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The Role of the Labour Department in International Labour Migrant Management in Ghana

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Authors' contributions

This work was carried out in collaboration among all authors. All authors read and approved the final manuscript.

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ABSTRACT

International migration is the major integral part of international economic relations and significant component of the globalized world. Its issues cannot be comprehended without considering levels of policy at national, regional and global forums have attracted high levels of policy consideration at national, regional and global forums. It linkages the development in countries and migrant workers in terms of an emerging international consensus on the positive aspects of labour migration cannot be overemphasized. Therefore, the study sought to examines how the labour department manages international labour migration in Ghana. The snowball, stratified sampling techniques and in-depth interviews were used for data collection. The study showed that in spite of the absence of national migration policy, the labour department has been mandated with registration, licensing and monitoring of private employment agencies in the country. The study showed major challenge of labour department raising security deposits of GHC 25,000 as the registration requirement. The study also discusses the institutional collaboration that exists between the labour department and other state and international organizations as well as private entities in respect of labour migration in the country. The study concluded that the level of collaboration between the labour department and other institutions including state and international organization in respect of international labour migration management can be explained within the context of the migration systems theory.

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1. INTRODUCTION

International migration has become a major aspect of international economic relations and important component of a globalized world [1]. Its issues have attracted high levels of policy consideration at national, regional and global forums. Also, we have seen an emerging international consensus on the positive aspects of labour migration in terms of its linkages with development in countries of origin, benefits for destination countries and migrant workers themselves [2]. Labour mobility has been seen to be an important component in obtaining economic integration and advancement across the Economic Community of West Africa States (ECOWAS) sub-region. In recent years, the positive link between labour migration and development has been receiving attention.

In destination countries, labour migration has rejuvenated their workforce, improved economic viability of the agriculture and services sectors, promoted entrepreneurship and met the demand for highly skilled labour [3]. In regions of origin, positive contributions of migrant workers are reflected in remittance flows, transfer of investments, increased technological and critical skills through return migration as well as increased international business and trade generated by transnational communities [4]. Migrants in the regular situation also acquire new skills and ideas in more favourable working and living conditions. However, at the same time, migration poses a number of challenges for countries such as Ghana. These include malpractice by private recruitment agencies involving high fees and misleading information, abuse and exploitation of migrant workers in host countries, loss of critical skills and deskilling of migrant workers in destination countries, growth of irregular migration, including its worst manifestation of trafficking and smuggling, and discrimination and poor integration of Ghanaian labour migrants in host countries.

During the post-independence period, migration was within the borders of Ghana. This took the form of rural-rural migration, rural-urban migration and urban-rural migration (Boahen, 1975 cited in Awumbila et al. 2011). By the early 1960s, Ghana had migrants entering from neighbouring African countries. Available statistics at the time showed that Ghana was becoming a net immigration country because

more migrants were entering than leaving the country (Schildkrout, 1975, 1979; Eades, 1987, 1993). Ghana played host to African nationals from West African sub-region. The Mossi and other Burkinabe nationals migrated into Ghana to work on southern cocoa farms while male traders from Mali and Niger controlled wholesale trade in grains. Cereal and dry goods such as onions in markets in Ghana (Clark, 1994). However, there was a drastic change in the late 1960s as a result of political instability and a decline in the national economy.

The year between 1970 and 1980, Ghana witnessed the international movement of its population or nationals due to the economic down-turn that the country experienced in the late 1970s culminating in Ghanaian professionals migrating to major African countries where their services were in high demand [5]. Anarfi et al. [6] again maintained that the 1980s and 1990s witnessed large-scale emigration of unskilled, semiskilled and highly skilled Ghanaian. Over the last two decades, new migration dynamics have emerged as a result of economic and political stabilization. Consequently, Ghana now experiences international migration from within and outside the continent of Africa [7].

The Ministry of Foreign Affairs estimated in 2008 that Ghanaian Migrants can be found in more than 33 countries around the world. The most important countries of destination for Ghanaian emigrants are the United States and the United Kingdom [8]. It is estimated that Ghanaian emigrant population ranges from about 1.5 million (TwumBaah, 2005) to 3 million [9]. Since the 1990s, skilled employees constitute 46% in Western Africa [10,11] Mar Fouk, 2005). It is again, estimated that more than 56% of doctors and 24% of nurses trained in Ghana are working abroad [12]. Departure statistics show that the majority of resident Ghanaians leave for commercial activities [13]. In 2000, it was estimated that 58.9 percent of non-Ghanaian residents in Ghana were ECOWAS nationals. Also, available statistics show that from 2000 to 2007, European constituted the largest group of non-African nationals followed by North Americans [14].

According to some estimates, 33.8 percent of emigrants from Ghana in Organization for Economic Cooperation and Development (OECD) countries possessed medium skills,

while 27.6 percent had high skills (EU, 2006). Other reports indicate that many Ghanaians acquire their skills at foreign universities. The latest available figures suggest that almost 8 percent of Ghanaian university students studied abroad in 2006. Although this marks a decrease from 2004 when 11.8 percent of Ghanaian students studied abroad, the proportion of Ghanaians enrolled in foreign universities is still substantial (UNESCO, 2008). Clearly the need for Ghana, as a country, to realize more gains from the labour migrant's contribution to the growth and development of the national economy cannot be overemphasized. This requires a comprehensive international labour migration systems to help facilitate international labour migration into and out of Ghana.

