

INDUSTRIAL DEMOCRACY IN GHANA'S FOURTH REPUBLIC: A FOCUS ON THE TRADES UNION CONGRESS (TUC)

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Abstract

The discourse on industrial democracy is nuanced. Deploying the political democracy and citizenship concept, the paper sought to examine the degree of industrial democracy, how industrial democracy manifests and the challenges to industrial democracy in Ghana. The article used the qualitative approach to research and gathered data from both the primary and secondary sources. Content analysis was used to analyze the data. The article found that legal and institutional regimes allowed industrial democracy to flourish through representation on statutory committees, boards and commissions as well as participation on management boards at the national, industry and enterprise levels. Institutional weakness, large informal economy sector, perceived partisanship of organized labor, absence of internal democracy and employer reluctance for unionization were the banes to industrial democracy in Ghana. Effective education, institutional resourcing, robust internal conflict resolution mechanisms are proffered as recommendations to strengthen industrial democracy in Ghana. The study does not only contribute to the dynamics propelling industrial democracy in Ghana but also how industrial democracy manifests as well as the factors that inhibit industrial democracy practice in Ghana and the world at large.

Keywords: industrial democracy; industrial relations; Trades Union Congress; Ghana; Fourth Republic

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Section 1: Introduction

Human resources which is referred to as the active resource required to activate passive resources are the most essential of the resources available to every organization to achieve its set targets. However, in history, it has been perceived as one of the factors of production that can be bought and sold by owners of capital. The 1930s and the end of the second world war witnessed a shift from this assertion due to changes in technology, attitude of managers, increased power of workers and their enlightenment, public opinion in both socialist and Western Countries that favored worker participation in organizational decision making. Others include behavioral scientists who advocated for participative management and its benefit to organizations, larger sizes of trade unions and socio-political ideological changes which increased pressure on managers for worker participation in organizational decision making (Orpen, 1977). These brought about balance of power between managers and workers thereby recognizing employees as organizational citizens with the right to participate in making decisions that affect them given rise to the concept of industrial democracy (ID) which is defined as workers' participation in the management of organizations to increase their influence in the decision making process at the various organizational echelon (Rathnakar, 2012).

In Ghana ID existed even prior to independence as workers were organized in trade unions and formed part of joint negotiations and decisions affecting the political economy (Kraus, 1979; Obeng-Fosu, 1999:7). However, the nature of the ID was shaped by the regime type, personality of the regime leader(s), the skills of the trade union leaders, intra-trade union politicization and the provisions in the various Industrial Relations Acts (Kraus, 1979; Obeng-Fosu, 1999, Essuman-Johnson, 2007).

Against this background, this study deploys the political democracy and citizenship concept to discuss industrial democracy in Ghana's Fourth Republic. Specifically, the study examines the:

1. extent of industrial democracy in Ghana's Fourth Republic;
2. forms industrial democracy manifests in Ghana's Fourth Republic;
3. challenges to industrial democracy in Ghana's Fourth Republic;

The paper also discusses the political economy (economic democracy) issues in industrial democracy which have been less researched in the Ghanaian context. The paper concludes with some reflections on strengthening industrial democracy in Ghana.

The rest of the article is structured as follows: theoretical framework, literature review of industrial democracy, industrial relations and democracy in Ghana prior to the Fourth Republic, background to Ghana's Fourth Republic, methodology, results, discussions and conclusion.

Section 2: Theoretical Taxonomy

Political democracy and citizenship concept espoused by Marshall (1950) formed the theoretical foundation of the study. The concept opines that organizations are business communities with employees as industrial citizens who are affected by decisions of the organization. As industrial citizens, employees have political rights to participate in the decision-making process since the decisions affect them. The use of the term 'democracy' in relation to employee participation in company management emanated from the analogy of a company perceived as a country, but on a microscale. From the political perspective, democracy is synonymous to rights and responsibilities of citizens. Drawing inference, in industrial democracy, the employees of organizations are considered as citizens with inalienable rights and obligations to participate in organizational decisions which have consequences on their relationship with the organization (Aneta, 2016).

The theory on the relationship between citizenship and Industrial citizenship was Id by the British sociologist, Thomas Humphrey Marshall, in the 1950's. According to Marshall (1950), there is a basic plane of equality between people, which is based on the full participation in collective life. He claims that political rights detached from civil rights when not only men, but also women were awarded with the right to vote. As one could imagine, this meant that political rights became closely connected with citizenship, understood as the participation in a given community. Marshall (1950) thought that social rights only came after political and civil rights.

A political right is the right of association. This right is given to the citizens of a particular country. In the words of Marshall (1950), the right to form and join trade unions and collective negotiation institutions culminated in what he called the 'secondary' citizen status in the industry, thereby completing the system of political rights. Trade unions have created a secondary system of industrial citizenship, which is parallel and supplementary in relation to the system of political citizenship.

In his view, industrial citizenship should be construed as rights that are separate from social rights. Marshall's view is premised on two assumptions. These are: first, an expansion on the freedom of association, and not the right to a predetermined wage or to other social matters. Second in contrast to social rights, those rights are of an 'active' character, i.e. they require the active participation of citizens (employees) in order to impact the community (organization). These rights are akin to political rights, which give citizens political power in order to influence government policies and decisions (Marshall, 1950).

