



## **Labour Laws in Ghana and Their Effectiveness in Protecting Young Workers: A Literature Review and a Research Agenda**

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### **Abstract:**

This study examines Ghana's labour laws and their effectiveness in protecting young workers. It explores key legislative frameworks, including the Labour Act 2003 (Act 651) and the Children's Act 1998 (Act 560), as well as Ghana's adherence to international labour conventions. Despite these legal provisions, enforcement challenges, weak regulatory institutions, and socioeconomic factors contribute to ongoing labour rights violations, particularly in the informal sector. Using a qualitative research approach, the study highlights gaps in implementation and proposes strategies such as stronger enforcement mechanisms, increased public awareness, and policy reforms to enhance protections for young workers. Strengthening these measures is essential for ensuring fair and safe employment conditions, reducing exploitation, and promoting sustainable youth employment in Ghana.

**Keywords:** Young workers; labour law enforcement; informal sector; child labour; socio-cultural influences; workers' rights protection.

### **1. Introduction**

Labour laws are essential in regulating employment practices and safeguarding workers' rights, particularly young workers who are vulnerable to exploitation. In Ghana, various legal frameworks have been established to protect young workers and ensure fair working conditions. However, the effectiveness of these laws in achieving their intended goals remains debatable.

Globalization and technological advancements have introduced new labour challenges, increasing the need for regulatory frameworks. Ghana's Labour Act, 2003 (Act 651) governs labour practices, including protections for young workers. Despite this, unfair labour practices persist due to weak enforcement mechanisms. Additionally, globalization has shifted the focus of labour regulations towards reducing labour costs and enhancing competitiveness, often at the expense of workers' rights. This trend has exacerbated the vulnerability of young workers, underscoring the need for stronger legal protections.

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The Labour Act, 2003 (Act 651) defines a "young person" as someone aged 18 but below 21 (Section 2). This group is particularly at risk of exploitation and hazardous working conditions due to inexperience. According to the ILO (2019), young workers face a higher likelihood of workplace injuries and occupational health hazards. Research further indicates that young workers in Ghana struggle with limited job opportunities, low wages, and inadequate social protection (Ghana Statistical Service, 2019).

Legal provisions, such as Section 91 of the Labour Act, prohibit hazardous work for children under 15. However, many young workers still endure dangerous conditions, including excessive hours, heavy lifting, and exposure to harmful substances (ILO, 2019).

Additionally, employers are mandated to provide training and apprenticeships (Section 95), yet many young workers lack access to education and skills development, limiting career advancement (Ghana Statistical Service, 2019).

Economic empowerment is also vital. While Section 113 sets minimum wage standards, many young workers earn below the legal threshold, contributing to poverty and inequality (Osei-Boateng, 2017). Ghana has ratified key international conventions, including the ILO's Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), committing to stronger protections against exploitation.

Despite Ghana's legal framework, enforcement challenges persist. Strengthening implementation efforts will improve equity, enhance productivity, and support Ghana's long-term development. This paper examines Ghana's labour laws on young workers, their effectiveness, and possible reforms.

## **2. Review of Literature**

Ghana's labour laws have evolved significantly, transitioning from colonial-era regulations to modern legal frameworks designed to protect workers' rights. Influenced by national policies and international labour standards, these laws ensure fair treatment, safe working conditions, and safeguards against exploitation, particularly for young workers. Key legislations include the Labour Act 2003 (Act 651) and the Children's Act 1998 (Act 560), which, along with Ghana's ratification of international labour conventions, form the basis of employment regulations (Ghana Government, 2003; Ghana Government, 1998).

The Labour Act 2003 (Act 651) is Ghana's principal law governing employment. It covers various aspects of work, including contracts, wages, working hours, termination procedures, and dispute resolution. A crucial provision is Section 58, which prohibits the employment of young workers in hazardous jobs, such as underground mining. Employers who violate this provision may face penalties of up to 100 penalty units (Ghana Government, 2003). This measure acts as a deterrent against child labour and enhances protection for young workers in dangerous industries.