In Ghana, there are various institutions with various mandates to manage labour migration. There is the Ministry of Foreign Affairs which is vested with the responsibility to protect Ghana's interests and of Ghanaians abroad; the Ministry of Interior which is responsible for the formulation of policies and monitoring and regulation of migration to and from Ghana.

The Ghana Immigration Service (GIS) has made the mandate to advise government on all issues pertaining to migration to and from Ghana of which labour migration is not an exception. More importantly, the Ministry of Employment and Labour Relations with its key arm-the Labour Department is the responsible ministry that handles all employment issues in respect to the employment of which labour migration is no exception. In fact, its main functions are derived from International Labour Organization (ILO) Convention Number 150 concerning Labour Administration which the country ratified in 1986 and domesticated into its national laws like the Labour Act 2003 and other labour related legislations.

Labour migration is a key component of the migration industry needs to be critically examined in terms of its management in the light of numerous organizational arrangements and laws put in place to address it. In the circumstance, therefore, this research will attempt to look at how the Labour Department is placed to handle labour migration issues in Ghana.

At present, Ghana has no formal structure to facilitate labour migration to other countries. Ghanaian labour migrants are left to decide on their own to emigrate in attempt to escape economic hardship. Many migrate in risky and

unsafe travelling conditions. Sometimes upon arrival, they get only low-skill and low-paying jobs. In addition, migrants are often poorly informed, or misinformed, about the conditions governing entry, work and residence, skills required, cultural issues, as well as their rights and obligations in destination countries. In addition, many women and children are trafficked and lured into commercial sex work and exploitative forced labour (Adepoju, 2006).

Although Ghana does not have an explicit migration policy, the country has introduced some initiatives to deal with specific migration issues. For example, the Growth and Poverty Reduction Strategy Paper II identifies the Ghanaian Diaspora as a potential source of funding. Ghana's missions abroad have been tasked to devise strategies to mobilize the Ghanaian Diaspora and their resources for initial development.

A number of concrete measures have also been introduced to facilitate the return of the Diaspora, such as the organization of home coming summits, the Representation of Peoples Amendment Law and relevant provisions concerning dual citizenship, which allow Ghanaian abroad to hold dual nationality and vote in general elections in Ghana. Other initiatives taken by the Ghanaian government include bilateral agreements on labour migration between Ghana and some European countries. In 2011, the Ghanaian government began working in a bilateral agreement with Italy aimed at encouraging regular labour migration from Ghana to Italy. The Staff of the Labour Department were trained at a necessary requirement for the success of the agreement. However, these initiatives are still in process of materializing.

The Labour Department under the Ministry of Employment and Labour Relations is the institution mandated to address and facilitate major employment issues in the country of which Labour Migration is no exception. The Department operates within a vast spectrum of various employment laws which provide a legal cover for migrant workers by guaranteeing social justice and economic emancipation. Institutionally, the Labour Department is located in all 10 regions of the country with its headquarters in Accra.

The Labour Department works with laws like the Labour Act 2003 (Act 651), LI 1833, LI 1822 and

Workmen's Compensation Law 1987. These laws help the labour department address employment-related concerns in Ghana. Although the labour department's work also entails managing labour migration in Ghana, there is a limited study on how the labour department is managing labour migration issues in the country. This research, therefore, seeks to investigate the role of labour department in International Labour Migration and the extent to which the labour department can be empowered to play a pivotal role in the regulation of international labour migration in Ghana. In so doing, the research will also suggest measures that can be taken to enhance the capacity of the department so that it can be better positioned to play a key role in labour migration management in Ghana. This study aimed to examine the role of the labour department in the management of international labour migration in Ghana.

2. METHODOLOGY

2.1 The Study Areas

The republic of Ghana lies on the West Coast of Africa. It has a total of 87,853 square miles (227,538 square kilometers). The country lies in the tropics with an average temperature of 79 degrees Fahrenheit (26 degrees Celsius). It has three main ecological zones. The coastal, savannah region which is characterized by shrubs, and mangrove swamps, a forest belt that gradually thins out on into the third zone which is dry savannah in the north. The country has ten administrative regions namely Ashanti, Brong-Ahafo, Central, Eastern, Greater Accra, Northern, Upper East, Upper West, Volta and Western. The three northern regions are noted to be the poorest in the country. As a result of this, most of the youthful population including young girls and women in those areas migrate to the southern parts of the country to improve upon their livelihood. The country is further divided into 216 districts, made up of 6 metropolitans, 49 municipals and 161 districts Assemblies and together they form the political units of the country for effective grassroots participation and administrative governance. The result of the 2010 population and housing census shows that the total population of Ghana was 24,223, 431. This consists of 11,801,661 males representing 48.7% and 12,421,770 females representing 51.3% (Ghana Statistical Service, 2010). Ghana

is bounded by four main nations. Togo is the East of Ghana whilst Ivory Coast is to the West of Ghana. However, Burkina Faso is to the north of Ghana. To the south are the Gulf of Guinea and the Atlantic Ocean.

