the benefits of social security portability.
- iii. Develop voluntary social security schemes for Ghanaian migrant workers including those in the informal sectors and sensitize them on the benefits of contributing to a voluntary social security system.
 - iv. Ensure that social security provisions are included in temporary labour migration programmes or bilateral labour agreements using the Annex of the ILO Migration for Employment Recommendation, 1949, (No. 86) as a model agreement.

3.3 STRATEGIC OBJECTIVE 3: TO STRENGTHEN MECHANISMS TO MAXIMISE THE DEVELOPMENTAL IMPACTS OF LABOUR MIGRATION

In this section, the existing strategies and challenges associated with enhancing the developmental impacts of labour migration in Ghana are assessed under the following thematic areas: mainstreaming migration into development agenda; remittances and development; partnerships and migrants led investments; and skills transfers.

3.3.1. Mainstreaming Labour Migration into Development Agenda

In as much as the developmental potentials of labour migration is increasingly recognised, labour migration issues, until recently, have not been adequately integrated in the national

development planning agenda and poverty reduction strategies. As in many other developing countries, national level programmes that seek to link labour migration to development tend to focus only on enhancing the transfer of remittances to deal with foreign exchange problems (see Teye, et al, 2017a).

However, since 2015 when migration moved to the top of the Global Development Agenda, the National Development Planning Commission (NDPC) has been playing a pivotal role and provided guidelines to integrate migration into development planning in Ghana. The other opportunities for mainstreaming migration into the development agenda in Ghana include the existence of legal and institutional frameworks that support this objective; collaboration with international donors; existence of decentralized planning systems to promote local participation; large stocks of immigrants and emigrants population who stand to benefit if migration is well managed; sizeable financial transfers by migrants; and the fact that migration is a topical issue in public debates in Ghana.

On the other hand, the challenges of mainstreaming migration into development planning agenda in Ghana include: inadequate finance and over-dependence on donors to implement migration-related programmes; lack of expertise in some MDAs and MMDAs to understand and address the complexities of migration and development; lack of comprehensive mechanisms for integrating migration and development issues; fragmentation of the migration portfolio (i.e. falling under the oversight of different state agencies); weak coordination and institutional

development agenda. There is also lack of accurate, disaggregated data on emigrants and remittances; high level of undocumented migrants; low level of public awareness on the SDGs and the links between migration and development; as well as weak systems for monitoring and evaluation of policies and programs in Ghana.

The National Labour Migration Policy therefore provides strategies to address these challenges and promote effective communication, monitoring and evaluation strategies to ensure mainstreaming of labour migration issues into development planning systems in Ghana.

3.3.1.1 Policy Implementation Strategies

The policy strategies for labour migration mainstreaming are:

- i. Building on existing institutional frameworks on incorporating labour migration issues and development planning, design comprehensive mechanisms on how to mainstream labour migration into national development planning agenda.
- ii. Provide adequate resources to the National Development Planning Commission to train various stakeholders on mainstreaming migration into development planning.
- iii. Develop Ghana's roadmap for mainstreaming migration into development planning, and ensure that it describes key intervention areas, strategic goals, and responsibilities of stakeholders.

- iv. Organise public awareness campaigns to enhance knowledge of Ghanaians on the relationship between migration and development and solicit assistance of both state and societal actors towards the mainstreaming agenda.
- v. Involve civil society and private sector groups in the formulation of the Plan of Action on migration and development.
- vi. Strengthen the inter-ministerial coordination agency in charge of promoting the link between labour migration and development through regular consultation between the relevant branches of Government, civil society, social partners and international actors.
- vii. Design and implement plans to disseminate information on migration and development to the general public in a user friendly format (e.g. in local languages and through radio and television)
- viii. Develop effective systems for the periodic monitoring and evaluation of the outcomes of the mainstreaming process.