Marshall's likening a business entity to a community with citizens with inalienable rights makes it easy for ID to go alongside with industrial citizenship. The consideration of employees as citizens of industrial setups guarantee them with rights to participate in the industrial decision making process. To him, in the industry, important decisions are made that affects the employees (citizens). Therefore, it is undemocratic to deprive the employees of their contribution in the industrial decision making process (Marshall, 1950).

The awareness of employees as Industrial citizens has In modern times compelled employers to invite employees to participate in management decision making which has some merits associated. Key among them are; it promotes openness and innovation, provides both employers and employees the opportunity to learn through the action and interaction with other stakeholders. Others include it does not only favors political processes, but also self-realization, while, at the same time, having psychological advantages. It provides employees with 'greater needs' which supports their effectiveness, thereby increasing company competitiveness (Marshall, 1950; Aneta, 2016).

This study deploys the theory to examine the push factors and manifestations of ID in Ghana and the challenges thereof with the TUC in focus. The TUC is selected because it is the oldest and the biggest (numerical strength) labor center in Ghana and performs a lead role in organized labor participation in industrial relations (Irs) across the three levels of Irs in Ghana.

Section 3: A brief review of the literature on industrial democracy

Historically, the term industrial democracy dates back to the ideas of Sidney and Beatrice Webb in the nineteenth century. They understood it as covering collective bargaining and democracy within trade unions (Muller-Jentsch,

1995). Industrial democracy like other social science terminologies defied a single universally accepted definition because the meaning attached to it changes over time and with national context (Atzeni, 2016). A review of scholarly definitions point to the fact that it simply means the participation, involvement and engagement of both management (employers) and the managed (employees) in the decision making process of the organization. The employees can be represented by their executives (labor union leaders) or wholesale representation (Dupe, 2015; Rathnakar, 2012; Muller-Jentsch, 1995). The main characteristic defining ID is the engagement of employees in the decision making process of the organization. Their involvement in the process is critical because they are members/citizens and the outcome of the decisions have consequences or implications on them as organizational citizens. Industrial democracy gives voice to employees in industrial management.

McCaffrey (1972) traced the emergence of industrial democracy to the period of the industrial revolution during which workers became conscious of themselves as members of a class and initiated concerted action against industrial conditions and the new capitalist power. During the period, workers struggled for an equitable share in production and for improved working conditions. This struggle according to McCaffrey (1972) was fueled by the democratization process in social institutions. McCaffrey (1972) argued that ID will minimize industrial conflict between management and labor and thereby propel industrial harmony, improve morale of workers, develop human capacity, increase production and create industrial peace.

Five approaches have been identified as the *modus operandi* for the conduct of ID. These are: one, authoritarianism. That is one man or a few mostly members of management setting the rules which workers must obey. Two, paternalism. This is a form of authoritarianism, but based on a one big family concept in which the father (employer) knows best and makes key decisions for the entire organization. Bureaucracy is the third approach. Here, rules and regulations for decision making are clearly set out with well-marked levels of authority. The scientific management is the fourth mode. Under this, ID is conducted by experts who prescribe the best way of doing things in the organization. The fifth approach is participation, here, industrial decisions are made on the basis of varying degrees of employee involvement.

It is instructive to note that the demand for worker participation in industrial decisions have surged since World War 2 on both sides of the Iron Curtain. As such participation by workers in industrial decision-making can be achieved in four principal ways, namely; first, the democratization of the ownership and control of the means of production, second, partnership between workers and management to work together, third, the democratization of management and the democratization is decision-making through collective bargaining (McCaffrey, 1972).

The literature has also focused on the prerequisites for institutionalizing ID. Knudsen (1995) highlighted three of such. First, actors in industrial relations should recognize each other as legitimate partners. Second, parties involved should experience gains from workers' participation in decision-making. Third, the relations between the parties should be characterized by a high degree of trust, in which one party can feel secured that the other party will not attempt to appropriate all the benefits stemming from a common effort. Similarly, Streeck (1995) and Poole (1986) identified strength and unity of labor and employers' strategic behavior respectively as other prerequisites of ID in a society. The strategic behavior of the employer is fundamentally affected by the core values and ideology held by the people in the society (Poole, 1986). Other prerequisites include reciprocal relationship between labor and capital, the existence of institutional and legal frameworks created by the state as an enabling environment for ID and workplace education on democracy (Tzu-Shian & Su-Fen, 2000).

Studies have found a positive relationship between ID and organizational performance (Robbins et al, 2008; Humborstad, 2014; Latterly et al, 1998; Dupe, 2015). The studies found that ID endangered employee self-fulfillment, satisfaction, creativity, innovation and a sense of belonging among employees hence the employees worked wholeheartedly which culminated into improved organizational performance.

Industrial democracy is about industrial power sharing between the employer and the employee. Most people assume that ID weakens the power of management, however, Dupe (2015) revealed otherwise. According to Dupe (2015), ID rather strengthened the power of management in the IRs process in Nigeria. This study examines ID from the Ghanaian perspective to ascertain the drivers, manifestations and the challenges as well as reflections on strengthening ID.

