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Convention (n° 103) sur la protection de la maternité (révisée), 1952

Maternity Protection Convention (Revised), 1952 (No. 103)

Convenio sobre la protección de la maternidad (revisado), 1952 (núm. 103)

Written information provided by the Government

The Government, since becoming a member of the ILO in 1957, has taken steps to ensure the rights of all workers are respected without discrimination. The Government has always lived up to its obligations and taken measures to address comments by the Committee of Experts on the Application of Conventions and Recommendations with the objective of ensuring compliance and the achievement of decent work for all. The Government, together with its social partners, has taken cognizance of the concerns raised by the Committee of Experts regarding the implementation of the following provisions in the Convention:

1. Article 3(2) and (3) of the Convention. Compulsory maternity leave. The Government has taken note that section 57 of the Labour Act, 2003 (Act 651) does not expressly provide for at least six weeks' compulsory maternity leave after childbirth as required under Article 3(2) and (3) of this Convention. The Government would like to inform the Committee of Experts that it will seize the opportunity under the ongoing labour legislative review, together with the tripartite partners, to give requisite effect to Article 3(2) and (3). The Government wishes to assure the Committee of Experts of its commitment to adhere to the fundamental principles and rights at work as provided for in the Convention.
2. Article 3(4). Extension of maternity leave in the event of late childbirth. The Government has further noted the Committee of Experts' comment that section 57 of Act 651 does not clearly mainstream late childbirth and that any late childbirth should be added to the prescribed maternity leave under the Act. The Government wishes to assure the Committee of Experts that it will engage with the tripartite constituents to consider the amendments of section 57 of Act 651 in the ongoing labour act review to include late childbirth and related matters. The Government will also request technical support from the ILO to assist in addressing the gaps in the current Labour Act.
3. Article 4(4) and (8). Cash benefits. The Government has taken note of the concerns raised in respect of cash benefits under the maternity social scheme contained in this Convention. The Government requests technical assistance to explain the dynamics of cash benefits within the context of this Convention.
4. Article 6. Prohibition against giving notice of dismissal during the protected period or giving notice of dismissal at such a time that the notice would expire during the protected

period. The Government continues to assure the Committee of Experts of its efforts to bring the Labour Act into line with the Convention and will seize the opportunity to amend the Labour Act to reflect the prohibition against giving notice of dismissal during the protected period or giving notice of dismissal at a time that the notice would expire during the protected period. The Government requests technical assistance in this regard.

5. "The Committee of Experts therefore encourages the Government to envisage the possibility of ratifying the Maternity Protection Convention, 2000 (No. 183), as the most up-to-date instrument in this technical area": The Government wishes to reiterate its commitment to protect the rights of women and considers the ratification of Convention No. 183 important. The Government wishes to express its gratitude for the opportunity to respond to the concerns of the Committee of Experts, and to request technical assistance to facilitate and improve the ongoing processes in order to bring the country's labour laws into line with the requirements of the ILO Conventions.

Discussion by the Committee

Président – Nous allons maintenant commencer l'examen du cas du Ghana concernant la convention (n° 103) sur la protection de la maternité (révisée), 1952. J'ai à présent l'honneur de donner la parole à l'honorable représentant du gouvernement du Ghana, Monsieur le Chef du Bureau du travail du Département du travail.

Government representative – The Government of Ghana, since becoming a Member of the International Labour Organization in 1957, has taken steps to ratify ILO Conventions to ensure that the rights of workers and employers everywhere are respected without discrimination and shall not renege on its responsibility to abide by its obligation to the ILO and its tripartite partners. The Government has always taken measures to address comments and observations made by the Committee of Experts aimed at ensuring compliance and achieving decent work for all. The Government has taken cognizance of the concerns raised by the Committee of Experts regarding the implementation of provisions in the Convention.

In relation to compulsory maternity leave, the Government has taken notice that section 57 of the Labour Act 2003, Act No. 651, does not expressly provide for at least six weeks compulsory maternity leave after childbirth as required under Article 3(2) and 3(3) of the Convention. The Government will see the opportunity under the ongoing Labour Act review, and in consultation with the tripartite partners, to give requisite meaning to Article 3.2 and 3. The Government, therefore, requests the ILO for technical assistance in this regard.

On the issue of extension of maternity leave in the event of late childbirth, the Government has further noted the Committee of Experts comments that section 57 of Act No. 651 does not provide for extension of leave in case of late childbirth and would take the necessary measures to provide for it under the Act. Currently, female workers are entitled to maternity leave of at least 12 weeks, which is extended by additional two weeks where confinement is abnormal or where two or more babies are born. Where an illness medically certified by a medical practitioner is due to the confinement or childbirth, the female worker is entitled to leave as certified by the medical practitioner. The Law also provides for nursing mothers to be able to breastfeed their babies. Female workers on maternity leave are entitled to their full remuneration and other benefits without risk of losing their jobs while on maternity leave. The Labour law is being reviewed and maternity leave of a minimum of 14 weeks has been considered by the tripartite partners in addition to the incidental leaves as indicated earlier. The Government wishes to assure the Committee of its commitment to the welfare of female workers and will further engage the tripartite constituents to consider the

recommendations of the Committee of Experts in relation to late delivery and related matters. To this end, the Government wishes to request technical assistance to address the identified gaps.

Concerning cash benefits, the Government has taken notice of the concerns raised in respect of cash benefits under the maternity social insurance scheme to be provided with public funds as contained in Articles 4(4) and 8 of the Convention. In this specific case, the Government requests technical assistance to explain the dynamics of cash benefits within the context of this Convention and how this scheme would be considered within our country's context, given also that already our national health insurance scheme and paid leave protections cover workers on maternity leave.