3.3.2. Leveraging Remittances for Development

Although Government and Development Partners have adopted some strategies to leverage remittances for development, there are a number of challenges associated with the transfer and management of remittances in Ghana. First, it is still difficult to estimate remittances flows, since a significant proportion (i.e. about 41 percent) of remittances are still transferred through

informal channels, such as friends and relatives visiting home; carrying money along during short visits; and hiding money in letters through the posted. A study commissioned by IOM Ghana shows that high transfer charges, refusal of financial institutions to pay remittances in foreign currencies, and lack of bank accounts by some recipients are the main reasons why people do not want to use formal financial institutions to send or receive remittances (see Teye et al, 2017a).

Currently, telecommunication companies, locally referred to as mobile money, play a significant role in in Ghana, and have contributed to an increase in the proportion of money transferred through formal channels within the country. However, the use of mobile money to transfer money internationally is still not common in many countries. This situation makes it difficult for the country to take full advantage of remittances from the diaspora, in terms of credit multiplier, savings, and investment (Quartey, 2009). Another challenge associated with remittances management in Ghana is the fact that a significant proportion (as high as 79 percent) of remittances is used for consumption, including food, daily needs, payment of school fees and paying of medical bills and child support (GSS 2017). The low level of savings and investment of remittances is partly a result of unemployment, poverty and low financial literacy on the part of both remitters and recipients of remittances (Teye et al, 2017a).

High transfer cost is another challenge. A study commissioned by IOM Ghana demonstrated that charges for remittance transfers up to fifty (50) Euros from Europe to Ghana were as

high as 12 percent. The proportion of the amount paid as charges declines as the amount transferred increases. This disproportionately impacts small remittances transfers. Apart from the high charges paid by the remitter, recipients also lose through unfavourable exchange rates. In some cases, recipients could lose as high as 10 percent of the transfer value when MTCs apply lower exchange rates. This means that the actual transfer cost of remitting small amounts of money to Ghana can go as high as about 20 percent of the amount remitted. In line with SDG goal 10c and national development objectives, this policy seeks to facilitate transfer of remittances through formal channels by reducing the cost of transfer, preferably, to less than 3 percent of the amount remitted.

3.3.2.1. Policy Implementation Strategies

The following strategies are expected to improve remittances through formal channels:

- i. Relying on diplomatic missions abroad and trusted financial institutions, organise fairs to encourage Ghanaian emigrants to increase remittances flows for investment in Ghana and promote collective remittances for community development projects.
- ii. Empower Ghanaian Missions abroad to develop mechanisms and services to facilitate remittances transfers by Ghanaian emigrants.
- iii. Work with the Bank of Ghana to develop agreements with banks in popular destination countries, money transfer

companies and mobile telecommunication companies to reduce the cost of transferring money to Ghana and design specific money transfer products whereby migrants can register with specific banks and get discount and fairer rates on their transfers.

- iv. Improve digitisation of money transfer and create the enabling competitive market to reduce cost of transfers.
- v. Negotiate with popular migrants' host countries in facilitating migrant workers access to financial services.
- vi. Collaborate with civil society groups and the media to organise financial literacy programmes for migrants and recipients of remittances and raising awareness on investment opportunities in Ghana.
- vii. Provide migrants with information on safe money transfer channels/schemes and sensitize them on the risks of sending money through informal challenges of remitting.
- viii. Adopt effective regulations to ensure that financial institutions do not cheat recipients of remittances through the use of exchange rates that are lower than the prevailing market rate
- ix. Design legislative instruments and develop institutional structures to formalize the operations of informal agencies transferring remittances and linked them to the Bank of Ghana for effective monitoring.
- x. Encourage financial institutions to develop more attractive remittances-linked investment products and market them to migrants and recipients of remittances.
- xi. Enhance the capacity of the Ghana Statistical Service and banks to collect and produce reliable data on remittances,

based on comprehensive template to be developed by the Bank of Ghana and other stakeholders.