Section 4: Industrial relations and democracy in post-independence Ghana: 1957 – 1992

Industrial relations and democracy in post-independence Gold Coast (Ghana) cannot be separated from trade union activities during the colonial era because the activities at the time were migrated into the post-colonial times (Kraus, 1979). Government has been the highest employer in Ghana in areas such as the civil service, public works department (PWD), railways, post and telecommunication, mines and the local government systems in the

Sekondi-Takoradi, Accra and Kumasi areas. As such trade unionism, IRs and ID emanated from the public sector in these areas. Since then, Irs has been checkered (Essuman-Johnson, 2007).

Industrial relations under the CPP led by Nkrumah according to Essuman-Johnson (2007:206) was the golden age of organized labor in Ghana's history. This is because of the socialist inclination of Nkrumah which made employment provision a state policy. In implementing the employment policy, the government established State-Owned Enterprises (SOEs) with the formation of workers' and builders' brigades across the various sectors. This made the state the largest provider of employment. This together with the militant labor unions bequeathed to Ghana after independence called for the urgent need to regulate labor-government relationship.

The first attempt at regulating Irs in post-independence Ghana was the passage of the Industrial Relations Act 1958. The Act made provision for employers to bargain collectively with labor unions with bargaining certificates from the Minister of Labor. It also instituted industrial disputes mechanism which included resort to compulsory arbitration at the request of one party. This played to the advantage of trade unions as it gave them political and economic power, status and resources among others (Kraus, 1979: 132-133).

Even though the Act gave some latitude to labor unions, the State had a modicum of control over them through the Minister of Labor. The control manifested in various forms. The major ones were the imposition of restrictions on the rights of organized labor to strike and the exercise of administrative control over the TUC through the appointment of the Secretary-General and the establishment of party branches in workplaces especially in SOEs making organized labor and the CPP government to be like 'Siamese twins'. On the other hand, the labor unions were strengthened by the recognition given to them by the state and the requirement for employers to bargain with them and deduct union dues at source. In a number of the SOEs, the manager, local party branch representatives and the local union officials worked together to settle grievances under the hegemony of the CPP. The TUC was thus described as being in bed with the CPP government during the First Republic (Essuman-Johnson, 2007:205).

Industrial relations under the National Liberation Council (NLC) was initially adversarial compared to the predecessor government. This is attributed to the militant nature of the NLC and its opposition to what pertained under the CPP regime. From the onset, the NLC adopted measures that affected the trade unions. The government appointed a new Secretary-General in the person of Bentum and a number of union leaders were arrested. Growing labor unrest brought the unions into conflict with the state and the latter used harsh measures to deal with labor agitations. In late 1968, the government supported the dismissal of 2000 workers at the state-owned Cargo handling Company in Tema following a one day strike. Also in 1968, the ringleaders of the Railway Permanent Waymen were arrested following a strike action. In March 1969, the police shot and killed three miners during a strike by over 6000 workers of the Ashanti Goldfields Corporation over severance pay, gratuity and entitlements that arose out of the takeover by Lonrho (Essuman-Johnson, 2007:206).

With the passage of time, the NLC recognized the co-operative attitude of the union leaders, and they were appointed to various government advisory bodies. Bentum the Secretary-General was appointed as a member of the Political Advisory Committee in 1966 and its successor in 1967. Despite the appointment, the Secretary-General Bentum did not denounce the large-scale dismissal of workers from over-staffed state enterprises, though he urged the NLC to attempt to find them alternative employment (a redeployment of labor commissioner was established in 1966). Key Irs activities at the time were the decline in the real minimum wage by 46% which widened the income gap and the subsequent establishment of a five member wage-salary review commission to examine the civil service job structure and the appointment of the TUC Executive Board Chairman, David Egyir as a member. Even though the TUC had a representative on the commission, it, however, criticized its formation for lack of consultation. The NLC also established an Incomes Commission in July 1968 to reduce inflation; without any particular work, or reference to prices, it set a maximum of 5 per cent on wage increases in collective agreements. Bentum quit the Commission in disgust (Kraus, 1979:140-141).

State-labor union relationship under the Progress Party (PP) was not cordial. It was characterized with pockets of conflict, rancor, divide and rule and divisionary tactics from the government. The PP government had economic challenges stemming from poor world cocoa prices. This resulted in low revenue to the government. In the midst of this difficulty, government appointees were living opulent and extravagant lifestyles which the labor unions were opposed to. To address the labor unions concerns, the leadership sought audience with government officials but to no avail. Following this, the labor union executives undertook a nationwide tour to denounce government's opulence, withdrawal of levies and demand for increase in minimum wages. The government afraid of its mannerisms adopted diverse strategies to silence the unions. Some of the measures adopted were the passage of a new Industrial Relations Act 383 under a certificate of urgency which sought to abolish the TUC as created in 1958, replace contracting-out with contracting-in check-off, and required a reregistration of unions, new union elections, great government discretion in awarding bargaining certificates, and large fines for union infractions.

(Kraus, 1979:145, Essuman-Johnson, 2007, Adu-Amankwah, 1990). The difficult economic conditions at the time and labor discontent with the minimum wages and incomes policy made industrial unrest a commonplace in Ghana. For instance about 55 strikes were recorded in 1970. Similarly, between June and August, 1971, a number of major strikes occurred involving four unions. The government responded to the unrest by direct intervention, the Minister of Labor ordered the dismissal of 400 dock workers, the dismissal of 150 workers from the public works department and issued an ultimatum to the railway enginemmen (Adu-Amankwah, 1990). The TUC condemned the government's intervention and accused it of cruelty and arbitrariness.