Research highlights the Act's impact on reducing child labour. Osei-Boateng (2017) found that provisions related to minimum age and hazardous work have significantly contributed to safeguarding young workers. By restricting the types of work minors can engage in, the Act reduces their exposure to exploitation and workplace hazards. Another key legislation, the Children's Act 1998 (Act 560), further protects children in employment. It sets the minimum working age at 15 but allows light work for those aged 13 to 15, provided it does not affect their education or well-being (Ghana Government, 1998). This Act aligns with international child labour standards, ensuring that children involved in economic activities do not face exploitation or harmful conditions. By distinguishing between acceptable light work and hazardous labour, the law balances child welfare with economic participation.

Ghana's labour protections are strengthened by its ratification of key International Labour Organization (ILO) conventions, including the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) (ILO, 1973; ILO, 1999). These global standards reinforce national laws against child labour and hazardous employment. An ILO study (2019) found that Ghana's adherence to these conventions has strengthened domestic policies, leading to initiatives aimed at reducing child labour, such as public awareness campaigns and enforcement programs.

Beyond the Labour Act and Children's Act, additional regulations provide further guidance on employment. The Labour Regulations 2007 (LI 1833) address working hours, overtime pay, and termination, while the National Labour Commission Regulations 2006 (LI 1822) establish workplace dispute resolution mechanisms (Ghana Government, 2007; Ghana Government, 2006). These regulations support the effective implementation of labour laws by offering specific directives on employment practices and conflict resolution.

Despite Ghana's strong legal framework, enforcement challenges persist. Many young workers, particularly in informal sectors like agriculture, domestic work, and small-scale mining, remain vulnerable to exploitation. Labour law enforcement is hindered by resource constraints, inadequate inspections, and socio-economic factors that push children into work prematurely. Additionally, reports indicate that some employers continue to violate child labour laws, especially in high-risk industries such as mining and agriculture.

To enhance labour law effectiveness, stronger enforcement measures are needed, including increased inspections, stricter penalties for violators, and expanded public awareness initiatives. While Ghana's labour laws, particularly the Labour Act 2003 (Act 651) and the Children's Act 1998 (Act 560), provide essential protections, their success depends on effective implementation. Strengthening enforcement and compliance mechanisms is crucial to safeguarding the rights and welfare of young and vulnerable workers in Ghana.

### **3. Methodology**

This paper utilized a qualitative research approach to assess the effectiveness of Ghana's labour laws in protecting young workers. A qualitative design was chosen to enable an in-depth exploration of the complexities surrounding labour regulations and their impact on young workers.

Creswell and Poth (2018) emphasize that qualitative research is particularly suitable for examining social and legal issues where meanings, interpretations, and lived experiences shape policy implementation. This approach provided a flexible and interpretive framework for critically analysing Ghana's labour law system.

An instrumental-collective case study design, as outlined by Stake (2000), was adopted. Here, Ghana's labour laws served as a case through which broader insights into youth labour protection were drawn. This design allows for an in-depth examination of a specific case while generating broader conclusions (Yin, 2018). By analysing Ghana's labour laws and their enforcement, the study identified key patterns, inconsistencies, and emerging themes in the regulation of youth employment across both formal and informal sectors.

A collective case study approach (Creswell & Poth, 2018) was further employed to examine various sources, including legal frameworks, government policies, international conventions, and reports from labour organizations. This approach enhances the external validity of the study, ensuring the findings contribute to wider discussions on youth labour protection.

The case study's reflexive and flexible nature enabled the analysis of multiple perspectives on Ghana's labour laws (Cassell & Simon, 1994).

The study primarily relied on documentary analysis as a data collection method, examining:

- **Legal texts:** Ghana's Labour Act, 2003 (Act 651), and international labour conventions such as ILO Conventions No. 138 and No. 182.
- **Government policies:** Labour inspection reports, national youth employment strategies, and social protection policies.
- **Labour organization reports:** Publications from entities like the Ghana Trades Union Congress (TUC) and the International Labour Organization (ILO).

A purposive sampling technique was used to select relevant literature, ensuring that only authoritative sources contributing to a deeper understanding of Ghana's labour laws were included (Patton, 2015). The selection criteria focused on relevance to Ghana's legal framework, empirical evidence, and comparative studies.