3.3.3 Partnerships and Migrants-Led investments

Migrant Workers and people in the diaspora can contribute to national development through mobilisation of capital for investments. Ghana has adopted a number of strategies to encourage the diaspora and citizens of other countries to invest in country. These strategies include investment promotion campaigns by the Ghana Investment Promotion Centre and fiscal instruments (e.g. tax holidays) to incentivise foreign investors. In recent years, Government has also been making conscious efforts to involve the diaspora as parties in development through the mobilisation of cash and in-kind resources to implement specific development project and programmes. Within the last decade, relevant state agencies have implemented programmes to promote diaspora investments in Ghana. For example, the Ghana Investment Promotion Centre, in collaboration with Ghana Missions, organised few programmes to educate the Diaspora on investment opportunities in Ghana. The Ministry of Foreign Affairs and Regional Integration, in collaboration with the International Centre for Diaspora Policy Development (ICMPD), also organised the first ever workshop on ‘Diaspora Capital’ in Accra. Among other things, participants at the workshop discussed how to encourage Ghanaians and persons of Ghanaian heritage to invest in the country.

Despite these efforts, interactions with the diaspora during the development of the Diaspora Engagement Policy indicate that it has been difficult to attract diaspora' investments to Ghana because of lack of effective mechanisms to foster partnerships with prominent Ghanaian professionals abroad and use them as agents to lobby entrepreneurs into Ghana. Another major challenge affecting both diaspora and immigrants-led investment in the country is the unfavourable investment climate which is characterized by complex bureaucratic procedures, unfavourable land tenure systems, corruption, high interest rates, inflation, and high cost of energy among others. In addition, many Ghanaian emigrants are still not aware of the investment opportunities in the country (Teye et al, 2017b).

3.3.3.1. Policy Implementation Strategies

The following policy strategies are aimed at fostering partnerships to promote migrant-led investment in all sectors of the economy:

- i. Create an enabling environment for productive investment by ensuring macro-economic stability, enhancing tenure security, improving infrastructure, reducing corruption, and simplifying the bureaucratic procedures for establishing businesses in Ghana.
- ii. Enhance the capacity of the Ghana Investment Promotion Centre and encourage it to work closely with Ghanaian embassies to organise regular investment promotion campaigns which should highlight investment opportunities in Ghana.

- iii. Organise diaspora business fora to encourage Ghanaians abroad to invest their resources in relevant sectors in the country.
- iv. Educate people in the diaspora and immigrants on investment procedures in Ghana.
- v. Establish incentives for migrant savings and investment as well as entrepreneurial / business development.
- vi. Provide more favourable tax incentives for investment in Ghana
- vii. Reduce the administrative cost of doing business in Ghana.
- viii. Create investment opportunities and product (e.g bonds and shares) and market them to the diaspora and immigrants.
- ix. Reduce the minimal capital required for investments by immigrants
- x. Develop tools to map Ghanaian professionals and entrepreneurs abroad and consider them for Government contracts and business opportunities.
- xi. Develop mechanisms to foster partnerships with prominent Ghanaian professionals abroad and use them as agents to lobby entrepreneurs to come and invest in Ghana.
- xii. Promote immigrants and diaspora members' initiatives that facilitates Ghana's development and cooperation
- xiii. Support the creation and strengthening of migrant associations/groups in popular host countries
- xiv. Establish national awards programmes to celebrate immigrants and diaspora members who contribute to investment promotion in Ghana.

3.3.4. Skills Transfers from immigrants, emigrants and returned migrants

The importance of encouraging the transfer of skills and professional experience from migrants workers is widely acknowledged by Government. Indeed, the tertiary educational institutions have, in recent years, implemented programmes to facilitate knowledge transfer from highly skilled emigrants to Ghanaian academics and students. For example, the University of Ghana has been running a Diaspora Linkage Programme (UG-DLP) since 2011. This programme aims at facilitating the transfer of expertise of Ghanaian professors in the diaspora to promote the University of Ghana's academic teaching and research.