The National Redemption Council's (NRC) first major act in its dealings with organized labor was to repeal Act 383, enacted by the PP government to dissolve the TUC. This was done to court the support of organized labor and set the tone for relations between them. Irs under the NRC was characterized with a semi-corporatist arrangement which facilitated group representations but quelled conflict and compelled co-operation. It sought to deal directly with organizations (union, business, professional, farmer, and student), encourage the communication of grievances, attempt to meet claims for action in material and symbolic terms, and then hold the groups accountable for member behavior (Kraus, 1979:146). The NRC had a mutual political exchange relationship with labor unions as they both made demands on each other and equally provided the needed supports in material and symbolic terms in meeting the demands. The government recognized the significance of labor unions hence solicited their participation in the decision making process. The NRC also transferred formally to the TUC the ownership of the Hall of Trades Unions (Essuman-Johnson, 2007:207).

However, a bone of contention ensued between the NRC and the labor unions over the promulgation of the Prices and Incomes Board (PIB) Decree NRCD 119 in October 1972. The decree gave the PIB extensive authority and discretion in determining the direction of government policy on income, prices and discretion to accept or reject collective agreements. The PIB could control income rises but was unable to control rises in rents, interests, profits and dividends in the economy. The NRC through a palace coup d'état metamorphosed into the Supreme Military Council (SMC). However, there was a cordial relationship between the labor union and the government to the extent that the TUC through its leadership affirmed support for the union government proposed by the government in the face of political crisis and stiff opposition to it (Adu-Amankwah, 1990).

The Armed Forces Revolutionary Council (AFRC) overthrew the SMC on June 4, 1979 but did little on Irs because its stay in power was brief aimed at house cleaning exercise to rid the country of corruption. This national policy together with the government's overall radical pronouncements and support for mass struggles and exhortations to "insist on your rights" emboldened many workers to challenge managements over obvious malpractices and to insist on the full implementation of their collective agreements. The TUC leadership maintained a low profile during the AFRC period concentrating rather on the promotion of a political party-the Social Democratic Front to contest the elections following the lifting of the ban on party politics in 1979. It however failed to win a seat at the elections.

The AFRC handed over power to the Peoples' National Party (PNP) which ruled for 27 months. There was no significant shift in state attitudes towards the trade unions. The government's handling of the economy lacked firm policy direction. Labor discontent began to express itself and strikes began to take place. There were labor militancy against the state and the TUC leadership with about 5000 demonstrating workers of the Ghana Industrial Holding Corporation (GIHOC) in the mid 1980 invading parliament in session over the delay in the payment of their wage arrears; they also besieged the Hall of Trades Union, threatening to assault the TUC leadership. The government ordered the dismissal of 1000 workers.

The Provisional National Defence Council (PNDC) took over the reins of governance on December 31, 1981. The government adopted the structural adjustment programs (SAPs) prescribed by the Bretton Woods Institutions as the panacea to navigate the economic challenges at the time. This resulted in public sector reforms. Key among the reforms were the redeployment and retrenchment of workers in the public sector aimed at reducing public sector expenditure, overstaffing as well as ensuring efficiency. This caused organized labor a sizeable chunk of its membership. Between 1985 and 1990, 235,000 formal sector jobs were lost (Boateng, 2001). The PNDC government set up a labor redeployment management committee to organize the program (Republic of Ghana, 1990). The response of organized labor to the program and participation in the committee varied. Whereas the Civil Servants Association (CSA) actively participated in the program and got good deals for its members, the TUC did not hence its members were retrenched (Essuman-Johnson, 2007:215-216).

The SAP reforms brought about untold hardship on the citizenry. In response, the leadership of the TUC began to demand an independent voice in the determination of the national minimum wage and the formulation of national economic policies. On January 5, 1984, the TUC dissociated itself from the process of fixing prices in the economy and protested against astronomical government announced price increases in three basic food items: maize (166%),

rice (253%) and sugar (175%) among others (Adu-Amankwah, 1990:100). The state's response to the TUC's concerns was dismissive and hostile. According to the Chairman of the PNDC "there was a real danger that discussions about a meaningful living wage will be influenced more by blind emotion than by scientific and intelligent analysis (Adu-Amankwah, 1990). By October 1984, the TUC had come out against the main elements of an IMF-sponsored SAP. The TUC called on the government to "take steps to wrestle the economy from the grips of the IMF and World Bank and tell the truth about the nation to the working people so that together we can decide the direction of the country" (Adu-Amankwah, 1990). The government's response to the TUC was two-fold. On one hand, ideological attacks were mounted against the TUC leadership and the organization and on the other hand a show was made of involving the TUC in decision making. The Irs and ID at the time was mixed. Both organized labor and the government were at each other's throat but the government prevailed. This is evidenced by the presentation of the Best Worker Award to the Chairman of the PNDC on May Day 1988. The Secretary-General stated that "the TUC supports the economic program of the PNDC and assured the chairman that "we will do our best to educate workers on all policies of government so that we can continue to enjoy industrial peace and harmony (Adu-Amankwah, 1990). Another issue for which there was united labor militancy within the framework of the TUC against government policy was the violation of collective bargaining rights with regard to the termination of appointments and the payment of terminal awards. The state's response was a resort to the threat of force and political intimidation.