The study was undertaken in the Greater Accra region. This region was chosen because most of the government agencies that deal with international labour migration management have their headquarters in the region. The Labour Department is also found in the Greater Accra area.

2.2 Research Design

Qualitative approach was employed in this research. According to Labuschgne (2003), a qualitative research paradigm generally includes research methods that rely heavily upon extensive in-depth interviews that result in non-numerical data. Furthermore, Labuschagne says, "qualitative research is often conducted in natural settings and does not attempt to control the context or conditions surrounding the research setting thus prompting the use of the term "naturalistic research" to describe this approach".

In this study, secondary data were collected to observe the international labour migration situation in the Ghanaian context. Pieces of information were obtained from national and international publications, authorized documents produced by the government of Ghana, non-government and the United Nation (UN) bodies in their websites, newspaper reports and articles written by different scholars on the issues of international labour migration and the rights of immigrant workers in Ghana and Ghanaian emigrants working abroad.

2.3 Sample Size

A total of ten (10) private recruitment agencies in Ghana were sampled. Also, five officials from the Labour Department were selected to provide insight into the operation of the Labour Department in the country. One official each from the office of the International Labour Organization in Ghana, the International Organization for Migration (IOM), the Ghana Statistical Service (GSS) and the Ghana Police Service.



Fig. 1. Map of Ghana showing some of the neighboring countries

Source: www.theodora.com/maps

2.4 Sampling Technique

The snowball, stratified sampling techniques and in-depth interviews were used for data collection. The samples are defined as a small part of an overall population intended as representative of the whole. It seeks to create a group from a population that is similar to the larger population as possible (Saunders, Lewis and Thornhill, 2009 cited in Teye, 2012).

Purposive sampling technique was used to select experts at the variation institutions namely; the Labour Department, The International Organization for Migration, Ghana Statistical Service and the Ghana Police Service. These institutions were selected because of their active involvement in International Labour Migration management in Ghana and also have a certain period collaborated with the labour department to handle labour migration issues on various platforms in the country.

The Purposive Sampling technique was used because there was a need to interview persons who hold a key position in the mentioned institutions and who take major decisions on behalf of the institutions. This helped in understanding the various international labour management programmes being implemented by these institutions and also to identify where the roles and responsibilities overlap and which agencies the labour department can collaborate with effectively to manage international labour migration. Heads of these institutions were interviewed including the Chief Labour Officer of the Labour Department.

2.5 Data Collection

In-depth interviews were conducted with the involvement of official at the Labour department, office of International Labour Organization in Ghana, office of the International Organization for Migration in Ghana, the Ghana Statistical

Service and the Ghana Police Service. The purpose was to collect data from the various institutions in respect of their collaboration with the labour department as far as the management of international labour migration in Ghana is concerned.

2.6 Data Analysis

The analysis was in the form of narratives that reflect the opinion and experiences of the respondent who was involved in the in-depth interview. Also, content analysis is that the data collected should meet tests which suggest that they are objective, systematic and reliable (Krippendorff, 1980).

2.7 Ethical Considerations

For ethical reasons, the purpose of the study was explained to the respondents. They were also told that their participation was voluntary and that they could withdraw from the study when they felt uncomfortable answering the questions. The in-depth interview measured the views of experts about the positionality of the labour department in respect of international labour migration management in Ghana.

3. RESULTS AND DISCUSSION

3.1 The Formation of the Labour Department

The Labour Department was established on 1st April 1938 in Kumasi as a result of a preliminary survey conducted by a British Trade Unionist named Captain J.R Dickinson at the request of the Colonial Government. The objective of the survey was to develop, control and direct labour in the country. Subsequent to the establishment of the Labour Department, Captain Dickinson was appointed the head with the designation of Chief Labour Officer. The Chief Labour was assisted by a Ghanaian.

The Labour Department, when established in 1938, was tasked to perform the following functions; Promoting employer-employee relationship, Inspection and examination of labour conditions generally and make suggestions for improvement, Survey legislation relating to Labour, Reporting on development in Trade Union formation, its conduct and tendencies as well as its relations with employers, Examination of the position of lowly paid employees, Supervision and examination of

conditions of housing for workers and sanitary and medical arrangement provided for workers, Dealing with questions of provision of transport for workers who came from outside the capital, Examination of the position with regards to the local application of various international conventions relating to the employment of women and children, the minimum age for employment for industry, To undertake intensive study of local conditions and problems, and the steps which are to be adopted for the supervision of labour. The Labour department set up rest camps along the labour routes where labour migrants migrating from the rural areas to the urban areas such as Accra, Kumasi and the mining towns in search of employment could spend the night at a token fee. Most of the labour migrant came from the Northern part of Ghana and neighbouring countries in the West African sub-region.

In the early years of its inception, the labour department had a number of branches. These included the statistical and registration branch, the apprenticeship branch and the factory inspectorate division. The labour department was confined to Industrial relations. However, in January 1948, the department established its Statistical and Registration branch. Following the end of the second World War, resettlement offices were established in the industrial and commercial towns across the country to provide employment for the unemployed ex-servicemen who fought during the Second World War. A total of 13,970 ex-servicemen who needed jobs were registered by the resettlement offices. Nearly 60% of those registered were provided with employment by the Labour Department whilst many of the unemployed found jobs on their own.