Further, IOM collaborated with the Ministry of Health to implement the Migration for Development in Africa (MIDA) programmes which sought to facilitate short-term working visits to Ghana by Ghanaian medical doctors and other health professionals in the diaspora. The German Government, through the Return Experts Programmes, supported the return of skilled Ghanaian migrants to either start their own businesses or contribute to the development of the country in their respective fields. Ghana, through the Ministry of Employment and Labour Relations, has been part of the four West African countries that are participating in the World Bank funded Talent Mobility Programme in West Africa.

During the first phase of the programme, which ended in 2016, a memorandum of understanding was signed by participating countries to work towards reducing the barriers of skills transfer in the ECOWAS region. A major limitation of these skills transfer programmes is the fact that they are organised on an ad hoc basis. In addition, there is currently no comprehensive framework in place to transfer skills from immigrants and returned migrants in Ghana. While skills transfer requirement is part of work permit application and renewal process in Ghana, these requirements are poorly implemented and not effectively linked with educational programmes. Again, there are no systems in place to enhance skills transfer from Ghanaian professionals who return home permanently.

The National Labour Migration Policy provides for strategies to facilitate comprehensive skills transfer strategies to be implemented by stakeholders, particularly, state agencies, emigrants, immigrants, industry, and educational institutions.

3.3.4.1. Policy Implementation Strategies

The policy strategies for promoting the transfer of skills and professional experience by migrant workers, returnees and the diaspora are;

- i. Undertake comprehensive analysis of the skill set of emigrants and skills needed in Ghana and connect migrants' skills with opportunities in Ghana to facilitate skills circulations.

- ii. Conduct research to identify sectors where there are skills gaps in Ghana and also countries where identified skilled labour can be found.
- iii. Create specific programs and opportunities for engagement with highly skilled Ghanaians living abroad, such as online platforms and diplomatic missions.
- iv. Promote exchanges of information between institutions in Ghana and migrants host countries regarding labour needs and the recognition of qualifications and skills.
- v. Collaborate with international organisations to fund short-term knowledge exchanges between Ghanaians in the diaspora and their counterparts in Ghana.
- vi. Give preferential consideration to competent Ghanaian diaspora experts in cases of recruitment of international consultants for work in Ghana,
- vii. Work with Ghanaian missions to provide information on employment opportunities home to highly skilled migrants in destination countries.
- viii. Foster links between local and Diaspora professional associations and encourage the exchange of information between highly skilled professionals in Ghana and their counterparts in destination countries.
- ix. Identify and eliminate obstacles for return migration, and promote return and re-integration programmes at national, regional and community levels in Ghana.
- x. Develop online platforms for initiating re-engagement processes for Ghanaian professionals who want to return home permanently.

- xi. Develop a talent mobility blueprint that identifies the skills needed for economic development, assess the availability of those skills in other countries, determine the level needed to meet future labour market needs and develop programmes for attracting such skills.
- xii. Work closely with popular migrants' source regions outside West Africa to establish Mutual Recognition Agreement framework to provide a common standard for the evaluation of credentials for entry into a particular practice or profession.
- xiii. Develop links with the private sector, tertiary educational institutions and TVET institutions to promote skills transfer from highly skilled immigrants in to Ghana.
- xiv. Strengthen mechanisms that link migrants work permit acquisition and renewal with skills transfers.
- xv. Collaborate with ECOWAS countries participating in the talent mobility programme of West Africa to harmonise work permit regimes and reduce the cost of work permits for highly skilled immigrants from the West Africa sub-region.