By employing qualitative research and an instrumental-collective case study design, this study systematically analysed legal and policy documents to assess how Ghana's labour laws translate into real-world protections for young workers.

This approach, aligning with legal research methodologies (Bryman, 2016), facilitated the identification of enforcement gaps and areas for policy reform, contributing to ongoing discussions on labour law effectiveness in Ghana.

#### **4. Protection of Young Workers in Ghana**

##### **4.1 Who qualifies as a "young worker" in Ghanaian labour law?**

The definition of a "young worker" in Ghanaian labour law is explicitly outlined in both the Labour Act, 2003 (Act 651) and the Children's Act, 1998 (Act 560).

These legal provisions aim to provide distinct classifications for individuals who are entering the workforce at an early stage in their lives, thereby ensuring that their rights are safeguarded and that their work does not compromise their health, education, or development.

Under the Labour Act (Act 651), the term "young worker" refers to individuals who are of or above 18 years of age but below 21 years. These individuals are considered to have reached adulthood in the legal sense but are still protected by specific provisions aimed at ensuring that their work conditions are appropriate for their age and maturity level. According to the Labour Act, the employment of children below the age of 18 is prohibited, except under limited circumstances such as apprenticeships or vocational training. This distinction ensures that young people are not exploited in hazardous or exploitative working conditions, as they are still in a formative stage of development both physically and mentally.

The Children's Act, 1998 (Act 560), in Section 87, further emphasizes the need to protect children from child labour and economic exploitation. The act unequivocally prohibits child labour and outlines the measures to shield children from the harmful effects of work during their formative years. The act seeks to protect children from any form of work that would interfere with their education, development, or overall well-being.

##### **4.2 Apprenticeships and Vocational Training**

A crucial provision in the Children's Act concerning young workers relates to apprenticeships and vocational training. Section 98 of the Act states that the minimum age for a child to commence an apprenticeship with a craftsman is 15 years, provided they have completed their basic education. This provision balances the need to protect children from exploitation while also acknowledging the importance of skill development at a younger age.

By requiring the completion of basic education before commencing an apprenticeship, the law ensures that the child's right to education is prioritized before engaging in any work that may limit their opportunities for academic growth.

This focus on apprenticeships and vocational training serves an essential role in Ghana's broader goal to encourage skill acquisition among young people while safeguarding them from engaging in exploitative or unsafe labour practices. The approach reflects an effort to facilitate a smooth transition for young workers into the labour market, equipping them with practical skills for future employment opportunities.

##### **4.3 Legal Protections and Safeguards**

Ghanaian labour laws impose specific restrictions to protect young workers and children from hazardous work environments. The Labour Act (Section 57) prohibits the employment of young workers in dangerous work that might endanger their health, safety, or moral development. In addition, the law specifies that young workers should not be employed in night work or overtime unless exceptional circumstances justify it. This ensures that young workers are not exposed to the physical and psychological strains associated with such work conditions.

Furthermore, the Ghanaian government has ratified several international conventions, including the International Labour Organization (ILO) Convention No. 138, which establishes the minimum age for employment, and ILO Convention No. 182, which focuses on the worst forms of child labour. These conventions reinforce the protective measures already embedded in national law, ensuring alignment with global standards on child and youth employment.

In summary, the legal framework for young workers in Ghana, as defined by both the Labour Act and the Children's Act, is designed to protect individuals between the ages of 15 and 21 from exploitative labour practices while promoting opportunities for skill development through regulated apprenticeships.

By limiting the types of work and environments to which these individuals are exposed, Ghanaian labour laws prioritize the protection of young workers' health, education, and prospects. However, continued vigilance and enforcement of these laws are necessary to ensure that young workers benefit fully from the legal safeguards and that potential gaps in protection are addressed.