Section 5: Background to Ghana's Fourth Republic

The economic challenges of the late 1970s and early 1980s equally impacted Ghana. The harsh conditions brought about both domestic and international pressure on the PNDC government to return the country to democratic rule. At the forefront of the domestic struggles were the Christian Council of Ghana, the Ghana Catholic Bishops Conference, the Ghana Bar Association and the Trades Union Congress among others. Externally, the Bretton Woods institutions notably the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (World Bank) through the SAPs imposed conditionalities including democracy on Ghana as the panacea for a turnaround.

The PNDC government in a political response to the conditionalities established the National Commission for Democracy (NCD) in 1990 with the responsibility of fashioning out a "true democracy" that reflects Ghanaian tradition, history and culture (Republic of Ghana, 1991a; Bofo-Arthur, 2007: 2; Chazan, 1992:131). The Commission organized seminars in the then ten regions of the country and gathered public opinion on the future democratic constitution (Republic of Ghana, 1991a). A Committee of Experts (Republic of Ghana, 1991b) and Consultative Assembly to draft the 1992 Constitution (Republic of Ghana, 1991c) were set up because of the report of the NCD. This process culminated into the Fourth Republic which started on January 7, 1993, with the promulgation of the 1992 Constitution through a national referendum held in April 1992 and presidential and parliamentary elections organized in November 1992 and December 1992 respectively. The Fourth Republic of Ghana provided for the three arms of government (executive, legislature and judiciary) and guided by the doctrine of separation of powers and checks and balances. In addition, the constitution in Article 21(1e) provides for freedom of association while 36(11) provides for the participation of employees in organizational decision making. This implies that the Fourth Republic of Ghana inherently permits industrial democracy. It is against this backdrop that this study examines the subject matter based on the objectives stated above.

Section 6: The methodology of the study

The study employed the qualitative method of research. Data triangulation was used as data were sourced from both primary and secondary sources. Primary data was collected through face to face interviews and review of recorded interviews of the key actors such as the Secretary-General and other major actors in Ghana's industrial relations such as labor experts, state institutions with responsibility for labor unions such as the National Labor Commission, Fair Wages and Salaries Commission among others. To collect the data, introductory letters with semi-structured interview questions were presented to the respondents. Based on this, approvals for the interviews were granted and a date fixed for the interviews. On the day of the interview, permission was sought from each respondent to record the interview after which the recordings were transcribed. Secondary data was gathered from book chapters, journal articles as well as official publications such as newsletters of establishments with IRs and ID mandates. These data were to augment the primary data. Content analysis was used to derive themes after which the themes were hand coded due to the limited themes generated.

Section 7: Results

This section of the article addresses the objectives of the study. The section is in three parts.

Section 7.1: Industrial democracy in Ghana's Fourth Republic

The Fourth Republic of Ghana being a democratic and constitutional system of governance has experienced a reasonable amount of ID¹. This is because of the legal regimes both in the 1992 Republican Constitution and the Labor Act, 2003 (Act 651). For instance, in Article 21(1e), the Constitution provides for freedom of association which allows employees to form or join trade unions or other associations, national and international for the protection of their interest (Republic of Ghana, 1992:24). The existence of trades unions is the foundation for ID in any corporate entity. Similarly, Article 36(11) provides that "The State shall encourage the participation of workers in the decision-making process at the work place". Furthermore, the constitution also grants economic rights to employees in Article 24(1-4).

Aside the constitution, the Labor Act, 2003 (Act 651) also affirmed the existence of ID in Ghana. For instance, Section 96 of the Act provides for collective agreement between employers and employees (Republic of Ghana, 2003:34). This provision gives voice to the employees to participate either directly or indirectly in decisions that affect them². In addition, the provision for the National Tripartite Committee in Section 112 and composition of the NLC in Section 136(1b) of the Labor Act, 2003 which allows all the actors in Ghana's IRs also gives currency to ID in Ghana because provision is made for five and six representatives of organized labor respectively just as for the government and employers' association (Republic of Ghana, 2003:42; 50).

Another factor that gives credence to the existence of ID is that Ghana is a signatory to International Labor Organization (ILO) conventions and has ratified same. Key among them are Conventions 87 and 98 which upholds freedom of association and collective bargaining respectively. Though Ghana as a sovereign country is not bound by these conventions, however, they shape and guide the conduct of IRs and ID. As such, these have been domesticated in the country's labor law³.

The above legal regimes have shaped the dynamics of employer-employee relationship culminating into the parties in most cases involved in joint decision making at both the enterprise, industry and national levels of IRs practice in Ghana.

Section 7.2: Manifestation of industrial democracy in Ghana's Fourth Republic

The involvement of labor unions in organizational decision making in Ghana occurs at the enterprise, industry and national levels. These manifest in different structures depending on the organization and the industry.

At the national level, the TUC represents organized labor on various committees, boards and commissions with diverse interests. Some of the entities they participate in are the Public Utility Regulation Commission (PURC) to voice out workers views, opinions and interests concerning public utilities especially when it comes to setting of tariffs at the PURC. The TUC also have a representation at the Public Interest and Accountability Committee (PIAC) to express organized labors' position on the management of the country's petroleum revenue and related matters. The TUC is also a member of the board of trustees of the Social Security and National Insurance Trust (SNNIT)⁴.