3.3.5. Data and Labour Market Information Systems

Reliable data on the flows and characteristics of migrant workers is critical to support planning and policy initiatives. However, there is a general lack of comprehensive, accurate and up-to-date data on the flow of immigrants and emigrants in Ghana, which makes migration management challenging. The situation can be attributed to inadequate resources to conduct research and to analyse data collected at the exit and entry points

of the country. The porous nature of borders also affects data collection as many migrant workers from the ECOWAS region enter and exit Ghana through informal routes. In addition, administrative data collected by the Ghana Immigration Services at the borders are not comprehensively analysed and disseminated. Another problem has to do with the weak technical capacity of the agencies responsible for data collection.

In many cases, the data which exist is scattered among different institutions and rarely shared among stakeholders. In order to address this challenge, a National Migration Data Management Platform has been created.

The Ghana Labour Market Information System (GLMIS) being developed by MELR is at advanced stages of its development. It is a system that is expected to be the central database for all information on the dynamics of the labour market, including labour migration. While this and other projects have greatly enhanced the quality of the LMIS in Ghana, there are still few challenges to be addressed by the National Labour Migration Policy. For example, individual Government institutions and the private sector still largely keep records of their employees in different forms and manner. The Labour Department is poorly resourced and operates a very simple manual data collection system that needs to be modernised.

The National Labour Migration Policy therefore provides for strategies to build on the existing data sets on labour migration

and to harmonise them into a comprehensive Labour Market and Migration Information System (LMMIS) that provides clear categorisation of migrants as well as their profiles by gender, age, wages and salaries, residency status, among others.

3.3.5. 1 Policy Implementation Strategies

The under-listed policy strategies are to ensure that existing databases on labour migration are developed and harmonised into a one-stop-shop comprehensive, accurate, timely and reliable LMMIS to inform decisions:

- i. Enhance the capacity of Ghana Immigration Services to analyze and disseminate migration-related administrative data
- ii. Enhance the human resource and infrastructure capacity of the Ghana Statistical Service and encourage them to work with the Labour Department and Ghanaian missions abroad to generate high quality migration data for policy planning.
- iii. Ensure that migration related issues are adequately covered in national labour force surveys and population censuses
- iv. Expand the Labour Market and Migration Information System (LMMIS) to provide clear categorisation of migrants by relevant socio-demographic variables.
- v. Develop a database of Ghanaians available for deployment at home and abroad.
- vi. Assess existing Ghanaian training institutions and curriculum vis-à-vis current and emerging labour market needs at home and abroad.

CHAPTER FOUR

INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION FRAMEWORK

4.0 INTRODUCTION

The Government of Ghana is committed to the implementation of policy strategies outlined in this policy document, which are expected to result in maximisation of the benefits of labour migration for development. To achieve the strategic policy objectives, it is important to promote policy and institutional coherence and to have an effective implementation, monitoring and evaluation framework. The Government of Ghana further recognises that successful implementation of this policy would require active participation of state organisations, Workers' Organisations, Employers' Associations, Private Sector, Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs), and Civil Society Organisations (CSOs). The policy implementation framework therefore outlines the roles and responsibilities of institutions and agencies that would be responsible for implementing the policy strategies. The framework also provides mechanisms for monitoring and evaluating of policy outcomes.

4.1. INSTITUTIONAL FRAMEWORK FOR POLICY IMPLEMENTATION

Currently, migration functions are performed by various Ministries, Departments and Agencies with no clear coordination to enhance policy coherence and harmonisation.

This has resulted in disjointed policy actions, duplication of efforts and wasting of scarce resources. An effective coordination mechanism is required for successful implementation of the policy. The National Migration Policy (NMP) proposes the establishment of a National Migration Commission (NMC) to ensure an effective implementation of all migration related policies. The NMC is expected to be composed of representatives of all key MDAs and Social Partners responsible for migration management. It is conceived that the Ministry of Employment and Labour Relations would coordinate the implementation of the National Labour Migration Policy (NLMP) in collaboration with NMC. The National Labour Migration Technical Working Group is expected to be the fulcrum for policy implementation at all levels.