## **5. Challenges of Ghana's Labour Laws in Protecting Young Workers**

### **5.1 Widespread Influence of Free-Market Principles and Deregulation in Shaping Economic and Social Systems**

Despite existing legal protections, enforcing labour laws in Ghana remains challenging, especially in the informal sector, where many young workers are employed. Weak enforcement mechanisms, limited awareness, and socio-economic pressures contribute to persistent child labour and youth exploitation. While Ghana has improved its labour laws, weak implementation and structural deficiencies undermine efforts to eliminate exploitative work conditions, necessitating stronger enforcement strategies.

Neoliberal economic policies, introduced through structural adjustment programs in the 1980s, have significantly influenced Ghana's labour conditions. These policies prioritize economic growth over employment creation, leading to a decline in formal wage jobs and an expanding informal sector. Reduced state intervention in wage regulation and labour protections has resulted in job insecurity, disproportionately affecting young workers and women. Weak government commitment to labour standards enforcement further exposes workers to exploitation.

The prioritization of inflation control and public spending cuts, influenced by institutions like the IMF and World Bank, has led to wage freezes and limited public-sector employment. Many workers accept poor conditions out of fear of unemployment. The underfunding of the Ministry of Employment and Social Welfare weakens enforcement efforts, creating a regulatory imbalance that favours employers.

Economic liberalization and privatization have also reduced state employment, forcing many into informal jobs where legal protections are minimal. Ghana's slow progress in ratifying additional ILO conventions reflects its weakened labour rights commitment. Without stronger government intervention, young workers will continue to face precarious employment conditions.

### **5.2 Ineffective Regulatory Control**

Ghana has established robust labour laws and ratified international standards, yet enforcement remains a major challenge. The Labour Department and the Division of Factories Inspectorate, responsible for monitoring labour practices, struggle with severe resource constraints. In 2008, only 106 inspections were conducted nationwide despite over 26,000 manufacturing firms, with some industrial regions receiving no inspections. Limited funding, inadequate logistics, and manpower shortages have weakened these agencies. Additionally, pre-announced inspections reduce effectiveness, and violations often go unpunished due to the decriminalization of labour infractions under Act 651.

Institutional fragmentation further hampers enforcement, as overlapping agency responsibilities create inefficiencies. These weaknesses have serious consequences for young workers, who remain vulnerable to exploitation and unsafe conditions. Weak penalties allow employers to ignore labour standards without repercussions. Moreover, the separation of the Department of Factories Inspectorate from the Labour Department has led to gaps in comprehensive labour monitoring, further undermining worker protections.

### **5.3 Institutional Weaknesses**

Institutional weaknesses significantly hinder the enforcement of Ghana's labour laws, particularly in protecting young workers. Despite having established regulatory bodies, these institutions face severe human resource shortages, inadequate funding, and logistical challenges. The Labour Department operates with an understaffed workforce, limiting its ability to enforce laws nationwide. Similarly, the Division of Factory Inspectorate struggles with outdated equipment, a lack of trained personnel, and insufficient technical officers, weakening occupational

health and safety oversight. The National Labour Commission also faces financial and logistical constraints, resulting in a backlog of unresolved labour disputes.

Trade unions, particularly the Ghana Trade Unions Congress (GTUC), have seen reduced influence due to declining membership and the rise of informal employment. Meanwhile, the Ghana Employers Association (GEA) has expanded but prioritizes economic sustainability over labour standards. The prevalence of casual and temporary contracts further weakens protections, limiting collective bargaining and leaving many young workers, especially in the informal sector, unprotected.

#### **5.4 Non-Compliance with Labour Regulations**

Ghana's informal economy poses major challenges to enforcing labour laws, particularly for young workers. Informality is closely tied to insecure and casual employment (Akorsu & Akorsu, 2009), making it difficult to uphold standards on wages, working hours, and safety regulations. The absence of structured employer-employee relationships, reliance on family labour, and widespread apprenticeship systems further hinder regulation. Many informal workers, including apprentices, do not see themselves as employees and thus do not expect legal protections, while employers exploit this ambiguity to evade compliance (Bremner & Das, 2000; Baah, 2009). Consequently, most of Ghana's workforce nearly nine million people remains outside formal legal protections (Baah, 2009; Chen et al., 2004; Chen, 2007).