In June 1948, the Labour Department established a system of registration of workers in the main industrial towns in the country with a central registration bureau in Kumasi. The Labour Department issued identification certificates containing photographs to the persons registered and by the end of March 1949, a total of 12,414 persons were registered.

In 1951, a branch of the Labour Department to cater to the training of artisans and the setting up of apprenticeship schemes was established headed by the Labour Officer (Technical). This branch of the department was responsible for drawing up apprenticeship schemes for various trades and a system of trade testing. In the early 1950s the need for factory inspector to oversee

safety, health and welfare of workers was felt and so in September 1951, the first inspector was appointed.

Since its inception in 1938, some changes had occurred at the Labour department over the years. Some of the establishment branches were separated from the Labour Department and became autonomous.

In 1973, following the establishment of the National Vocational Training Institute, the apprenticeship branch of the labour department was separated from the Labour Department and transferred to the National Vocational Training Institute (NVTI). Subsequently, NVTI became autonomous.

In May 1985, the factory inspectorate branch of the Labour Department was separated from the Labour Department and became autonomous under the Ministry of Employment.

Currently, the Labour Department has a network of office throughout the country and its main functions are: Providing advice on Labour policy and all matters relating to Labour, Administration of labour legislation, Investigation and settlement of labour complaints, Promotion and improvement of labour standards and working conditions through inspection of workplaces, Promotion of effective tripartism through cooperation with employers' and workers' organizations, Investigation and determination of workmen's compensation cases and claims as a result of work injuries arising out of, and in the course of one's employment and ensuring government's continued relationship with and membership of International Labour Organization throughout the world.

The Labour Department operates a national employment service which has the following functions: Assisting unemployed and employed persons to find suitable employment and assisting employers to find suitable workers from among such persons, Collecting and analyzing in cooperation with management and trade unions and other appropriate authorities' information on the situation of the employment market and its growth in the country for planning purposes and Promotion and vocational guidance and counselling for the employed, unemployed and Junior High students.

Ghana has passed a number of laws that deal with labour issues in the country, whilst some of the laws address Labour issues domestically

others deal with International Labour issues in respect of migrant workers, human trafficking and child labour. This section provides highlights of the laws and what the laws specifically seek to address. The legal framework of labour relations which consists of acts, decrees, ILO Convention and International Conventions of the rights of migrant workers includes the following: Immigration Regulation 2001 (LI 1691), Labour Act, 2003 (Act 651), Human Trafficking Act, 2005 (Act 694), Labour Regulations, 2007, Workmen's compensation Law, 1987 (PNDC 187), ILO Convention on Migrant workers and International Convention on the protection of the rights of migrant workers and their families.

The Labour Act, 2003 (Act, 651), governs the general conditions under which labour is employed in Ghana. The Act mandates the Minister of labour to establish Public Employment Centers (PECs) across the country to assist employed and unemployed persons to obtain suitable employment and employers find suitable workers. The PECs are to register employed, unemployed persons for employment and also register employers who have vacancies to be filled in their establishments. The law also requires employers to submit quarterly reports giving information on vacancies filled and vacancies yet to be filled. Section 122 of the Labour act 2003 provides for labour inspection to be conducted by the Labour Department on employable institutions to ensure enforcement of labour regulations. This includes registration and monitoring of Private Employment agencies.

Regulation 2007 (LI 1833) provides that the Chief Labour Officer deals with emigration issues. Hence the Labour Department has set up a Labour Migration Unit for the purpose of handling labour export from Ghana.

The Labour Department is headed by a Chief Labour Officer. The Chief Labour Officer is assisted by two Deputy Chief Labour Officers. There are also assistant Chief Labour Officers at the Headquarters of the Labour Department. Consequently, the headquarters structure consists of: Chief Labour Officer, Deputy Chief Labour Officer, General Administration, Employment and Labour Statistics and Labour protection, Deputy Chief Labour Officer, Industrial Relations, International and Legal and Child Labour, Assistant Chief Labour Officer, Child Labour, Assistant Chief Labour Officer, Industrial Relations, Assistant Chief Labour Officer, International and Legal, Assistant Chief

Labour Officer, Human Resource Management, Assistant Chief Labour Officer, Employment and Statistical and Assistant Chief Labour Officer, Accounts and Staff. Each of the ten regions of Ghana is headed by a designated Regional officer who is an Assistant Chief Labour Officer.

At present, Ghana has no clear national policy framework for managing labour migration. A desk review of documentation on policy issues on labour migration management in Ghana shows that some attempts have been made at drafting a migration policy and an employment policy for the country but these policy drafts have not been finalized.

In spite of the non-existent of national migration policy, a number of institutions including the labour department have been mandated by various legislations to play various roles; the combined effect constituting labour migration management in the country. In this context, the labour department is mandated to supervise, facilitate and monitor labour expert in Ghana. Consequently, the licensing and monitoring of recruitment agencies for purposes of labour export falls directly within the ambit of the labour department.