4.1.1 Role of Ministries, Departments and Agencies

The following are the roles of Ministries in the implementation of this Policy:

4.1.1.1 Ministry of Employment and Labour Relations

The Ministry of Employment and Labour Relations (MELR) played a leading role in the management of labour migration issues. MELR would coordinate the implementation of NLMP in collaboration with the NMC and other relevant Ministries, Departments, Agencies and Social Partners. The Ministry is expected to enhance legislative framework for labour migration governance by promoting the ratification of relevant international protocols on labour migration. In collaboration

with the Ministry of Foreign Affairs and Regional Integration (MFARI), MELR would put in place structures and programmes to ensure effective skills transfer from the diaspora for socio-economic development in Ghana. MELR is also expected to work with MFARI to initiate and negotiate bilateral agreements on labour migration and social security portability.

MELR is expected to collaborate with Ministry of Foreign Affairs and Regional Integration (MFARI) to ensure that qualified labour attaches are posted to Ghanaian diplomatic missions abroad to protect the interests and welfare of Ghanaian emigrants in host countries. MELR would also continue to streamline the creation of decent jobs for jobseekers in Ghana. The Ministry would continue to play a leading role in labour migration management issues, including promotion of fair recruitment and protection of the rights of migrant workers.

4.1.1.2 Ministry of the Interior

The Ministry of Interior (MINTER) has primary policy oversight responsibility over migration issues in Ghana. Through the Ghana Immigration Service, MINTER would continue to design frameworks for regulating the flows of immigrants and emigrants. It would also create conducive environment for immigrants and emigrants to adhere to all the requirements of the laws relating to entry, residence in Ghana to enable migrants contribute meaningfully to the socio-economic development of Ghana. The Ministry would also provide migrants with migration-related services, such as access dual

citizenship and residence/work permits. As the host of the National Migration Commission, MINTER would ensure that the all aspects of migration, including labour migration are well coordinated for the realisation of the expected overarching policy outcomes.

4.1.1.3 Ministry of Foreign Affairs and Regional Integration

MFARI is mandated to promote the interests and welfare of Ghanaians abroad ensure that foreigners in Ghana enjoy protection in line with international conventions and labour standards. MFARI would continue to provide policy framework for Missions/Consulates to address labour migration-related issues. It would work with the Ghana Immigration Service to make passport acquisition easier. It would work with MELR to appoint labour attaches for Ghanaian missions abroad to protect the interest and welfare of Ghanaian emigrants in host countries. MFARI is also expected to work with MELR to initiate dialogue with destination countries to enter into bilateral agreements to facilitate labour migration, protection of migrant rights, and social security portability.

Through the Diaspora Affairs Bureau, MFARI would create a database of Ghanaian diaspora, profiling location, skills, and expertise. The database would be used in designing and implementing skills transfer programmes. MFA &RI would also work closely with Ghanaian Communities abroad to promote the transfer of remittances and skills for socio-economic development in Ghana. MFARI would also monitor the

implementation of migration related international conventions, protocols, and agreements signed or ratified by Ghana.

4.1.1.4 Ministry of Finance

MOF, which is responsible for resource mobilisation and allocation to various MDAs and MMDAs in Ghana, is expected to provide adequate financial and technical resources to MELR and other MDAs for the implementation of this policy. MOF is also expected to collaborate with the Bank of Ghana and financial institutions of popular migrants host countries to design and implement appropriate schemes to facilitate the flow of migrants' remittances. MOF is required to work with the Bank of Ghana, money transfer companies, financial institutions, and telecommunication firms involved in money transfer to design innovative strategies to reduce money transfer costs, increase the use of formal channels of remitting, and enhance the quality of data on the flow of remittances to Ghana. In addition, MOF would be required to work with financial institutions in Ghana to develop remittances-linked investment products in collaboration with the Bank of Ghana.