Low literacy levels worsen the situation, as many workers are unaware of their rights under Act 651 (Becker, 2004; Baah, 2007; Chen, 2007). Apprentices often work unpaid, while senior apprentices continue working without proper wages, blurring the line between training and exploitation (Adu-Amankwah & Tutu, 1997; Mensah, 2006).

#### **5.5 Socio-Cultural Influences and Labour Standards**

Socio-cultural influences play a significant role in shaping the implementation and effectiveness of labour laws in Ghana, particularly in protecting young workers. Cultural norms affect conflict resolution, often prioritizing traditional mediation over legal enforcement, allowing breaches of labour laws to go unpunished (ILO, 2015). Employers and workers alike rely on influential community figures, such as chiefs and religious leaders, to plead on their behalf, weakening formal mechanisms of accountability. Additionally, gender-based occupational segregation limits opportunities for young workers, as traditional gender roles dictate the types of work deemed appropriate for men and women, reinforcing socialized biases in employment (Mosse, 1993). These cultural tendencies make it difficult to enforce labour standards effectively, as workers and employers do not always perceive discriminatory or exploitative practices as violations but rather as norms dictated by tradition. Furthermore, the imposition of universal labour standards, largely influenced by multinational corporations, often clashes with local cultural contexts, creating resistance to their full adoption (Dehejia and Samy, 2004; Zhang, 2003; Briscoe and Schuler, 2004; Harzing and Ruysseveldt, 2004).

#### **6.0 Way Forward: Strengthening Labour Laws to Protect Young Workers in Ghana**

Enhancing Ghana's labour laws to protect young workers requires a multi-pronged approach involving legal reforms, institutional strengthening, and socio-economic interventions. Strengthening enforcement mechanisms is crucial, which can be achieved by increasing funding and resources for regulatory agencies such as the Labour Department and the Division of Factories Inspectorate. Expanding workforce training, integrating digital monitoring tools, and conducting unannounced inspections with stricter penalties for violations can deter labour law breaches (ILO, 2020; Baah, 2009). Collaboration between the government, trade unions, and civil society can further bolster enforcement.

Addressing structural weaknesses in labour institutions is also essential. Improving coordination between agencies such as the National Labour Commission and the Department of Factories Inspectorate through mergers or streamlined responsibilities can enhance efficiency (Akorsu & Akorsu, 2009). Providing adequate staffing, modern equipment, and professional training will strengthen their capacity to monitor compliance. Empowering trade unions and promoting collective bargaining can further safeguard young workers (Mensah, 2006).

Regulating the informal sector, where most young workers are employed, is necessary. Formalization initiatives, including tax incentives and access to credit, can encourage compliance with labour laws (Chen et al., 2004). Social protection programs, such as health insurance and minimum wage enforcement, can improve working conditions, while simplified business registration processes can promote voluntary compliance (Becker, 2004). Increasing legal awareness through educational campaigns is vital. Low literacy contributes to exploitation, making it essential to educate young workers on their rights under Act 651 (Baah, 2007). Outreach programs in schools and communities, alongside integrating labour rights education into curricula, can enhance awareness (Chen, 2007).

Finally, addressing socio-cultural barriers requires community engagement. Involving traditional and religious leaders in discussions can align cultural norms with legal protections (Dehejia & Samy, 2004).

Promoting gender equality and aligning policies with international labour standards can strengthen worker protection and improve Ghana's global competitiveness (Harzing & Ruysseveldt, 2004).

## 6. Conclusions

Ghana has established a comprehensive legal framework to protect young workers, but enforcement challenges and socio-economic factors continue to undermine its effectiveness. The Labour Act 2003 (Act 651) and the Children's Act 1998 (Act 560), alongside international labour conventions, provide crucial safeguards. However, weak regulatory enforcement, the prevalence of informal employment, and socio-cultural influences hinder full compliance. Strengthening institutional capacity, increasing enforcement efforts, promoting education and awareness, and addressing socio-economic disparities are essential steps toward ensuring the rights and well-being of young workers in Ghana. By implementing these measures, Ghana can create a more equitable and sustainable labour environment that better protects its young workforce.

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