A narrative on the institutional collaboration and capacity building efforts among the IOM, ILO, Ministry of Interior, Ghana Statistical Service and the Ghana Immigration Service is presented in subsequent subsections.

Since its inception in Ghana in 1987, the IOM has contributed to the efforts of the Government of Ghana to manage migration [including labour migration] more effectively through a variety of projects and programmes (IOM, official interviewed in November 2013). According to a monitoring officer who has interviewed during the study, IOM Accra commenced its programmes by supporting the institutional capacity-building needs within the country. For example, in late 1980s IOM embarked on a programme that sought to facilitate the return of highly skilled Ghanaian migrants residing in the Diasporas to take key positions in priority sectors including health, education, economics, finance, public service and political administration. In recent times, the IOM has assisted the labour department to build institutional capacity in respect of international labour migration management in Ghana.

In furtherance to the above, the IOM has spearheaded a number of stakeholder

workshops and symposia targeted at International labour migration management in the country. In 2010, IOM embarked on a project named "Best practices on collecting and sharing Labour Migration Data for the improvement of the Labour Market Information Systems"; a project that was co-founded by the European Commission. Six countries including Ghana were selected for the project. The other countries were Tunisia, Senegal, Colombia, Nicaragua and Costa Rica. "Officials of the Labour department represented Ghana in this project" (IOM official interviewed in November 2013). The information sheet in respect of the project showed that the main objective of the project was to collect and share labour migration information among the participating countries and to feed the data in the labour migration policy processes of the participating countries. The project was also aimed at facilitating the creation of partnerships at bilateral, regional and international level for collection and sharing labour migration information. The interviewee further explains the background of the project under discussion (IOM, an information sheet on the best practices on collecting and sharing Labour Migration Data for the improvement of the Labour Market Information Systems project, 2010).

"The Management of labour migration processes in six countries of the project is hampered by the lack of reliable data on labour migration stocks. Unfortunately, data on migration flows are especially weak and much remains to be done to improve existing systems. Hence efforts to collect, maintain and share data relevant to managing labour migration are needed" (IOM, Official interviewed in November 2013).

This project is one of the many other IOM has embarked upon in its effort at assisting the Labour department and Ghana for that matter build capacity for international labour migration management.

3.2 International Labour Organization

The ILO develops standards for regulating the world of work. Ghana has ratified forty-six (46) ILO Conventions which form the basis of the country's labour legislation.

"The Labour Department reports annually through the sector Ministry of Employment and Labour Relations to the ILO on ratified conventions and the country's compliance with the provisions of the conventions (The ILO Official was interviewed in November 2013).

The ILO's major activity is to establish a standard to govern various aspects of employment in the world of work.

3.2.1 Ghana Statistical Service

Ghana Statistical Service conducts the Ghana Living Standards Survey with a Labour Force Module which provides statistics on all aspects of labour including migrant labour.

"However, this survey is limited to the census period of ten years' interval. The GSS also collaborates with the labour department to generate some information about the labour market such as remittances, Ghanaian labour migrants abroad" (Officials from GSS, Interviewed in November 2013).

3.2.2 Ghana Immigration Service and the Ghana Police

The Labour Department collaborates with the Ghana Immigration Service to facilitate the travel arrangements of certified potential labour migrants for the foreign labour market. This is done after the due diligence report has been submitted by the Ghana Police Service to the Labour Department.

The institutional collaboration among the Ghana Immigration Service, the Ghana Police Service and the Labour Department can be explained within the context of the systems theory (Mabogunje, 1970 cited in Bakewell et al, 2011). Mabogunje (1970) defines a system "as a complex of interacting elements, together with their attributes and relationships, stressing on the importance of the role of feedback mechanisms in shaping migration systems".

3.3 Functions of the Labour Department

The Labour Department is mandated under the Labour Act 2003 (Act 651) to undertake the registration and monitoring of private employment agencies in Ghana; a function delegated administratively to the Labour Department by the Minister responsible for employment related issues.

3.3.1 Registration and licensing of private employment agencies

Private Employment Agencies are body corporate acting as intermediary for the purpose

of procuring employment for a worker or recruiting a worker for an employer. They operate also as outsourcing agencies (Chief Labour Officer, Labour Department). Currently, the Labour Department has registered about fourteen (14) PEAs, five (5) of which are of good standing (Principal Labour Officer, Employment Unit of the Labour Department).

A company desirous of exporting labour must register with the Registrar General's Department for the following documents:

1. Nature of business certificate
2. Certificate of Incorporation

A formal application is made to the Chief Labour Officer with the above attachments and the list of executives that will run the company and Form 'A3' spelling out the nature of the business which should be labour recruitment related. A background check is conducted by the Ghana Police Service on the list of the executives and the PEA to establish the credibility of the executives of the PEA.

Upon certification, the PEA is required to pay a security deposit of GH ₵25,000 as to meet contingencies which may arise in the course of repatriation of the migrant worker and to facilitate the monitoring and inspection functions of the Labour Department. Subsequent to this, an operational license valid for one year and subject to two years' renewal is issued to the Private Employment Agencies (PEA).

3.3.2 Identification of countries where Ghanaian labour migrants could be sent

The Chief labour officer is to identify countries that are safe for labour migration. The Chief Labour Office in doing this liaises with the Ministry of Foreign affairs through sector Minister responsible for Employment and labour relations. The identification could also be done based on bilateral agreements between Ghana and the destination country.