Others include the National Tripartite Committee on Salaries and Wages Guidelines, the National Advisory Committee on Labor, the National Media Commission, Divestiture Implementation Committee, National Population Council, Narcotic Controls Commission and the defunct National Institutional Renewal Program. These affords the TUC the platform to shape national/developmental issues. There are also informal structures like the Parliamentary Caucuses and other informal avenues for union leaders to interact with Government officials (Vormawor, 2004:41-42).

Fast forward, the TUC as a modus operandi also engages the government directly on labor related issues through its representation on the National Tripartite Committee which is responsible for the determination of national minimum wages and advice on social and economic issues pertaining to labor (Republic of Ghana, 2003:42). Over the years, its membership of this committee have served the interest of labor by first and foremost negotiating the national daily minimum wage. Below is an analysis of the base pay and national daily minimum wage negotiated by the TUC with the government and employers' organization between 2010 and 2024 (Table 1). The table shows a checkered negotiation outcome.

Table 1: Analysis of pay negotiation (Base pay versus National Daily Minimum Wage (NDMW))

YEAR	BASE PAY		NDMW		VARIANCE	
	Amount	Percentage	Amount	Percentage	Amount	Percentage
2010	3.42		3.11	17.36	0.31	9.06
2011	4.1	20	3.73	19.93	0.37	9.02
2012	4.84	18	4.48	20.00	0.36	7.44
2013	5.32	10	4.52	17.00	0.08	1.50
2014	5.32	0	6.00	14.50	-0.68	-12.78
2015	6.02	13	7.00	16.63	-0.98	-16.28
2016	6.62	10	8.00	14.29	-1.38	-20.85
2017	7.45	12.50	8.80	10.00	-1.35	-18.12
2018	8.27	11	9.68	10.00	-1.41	-17.05
2019	9.1	10	10.65	10.00	-1.55	-17.03
2020	10.19	12	11.82	11.00	-1.63	-16.00
2021	10.6	4	12.53	6.00	-1.93	-18.21
2022	11.34	7	13.53	7.98	-2.19	-19.31
2023	14.74	30	14.88	9.98	-0.14	-0.95
2024	18.13	23	18.15	21.5	-0.02	-0.11

Source: Fair Wages and Salaries Commission, March, 2024

Similarly, in 2022, amidst the economic challenges, the TUC advocated for government to cushion the workers of the country. This culminated into the government given 15% cost of living allowance (COLA) to all public sector workers which ran from July to December, 2022 (Suleiman, 2022).

There is also a social partnership council in which the TUC represents organized labor. The membership of this council is broader than the National Tripartite Committee because it involves multiple stakeholders with diverse interests where a number of economic and social issues are discussed and decisions taken. A typical example is the National Economic Forum famously called “Senchi Consensus” held between May 13 and 15, 2014 at Senchi to deliberate on strategies to overcome the economic challenges of the time. This forum was organized at the instance of the TUC because they advocated for it as a way of having an all-inclusive dialogue on the economy which the then government agreed to with the Secretary-General being one of the key speakers⁵. The outcome was the development of a home grown economic policy which was subsequently presented to the World Bank for economic bailout (Yeboah, 2014).

The TUC also engages in several ad-hoc committees especially when government is formulating policies or laws that have implications on workers. The Union is a stunt member of the National Economic Committee which is responsible for planning the annual national budget and economic policies. The TUC was part of the ad-hoc committee that set the tone for the Labor Act, 2003 during the Rawlings regime and they toured countries such as Germany, Denmark, Japan and the USA for best practices after the government set the agenda for it⁶. In a related manner, the TUC actively participated in the formulation and adoption of the National Health Insurance Act (Agbevide, 2018:5-6) and the TUC’s continuous involvement in ensuring a successful implementation of same (Ghana News Agency, 2018). At the industry level, TUC affiliates organize workers in specific sectors to influence sectoral policies. A classic example is the General Agriculture Workers Union (GAWU) hailing of the Planting for Food and Jobs policy and admonishing for auditing of the policy to strengthen it (Ghana News Agency, 2023).

In instances where the government ought to engage organized labor but failed to do so on national policies with social and economic implications on the citizenry, the TUC or sectoral affiliate(s) have in most cases resisted the implementation of such policies and the subsequent withdrawal of the policies by the government. A recent case is the proposal of the government to charge 15% value added tax on electricity effective February 1, 2024 without fully engaging organized labor. The latter resisted this policy directive to the Electricity Company of Ghana and gave the government a seven days’ notice to withdraw the directive or else contend with a nationwide strike action. Through the actions of organized labor the 15% VAT on electricity was withdrawn (Ntow, 2024; Ngenbe, 2024; Ocansey, 2024).

Finally, the TUC’s participation in organizational management across the various echelons of industrial relations manifests in the principle of collective bargaining as contained in Section 96 of the Labor Act, 2003 (Act 651).

The TUC negotiates for wages and working conditions of workers. The TUC also engages workers especially when it comes to work goals and working time⁷.

From the above, it can be inferred that the TUC actively participates in the decision making process that affects them both at the enterprise, industry and national levels. In events where they were not consulted on decisions and policies likely to affect them (adversely), they resisted them through press conferences and threats of strike and demonstration.