4.1.1.5. Ministry of Gender, Children and Social Protection

MGCSP has a mandate to protect the rights of children, vulnerable groups and promote gender equality. In line with its mandate, this Ministry is expected to play a pivotal role in the implementation of policy strategies that relate to the protection of the rights of migrant workers and their families. It is also required to address gender issues, such as abuse of the rights of

female domestic workers in some host countries in collaboration with the Labour Department and MELR. The Ministry would collaborate with law enforcement agencies to address the social protection challenges resulting from migrants smuggling and trafficking in persons, with particular focus on the needs of women, children and other vulnerable groups.

4.1.1.6. Ministry of Trade and Industry

MOTI is expected to play a significant role in harnessing the benefits of labour migration by promoting and facilitating immigrant and diaspora investment in Ghana. The Ministry would continue to provide information to immigrant entrepreneurs and Ghanaian diaspora about trade and investment opportunities in Ghana. MOTI is also expected to assist immigrant and Ghanaian entrepreneurs abroad to establish viable enterprises in Ghana.

4.1.1.7 Ministry of Local Government and Rural Development

MLGRD play a coordinating and policy oversight role over the activities of MMDAs. In collaboration with the Office of Head of Local Government Service and RCCs, the Ministry would ensure that labour migration is mainstreamed in the strategic plans and the programmes of work of MMDAs and follow-up on their implementation. MLGRD would ensure that labour migration issues are addressed in the districts and its

developmental impact is harnessed in a sustainable manner by the local authorities.

4.1.2. Departments and Agencies

The following state departments and agencies would also perform specific roles in policy implementation:

4.1.2.1. Ghana Immigration Service

In line with its mandate to regulate and facilitate the movement of people through the borders of Ghana, GIS would deploy effective border management strategies to facilitate regular migration and counter irregular migration, including trafficking in persons and smuggling of migrants. GIS is also expected to play a significant role in enhancing the quality of migration data by creating a database to provide information on migrant movements and the profile of immigrants working in Ghana. GIS is also expected to work with the media and the Labour department to engage in information campaigns for safe and orderly migration. GIS would work with the MELR to manage the Migrant Resource Centres which are expected to provide useful migration related information to potential emigrants, immigrants and returnees.

4.1.2.2. Ghana Police Service

In line with its mandate to prevent and detect crime and to maintain public order and safety of persons and property, the Ghana Police would collaborate with other stakeholders to detect criminal activities associated with recruitment of potential migrants and abuse of migrant workers in Ghana. The Ghana Police would also contribute to the protection of migrants' rights by collaborating with the Office of the Attorney General to prosecute perpetrators or offenders of migrant trafficking, smuggling of migrants and child labour. The Ghana Police would collaborate with other agencies, such as MGCSP, to manage violent conflicts between migrants and host communities.

4.1.2.3 Ghana Statistical Service

As the main state agency responsible for the collection, analysis, and dissemination of data for development planning, GSS would work closely with Ghana Missions abroad, Ghana Immigration Service and other agencies to create a system of data collection and analysis on the profile of emigrants, immigrants and migrant movement. GSS would play a significant role in enhancing the Labour Market and Migration Information Systems in Ghana. GSS would also provide migration data and information to track key targets in this policy.

4.1.2.4. National Development Planning Commission

NDPC is responsible for oversight of all development initiatives in Ghana. It would contribute to the effective implementation, monitoring and evaluation of the policy. NDPC would continue to develop guidelines for mainstreaming labour migration into national development planning and assist in the monitoring of the implementation to the achievement of policy outcomes.

4.1.2.5. Office of the Attorney General

The Office of the Attorney General (OAG) has a key role to play in the implementation of this policy. In collaboration with Ghanaian the security agencies of Ghana, particularly the police, OAG would prosecute perpetrators or offenders of migrant trafficking, smuggling of migrants and child labour. It would also validate every bilateral labour agreement, MOU and facilitate ratification of international, regional and sub-regional convention.