3.3.3 Facilitation of travel arrangement of prospective labour migrants

Transportation and related costs are the sole responsibility of the employer. However, the issue of facilitation is done by the employer, the PEA and the Labour Department. The specific role of the Labour Department is to issue exits permits covering the prospective labour migrants.

3.3.3.1 Private Employment Agencies (PEAs) and their operations

The PEAs in Ghana establish contact with employing organization abroad. Based on the given quota, the PEAs are given an order to recruit specific categories or workers both skilled and unskilled labour. Examples include security guards, taxi driver construction workers etc.

The chief Labour provided insight into the operations of the Private Employment Agencies. He mentioned that the PEAs are given power of attorney by the employing organization abroad to recruit labour from Ghana. According to him, there is a written agreement between the agency and the employing organization abroad. The PEAs also have to acquire an agreement between the prospective workers and the employing organization abroad. These agreements including the labour laws and profile of the employing organization are submitted by the PEAs to the Labour Department. This is to enable the Labour Department to establish the genuineness of the PEA and the credibility of the employing organization abroad.

With regards to employment, the vacancies are advertised by the PEA. The PEAs conduct interviews on the job applicants and then refers a list of qualified ones to the Labour Department. The PEAs are expected to provide the following to the Labour Department in respect of the Qualified applicants

1. A police clearance
2. Visa acquisition
3. Air tickets

The Labour Department in collaboration with the PEA takes the qualified applicants through orientation which involves sensitization on the cultural practices of the destination country and a discussion on the contract of employment. The Labour Department issues an exit permit covering all the prospective labour migrants certified to leave the shores of Ghana to the Ghana Immigration Service at the point of embarkation. A copy is then given to the PEA to facilitate the exit of the prospective labour migrants.

3.3.3.2 Distribution of job Private Employment Agencies in 2013

The distribution of Job placements for 2013 shows that the private Employment Agencies

were not in brisk business in respect of labour. The job placement data for the year shows that the Private Employment Agencies exported labour to only two main industrial sectors in the International labour market. The sectors were Transport, Storage and Communication as one sector and the community, social and Personal Services.

Fig. 2 is a graphical presentation of the number of labour migrants that were exported by Private Employment Agencies in 2013.

The pie chart in Fig. 2 shows that the majority (69%) of the labour migrants Private Employment Agencies exported were employed in the transportation, storage and communications sector. This is an indication that in 2013, there was a high demand for international labour migrants in that sector. Unfortunately, this data does not indicate the destination countries of the labour migrants. To a very large extent, the Labour Department has to improve upon its database by collecting more comprehensive data on the operations of Private Employment Agencies in Ghana.

3.4 Challenges of Private Employment Agencies (PEAs)

The PEAs are faced with some challenges. More than 90% of the PEAs mentioned the following as challenges facing PEAs in Ghana

1. The security deposit of GH¢25,000 is too huge to be raised by the PEAs.
2. The lack of clarity as to whether or not the security deposits are refundable and at what point in time
3. The registration and licensing process is too bureaucratic
4. There is no standardized international system of measuring the skill of prospective labour migrants
5. The environment at the destination country may not be favourable to the labour migrants. In such case, the labour migrants are compelled to return prematurely at the cost of the PEA.

“The process of registration of PEAs is to check irregular migration, exploitation, human trafficking and smuggling. However, the challenges of the PEAs make it difficult for the Labour Department to manage International Labour Migration (Principal Labour Officer, Labour Department)”.

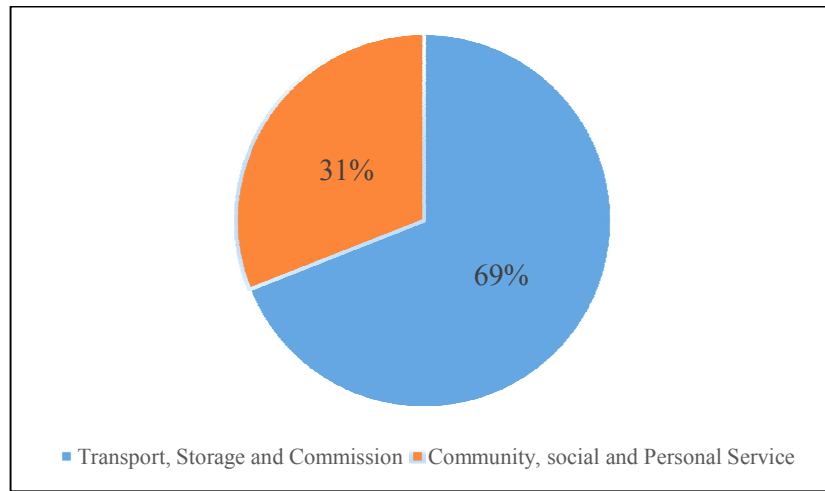


Fig. 2. Distribution of Labour exports for 2013 by sector

Source: Labour department, 2013

3.5 Challenges of the Labour Department

The Chief Labour Officer of the Labour Department enumerated the following challenges:

1. Low budgetary allocation
2. Low visibility
3. The absence of a National Employment Policy
4. Competition from Private Employment agencies
5. Competition from other state agencies and insufficient recognition in Government
6. Weak institutional collaboration with stakeholders

3.5.1 Low budgetary allocation

According to the Chief Labour Officer,

“This is the single most determinant factor of the current weak institutional situation of the department. In order to overcome this challenge, the labour department needs to source for funds elsewhere other than the public budget”. (Chief Labour Officer, interviewed in December 2013).