Section 7.3: The challenges to industrial democracy in Ghana's Fourth Republic

Ghana has experienced some appreciable level of ID in the Fourth Republic. But this exists with some setbacks. These are discussed below.

First is institutional weakness. The importance of institutions in democratic settings have been underscored. The NLC and the Labor Department are two main institutions of recognition when it comes to ID in Ghana. However, these institutions to some extent are not strong and resourced (financial, human and logistics) enough to perform their mandated duties. This weakness stems from the fact that they have to rely on the central government for budgetary allocation which in most cases are meagre and not released on time. For instance at the NLC, due to the limited resources, they mostly delay in resolving industrial conflicts between employers and employees thereby delaying justice with its attendant implications for the parties. The limited resources have always made these institutions to be knee-jerk and reactionary in their operations instead of being proactive in picking up intelligence. They mostly wait for labor unions to declare strike actions before rushing to court to seek injunctions and declaring strike actions as illegal. Another factor accounting for the institutional weakness is the mode of appointment at these institutions. For example, the Executive Secretary of the NLC is appointed by the President in accordance with Article 70(1) of the 1992 Constitution and Section 136(2) of the Labor Act, 2003 gives power to the President to appoint the chairperson and the other members of the Commission. With these, the Commission sometimes finds it difficult to impartially adjudicate in industrial impasse and its independence is mostly doubted. In the nutshell, the lack of fiscal and personnel independence is hampering the effectiveness of these institutions.

The second challenge is the huge informality in the labor market. The informal economy contributes about 40.6% to gross domestic product (GDP) and a whopping 90% of the workforce are in this sector who in most cases are not unionized. This creates different problems because of the amorphous nature and diverse interests of the informal economic sector. This makes it difficult for the TUC to organize and coordinate their activities and to defend their interests appropriately. This makes one to wonder whether there is real industrial democracy because majority of the "supposed members" are outside the TUC's ambit⁸. The workers in the informal sector are vulnerable to exploitation due to reasons such as low level of education etc. Compounding the challenge is their inability to engage with the policy makers to make inputs into policies with consequences on their operations.

The third challenge is the unwillingness of some employers to allow the formation of labor unions in their entities. Even though employees have the right to form and join any trade union of their choice under the 1992 Constitution and the Labor Act, 2003, the reverse is the order in some establishments and where the unions existed, there are restrictions on them exercising their rights. Some examples include the feet dragging of the Parliamentary Service Board in allowing the workers of Ghana's Parliament to unionize in 2007 even after the NLC has directed that the workers and the Parliamentary Service Boards sign the Standing Negotiating Committee Constitution following the intervention of the Financial, Business and Services Employees Union (FBSEU) of the Ghana Federation of Labor (GFL) (Graphic online, 2016). In a related case, the Sunon Asogli Power (Ghana) Limited refused to recognize the labor union in spite of it having a collective bargaining certificate (Awusah, 2023).

Fourth challenge is the perceived partisanship of the TUC. Man is a political animal and wherever there is choice or decision making, politics is present hence the description of politics as being ubiquitous. However, the perceived partisan posture of the TUC is the problem. It has been averred that the TUC is quick to call for strikes and demonstrations in the Fourth Republic whenever the National Democratic Congress (NDC) was in power but slow to do same when the New Patriotic Party (NPP) was governing. The respondent argued that if it were to be the NDC which implemented the Domestic Debt Exchange Program or proposed the 15% VATs on electricity, the TUC would have laid down their tools and hit the streets without warning but the reverse always happens when the NPP is at the helm of affairs⁹. This makes one to think whether the TUC is genuine in dealing with successive governments in the Fourth Republic.

The fragmentation and seceding of unions from TUC mostly due to perceived absence of internal democracy is the fifth challenge. Since the TUC's formation in 1948, the Textile and Garments Union (TEGLU) a member of the Industrial and Commercial workers Union (ICU) seceded in the early 1990s due to a power struggle between

Napoleon Kpoh and Abraham Koomson with the latter breaking away with the TEGLU (Essuman-Johnson, 2007:221). A second breakaway occurred in the ICU when the Union of Industry Commerce and Finance (UNICOF) complained of lack of internal democracy and transparency in the ICU and the high handed approach by the General Secretary of the latter, and the subsequent admission of the UNICOF by the TUC as an independent union (Essuman-Johnson, 2007:220-221). The inability of the TUC leadership to 'properly' handle the ICU-UNICOF conflict and the admission of the latter as an independent member of the TUC resulted in the ICU disaffiliating itself from the TUC in 2004 (Essuman-Johnson, 2007:222). The issue is if the affiliates of the TUC are accusing their leadership of lack of internal democracy, how can industrial democracy exist? Again, democracy is about numbers, if the membership of the TUC is fragmented, it waters down their capacity to command the benefits of numbers and its efforts can be undermined by the other labor centers such as the TEGLU (transformed into Ghana Federation of Labor) and ICU.