4.1.2.6. Diaspora Affairs Unit of the Office of the President

The Diaspora Affairs Unit of the Office of the president (DAUOP) would work with the Diaspora Affairs Bureau to create a database of Ghanaian diaspora, profiling location, skills, and expertise. The database can be used in designing and implementing skills transfer programmes. DAUOP would also work closely with Ghanaian communities abroad to promote the transfer of remittances and skills for socio-economic development in Ghana.

4.1.2.7. National Labour Commission

The National Labour Commission would work with other stakeholders to promote harmonious industrial relations in enterprises that employ migrant workers. It would work with stakeholders to settle industrial disputes amicably. It would also investigate labour complaints by migrants, particularly unfair labour practices.

4.1.2.8 National Population Council

In collaboration with the relevant agencies, NPC would conduct studies and research works to track trends in migrant populations and progress towards addressing their issues. NPC in collaboration with NDPC would organise meetings, workshops and information dissemination events to share research finding with stakeholders and assist in migration mainstreaming activities.

4.1.3 Role of Municipal, Metropolitan and District Assemblies

Migrant workers are hosted by communities and district where they interact with all aspects of social life for livelihoods and well-being. Migrant workers depend on economic opportunities and social services in order to function effectively as members of the host communities. In view of this, local authorities, i.e MMDAs and Regional Coordinating Councils (RCCs) would ensure that conducive or the enabling environment is created to

facilitate the integration of migrant workers into their host communities and to enable them contribute positively to development. MMDAs and RCCs would therefore implement programmes and projects that maximise the positive impacts and minimise the negatives of migration in their jurisdictions.

4.1.4 Role of Social and Development Partners

A number of development and social partners have been involved in the formulation of this policy. Employers' and workers associations would partner state agencies to implement aspects of the policy that relate to their interests and operations. In the light of this, Government recognises the benefits of effective partnerships in mobilising, allocating and utilising resources for managing labour migration for national development. Consequently, Government would continue to engage and collaborate with social and development partners in the implementation of the policy.

The groups that would be engaged more actively to provide financial and technical support for policy implementation would include international development partners, UN Agencies, Embassies, Workers' Organisations, Employers' Associations, Private Sector, Non-Governmental Organisations (NGOs), and various Civil Society Organisations (CSOs).

4.2 RESOURCE MOBILISATION FOR POLICY IMPLEMENTATION

Government has the primary responsibility of providing financial and technical resources for the implementation of this policy. However, given the financial constraints of the public sector, the responsible state agencies are required to mobilise additional funding from international development partners, private sector organisations and social partners. Implementing agencies would also need to engage key stakeholders, including embassies, immigrant entrepreneurs, and Ghanaians in the diaspora for mobilisation of resources for the implementation.

4.3 MONITORING AND EVALUATION

Lack of a comprehensive Monitoring and Evaluation (M&E) system is one of the factors contributing to poor implementation of existing migration governance frameworks in Ghana. To achieve the targets and objectives set out in this policy, it is useful to have an effective Monitoring and Evaluation (M&E) framework to facilitate identification of deviation from set targets and take informed corrective measures to address unfavourable outcomes. The framework would provide for regular consultation and feedback between agencies entrusted with the implementation of this Policy. The Policy Planning, Monitoring and Evaluation Unit of the Ministry of Employment and Labour Relations would take the leading role in monitoring and evaluating the implementation of the policy. It would, however, work with other relevant agencies, such as the

National Development Planning Commission to track implementation outcomes.

4.4 POLICY REVIEW

The Policy is expected to be reviewed at the end of 2024. This is to allow for the incorporation of emerging issues and to re-align the strategic objectives of the policy to the prevailing national development objectives. In-between time, results of monitoring and evaluation would provide the basis for implementing agencies to redesign projects and programmes in order to achieve the expected policy outcomes.

Appendix 1: Policy Development Oversight Team

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