3.5.2 Low visibility

The Chief Labour Officer lamented that there is a worrying manifestation of the institutional status of the labour department and that there is a perception among the public and other public agencies that the labour department is not relevant. He observed that in recent times,

graduates from the country's universities do not register with the Labour Department for employment any more when they come out of their educational system. He suggested that “the labour department will need a well-articulated communication strategy addressed at the general public so as to raise the visibility of the department.

3.5.3 Absence of the national employment policy

The Chief Labour Officer again noted that the protracted formulation of the National Employment Policy has deprived the department of a policy framework to manage labour export more effectively. Hence there is the urgent need to expedite action on the formulation of the National Employment Policy.

3.5.4 Competition from private employment agencies

Currently, in Ghana, Private Employment Agencies have taken over large segments of the job matching function entrusted unto the Labour Department. The Chief Labour Officer explains that this is basically because of the failure of the department itself to perform its function properly and to monitor the activities of the registered Private Employment Agencies. He made the point that as the Labour Department takes up its job matching function and reinforces its inspection role in regards to Private Employment Agencies, the Private Employment Agencies will become a key partner rather than a competitor in the Labour Industry.

3.5.5 Competition from other agencies and insufficient recognition in government

In recent times, some legal development in the political administration of the country has resulted in some level of the encroachment of other ministries and state agencies into the remit of the Labour Department. Consequently, the traditional functions of the labour department have been appropriated by other state institutions. In respect of this, the Chief Labour Officer mentioned the case in relation to the proliferation of Youth Employment Programme and their implementation directly by the sector ministry throughout the country. He stated that:

“The institutional strengthening of the labour department will allow the department fully takes over all of its legal mandates and to partner other state agencies in the implementation of the employment policy”.

3.5.6 Weak Institutional collaboration with the stakeholders

The Chief Labour Officer explains that even if the Labour Department participates in various policy formulation forums, the procedure for the exchange of information and coordination with stakeholders are not well defined and lack consistency and sometimes purpose. The Labour Department should consider a partnership with its stakeholders as part of its mandate.

3.6 Building Institutional and Legal capacity of the Labour Department

According to the Chief labour Officer, Labour migration offers an opportunity for Institutional strengthening of the Labour Department (Chief labour Officer). He mentioned that there are various ways by which the Labour Department can build capacity to handle legal labour migration in the country. He enumerated the following in respect to institutional capacity building:

1. The legal labour migration opportunities and procedure should be integrated as on standard function in the Labour market database which is to be implemented by the Labour Department.
2. That the Labour migration unit at the Labour Department should be adequately empowered and well-resourced to be able to provide technical advice on bilateral labour migration agreement or the

implementation of the ECOWAS protocol on free movement of persons.

3. That the Labour Department should appoint focal points on Labour Migration in all regions with full access to the Labour Department Information System in order to ensure the territorial deployment of labour throughout the country.
4. That the curriculum vitae of job applicants should be integrated into the Labour Market Database of the Labour Department.
5. That the government should expedite work on the formulation of a national labour migration policy which should fully recognize the key role of the Labour Department.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

The primary aim of the study is to critically examine how the Labour Department manages International Labour Migration in Ghana and to discuss the institutional collaboration that exists between the Labour Department, other states and International Organization as well as private entities in respect of Labour migration management in the country.

It was established from the study that in spite of the absence of national migration policy, the Labour Department has been mandated by number legislation to play a key role in labour export management in Ghana. The Labour Department is responsible for the registration, licensing and monitoring of Private Employment Agencies whose main objective of being in business is to do the job matching International Labour market. The Labour Department is also the agency mandated to give exit permit to prospective labour migrants travelling abroad. It emerged from the study that the Labour Department is also responsible for recruiting labour migrants from Ghana in respect of bilateral labour agreements between Ghana and any other labour receiving country across the world. The study also showed that there are about fourteen (14) registered Private Employment Agencies in Ghana. However, only five (5) representing about 36% are actively engaged in exporting labour across the shores of Ghana. It further points to the facts that the Private Employment Agencies in Ghana are major stakeholders as far as the exports of

Labour migrants in Ghana are concerned. In 2013, the Private Employment Agencies exported 180 labour migrants from Ghana to fill various vacancies in two industrial sectors namely: transport storage and communication sector and the community, Social and Personal Services sector. The study showed that Private Employment Agencies are faced with some challenges. One of their major challenges is the difficulty they have in raising the security deposit of GH¢25,000 as a registration requirement with the Labour Department.

An examination of the Institutional framework of the Labour showed that the Labour Department fulfils its mandate through collaboration with other Institutions such as the IOM, the Ghana Police Service, the Ghana Immigration Service, Private Employment Agencies and the Ghana Statistical Service. The collaboration is in the form of institutional capacity building workshops, Information or data sharing and corporation in respect of doing due diligence on Private Employment Agencies in Ghana.