Section 8: Discussion

Legal regimes have been identified as significant in the regulation of employer-employee relations and the Ghanaian example is no exception (Tzu-Shian & Su-Fen, 2000). The Ghanaian industrial sector is opened up for ID with the provisions in the 1992 Constitutional and Labor Act 615, 2003. The participation has given employees voice in decision making. Voice is the ability to have meaningful input into decisions, including both ID and autonomy or control (Budd et al. 2004). As a result, organized labor is involved in decision making across all levels of industrial relations. This has conferred organizational citizenship on employees with rights to engage in formulating, implementing and evaluating policies affecting them as espoused by the political democracy and citizenship concept by Marshall (1950) (Aneta, 2016). The importance of legal and regulatory frameworks in ID have been echoed by Hugg (1960:3) that they protect the rights and safeguards the interests of works in the industrial relations process.

Industrial democracy manifests in diverse forms and levels (Muller-Jentsch, 2008; Poole, 1992). The extant literature identified workers' self-management, producer co-operatives, co-determination, works councils, trade union action, and shop-floor programs as the forms of manifestation of ID, the Ghanaian case is a resemblance of these forms across the three levels of IRs in Ghana, however, there are some departures as organized labor have representation on statutory committees and commissions established by the legal regimes mentioned above. This makes labor's participation permanent in IRs in Ghana. This is same at the enterprise and industry levels as these provisions are contained in the collective bargaining agreement of most unions affiliated to the TUC.

Industrial democracy in Ghana is equally fraught with challenges as explained above. These have to a large extent hindered the success of ID and has drawn it backward in spite of the legal and regulatory frameworks. As a result, organized labor in some establishments are not able to exercise their rights under the law. This is at variance with Knudsen (1995) who espoused that the parties to IRs must recognize each other in the relations. The lack of recognition mostly happens due to the ignorance of some employees about their rights under the law, the authoritarian nature of some employers and managers and the favorable conditions given to some owners of capital (especially entities under the Free Zones Board) and where employees insist on their rights, they are sometimes victimized despite the safety nets provided for them.

Section 9: Conclusion- Reflections on strengthening industrial democracy in Ghana

For ID to move a notch higher in Ghana's Fourth Republic, the following recommendations are made for IRs and human resource practitioners and policy makers in general:

First, the Labor Department, National Labor Commission and other institutions with ID roles should be resourced to deliver on their mandates. There should be timely release of their budgetary allocations. Again, the institutions must be proactive in their operations instead of the current reactionary approach. They should also assert their independence.

Second, on the issue of the huge informal sector of the economy, the TUC is urged to continue with the educational drive instituted so that other entities can appreciate the importance of unionism or join the Union of Informal Workers' Association (UNIWA) established in 2013 with nine founding members (TUC, 2014). Also special efforts should be made to enroll women working associations since women constitute the majority (50.7%) of Ghana's population (Ghana Statistical Service, 2021).

Third, there should be massive education on industrial relations and democracy at work places. Owners of capital and managers should also be educated on the importance of trade unions to the growth and development of their establishments. The National Labor Commission, National Commission on Civic Education and the Labor Center should be resourced to play a lead role in this. The relevance of education in ID have been emphasized as it helps

in the development and realization of ID because it equips workers and their representatives with a broad range of the relevant knowledge, skills and abilities that permit them to be effective in their roles and behaviour (Eiger, 1986).

Fourth, even though the TUC is operating in a highly politicized environment and its membership (especially the leadership) have the political right to belong to any political party of their choice, they should be neutral and treat all governments same without showing favoritism in dealing with issues affecting organized labor.

Five, the TUC should close its ranks to reduce secession from the Congress. In this regard, the union should work on improving its internal democracy and put time tested inter and intra-union conflict resolution mechanisms in place. Numbers count in democracy. If the membership is dissipated, their chances of influencing national policies will wean.

In conclusion, despite the hiccups, it is the position of this article that ID is highly prevalent in Ghana due to the democratic governance system which has created awareness among the citizenry to be conscious of their right to participate in organizational decision making at the enterprise, industry and national levels and where the employer (management) resists, the issue is referred to the NLC or the law courts for adjudication as happened between the Parliamentary Service Board and the employees and the court ruling in favor of the latter (Graphic online, 2016).

Notes

1. Interview with Mr. Austin Gamey, a Labor Consultant and former Minister of Employment and Labor Relations of Ghana, on July 14, 2023.
2. Interview with Dr. Bernice Welbeck, the Director of Administration and Human Resource, National Labor Commission on July 28, 2023.
3. Interview with Dr. Bernice Welbeck, the Director of Administration and Human Resource, National Labor Commission on July 28, 2023.
4. Interview with Dr. Prince Asafu-Adjaye, Deputy Director of the Labor Research and Policy Institute of the TUC on August 13, 2023.
5. Interview with Dr. Prince Asafu-Adjaye, Deputy Director of the Labor Research and Policy Institute of the TUC on August 13, 2023.
6. Interview with Mr. Austin Gamey, a Labor Consultant and former Minister of Employment and Labor Relations of Ghana, on July 14, 2023.
7. Interview with Dr. Prince Asafu-Adjaye, Deputy Director of the Labor Research and Policy Institute of the TUC on August 13, 2023.
8. Interview with Dr. Prince Asafu-Adjaye, Deputy Director of the Labor Research and Policy Institute of the TUC on August 13, 2023.
9. Nana Yaa Jantuah, a former General Secretary of the CPP and former Director of Public Relations and External Affairs of the PURC.
10. Interview with Dr. Bernice Welbeck, the Director of Administration and Human Resource, National Labor Commission on July 28, 2023.

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