The Labour Department has a number of challenges that militates against their effective management of Labour Migration in Ghana. Low budgetary support and Government recognition are the major challenges of the Labour Department. The low budgetary support affects the Labour Department especially in the area of procuring the right equipment for purposes of creating and managing a credible Labour Migration Information System. Lack of adequate financial support from the government is hampering the job matching role of the Labour Department especially in the area of labour export. As a result, the private employment agencies have crowded the Labour Department as far as labour export from Ghana is concerned.

The Labour Department remains the state agency mandated by the legislation to carry out the function of job matching locally and internationally. This notwithstanding, there are registered and licensed Private Employment Agencies that are also involved in the export of labour from Ghana. The registration and licensing of the Private Employment Agencies fall within the ambit of the Labour Department. In spite of the absence of a national labour migration policy in Ghana, the Labour Department relies on various legislations as well as ILO conventions to manage Labour Migration in Ghana. Furthermore, the level of collaboration

between the Labour Department and other institutions including state and international organizations can be explained within the context of the migration systems theory (Mabogunje, 1970 cited in Bakewell et al. [15]. Mabogunje (1970) defines a system “as a complex of interacting elements, together with their attributes and relationships stressing on the importance of the role of feedback mechanisms in shaping migration systems”. It was concluded that the challenges of the Labour Department are largely the result of low budgetary support from the central government. The Labour Departments needs reliable sources of funding to enable it to carry out the function of labour migration management more effectively. It was suggested in the study that the Labour Department has to begin looking for funding from other sources other than the central government if it has to remain visible and relevant in the management of international labour migration in Ghana.

The findings of this study gave credence to the top-bottom institutional policy implementation. Indeed, the management of labour migration is under the direct control of central government although there is private sector participation in labour export from Ghana.

4.2 Recommendations

The recommendations that would ensure that the Labour Department develops the institutional capacity to fulfil its mandate in respect of International Labour Migration Management in Ghana are:

1. The Labour Department should spearhead sensitization workshops involving the Ministry of Employment, the Ministry of Finance and National Development Commission about the strategic relevance of the Labour Department and its contribution to National Development. This would ensure that adequate budget allocation of resources is made to the Labour Department.
2. The Labour Department should rebuild institutional, administrative and managerial capacities to ensure effective and efficient provision of its services as the state institution mandated to manage labour migration. In this regard, the institutional structure of the Labour Department should be revealed. Also, the Department should develop a plan for internal training of labour officers and the administrative staff.

3. The Labour Department should develop a Comprehensive Labour Information System including support for employment services and labour inspection. In this regard, the department should develop a database of all Ghanaian Labour Migrants abroad in collaboration with the Private Employment Agencies and the Ministry of Foreign Affairs.
4. The Department should develop a labour inspection work plan for employment organization abroad that have employed Ghanaian Labour Migrants. This would ensure that the Department receives firsthand information about the wellbeing of the labour migrants to prevent exploitation and violation of the rights of the migrants.
5. The Labour Department should strongly advocate for the finalization of Ghana's national labour and employment policies. The expeditious formulation and implementation of these policies will provide the department with a policy framework to invoke in the execution of its mandate in respect of International Labour Migration Management in Ghana.
6. The payment of the security deposit of GH¢25,000 by prospective Private Employment Agencies should be staggered over a definite period of time to allow the PEAs sometime to raise the amount.
7. The act that mandates the establishment of Private Employment Agencies should be revealed to address the following:
 - The status of the security deposit should be clearly spelt in the labour migration law. It should address the issue of whether or not the security deposit should be lodged with the government indefinitely. Alternatively, the law should give clear direction as to whether the deposit should be refunded, what percentage should be refunded and what point in time should that be done. It should further stipulate how the deposits should be invested should that be the case in respect of which the law should spell out how the returns should be distributed between the PEAs, on one hand, the government on the other.
 - The act should also specify client fee that should be charged by the PEAs relative to the status of labour migrants in order to prevent extortion in the labour export trade.
8. The Labour Department should create a website to publish a list of PEAs of good standing in the country. Furthermore, there should be a sensitization programme to alert the public on the operations of the PEAs relative to labour migration.
9. The labour migration law should be developed to include effective collaboration systems in the administration of international labour migration in the country.
10. The Labour Department should engage the International Labour Organization in the discussion that will culminate into the establishment of globally standardized skill development training of prospective labour migrants in order to minimize the incidence of disqualification of migrants by receiving countries. This will alleviate the cost of PEAs incur in facilitating labour export
11. Finally, the migration law should empower the Labour Department to establish guidelines in collaboration with the Social Security and National Insurance Trust and the Ministry of Foreign Affairs to address the issue of social security portability in respect of Ghanaian labour migrants abroad.

ETHICAL APPROVAL

For ethical reasons, the purpose of the study was explained to the respondents. They were also told that their participation was voluntary and that they could withdraw from the study when they felt uncomfortable answering the questions. The in-depth interview measured the views of experts about the positionality of the labour department in respect of international labour migration management in Ghana

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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