In the matter of prohibition to give notice of dismissal during the protected period or to give notice of dismissal at such a time that the notice would expire during the protected period, the Government continues to assure the Committee of its commitment to the dignity and respect of female workers in Ghana, and thus will seize the opportunity, in consultation with workers' and employers' organizations, to reflect the prohibition not to give notice of dismissal during the protected period or not to give notice of dismissal at the time that the notice would expire during the protected period. The Government again requests technical assistance in this regard.

While assuring you of the Government's commitment to incorporating your observations under the Convention through tripartite consultations, the Government wishes to reiterate its commitment to protecting the rights of female workers and considers the ratification of the Maternity Protection Convention, 2000 (No. 183), the most up-to-date Convention on maternity protection, important to bring on board the necessary provisions.

The Government further wishes to express its gratitude to this Committee for the opportunity to respond to the concerns raised by the Committee of Experts and to request technical assistance to facilitate and expedite the ongoing processes in Ghana to incorporate relevant provisions into the Bill before it becomes law. The Government assures the Committee of its continuous allegiance to the rights of workers and employers and will collaborate with them to respect the fundamental principles and rights at work without inhibition.

Miembros empleadores - Ghana ratificó el Convenio en el año 1986, y desde entonces la Comisión de Expertos ha emitido nueve observaciones sobre el caso, siendo la más reciente en el año 2024. Esta es la primera vez que esta Comisión discute la aplicación del Convenio por parte de Ghana. La Comisión de Expertos ha observado lagunas persistentes en el cumplimiento del Convenio desde sus primeras observaciones en el año 1999.

Antes de comenzar con el análisis del caso, los miembros empleadores desean agradecer al Gobierno de Ghana por haber presentado información relevante ante la Comisión de Aplicación de Normas. Encontramos esta información muy prometedora, al igual que el compromiso expresado por su representante con respecto al cumplimiento de las obligaciones que surgen del Convenio.

En primer lugar, con respecto al artículo 3, 2) y 3 del Convenio, sobre la licencia de maternidad obligatoria, la Comisión de Expertos ha observado con preocupación que, si bien la Ley sobre el Trabajo del año 2003 establece un mínimo de 12 semanas de libertad de licencia por maternidad, no establece expresamente un periodo obligatorio de licencia de al menos seis semanas después del parto, como lo exige el Convenio.

La Comisión de Expertos ha solicitado reiteradamente que se modifique el artículo 57 de la Ley sobre el trabajo para incluir expresamente esta disposición. Los miembros empleadores

acogemos con satisfacción que el Gobierno haya tomado nota de esta preocupación, y que se haya comprometido a abordar este punto durante la revisión de la legislación laboral en consulta con los interlocutores sociales, y tomamos nota de que se ha solicitado asistencia técnica con este fin.

En segundo lugar, sobre las disposiciones del artículo 3, 4), sobre la extensión de la licencia de maternidad en caso de parto tardío, la Comisión de Expertos destaca que, aunque estas disposiciones parecen aplicarse en la práctica, es necesario introducir una disposición específica en la legislación para una extensión automática de la licencia prenatal, cuando el parto ocurre después de la fecha prevista, sin que esto reduzca el periodo obligatorio de licencia posterior al parto. Los miembros empleadores destacamos el hecho de que el Gobierno haya reconocido esta deficiencia, y asegurado que tomará las medidas necesarias para incluirla en la Ley solicitando igualmente asistencia técnica en este área.

En tercer lugar, con respecto a las prestaciones en dinero, nos hacemos eco de la preocupación expresada por la Comisión de Expertos, en tanto, a pesar de llevar décadas discutiendo este asunto, Ghana aún no ha realizado la transición de un sistema de responsabilidad individual del empleador a un régimen de seguro social de maternidad obligatorio o fondos públicos para las prestaciones en efectivo, tal como exige el Convenio. Los miembros empleadores somos de la opinión de que esta laguna normativa de larga data requiere atención urgente. En relación a ello, vemos con optimismo que el Gobierno esté considerando algunas alternativas con los interlocutores sociales, y que haya solicitado asistencia técnica para comprender la dinámica y cómo implementar este esquema en el contexto del país. Sin embargo, no podemos sino destacar el plazo de casi 40 años transcurrido entre la ratificación del Convenio y la presente discusión.

La protección de la maternidad a través de un sistema de seguro social o fondos públicos es una política clave para promover la entrada de las mujeres en el mercado de trabajo, mejora la vida de las trabajadoras, garantiza la salud y la nutrición de las mujeres y los niños y contribuye a la igualdad de género.

Los miembros empleadores también reconocemos en la protección de la maternidad un instrumento político para abordar el desafío demográfico de una sociedad que envejece, reduciendo la mortalidad infantil y frenando el descenso de la población en edad laboral, así como el aumento de la tasa de dependencia.

Reiteramos, nuestra solicitud al Gobierno para que intensifique sus esfuerzos en la implementación de las enmiendas legislativas necesarias, asegure la transición a un sistema de seguro social para las prestaciones en efectivo y continúe con las consultas tripartitas con las organizaciones más representativas de empleadores y de trabajadores del país, para diseñar políticas efectivas y eficientes que tengan en cuenta las características particulares del país y su entramado económico y social.

Por otro lado, en referencia al artículo 6, sobre la prohibición de comunicar el despido durante el periodo de protección o de suerte que el plazo señalado en el aviso expire durante el mencionado periodo, la Comisión de Expertos ha tomado nota de que se estaban considerando enmiendas a las secciones 57/8 y 63/2E de la Ley sobre el Trabajo del año 2003.

Los miembros empleadores lamentamos que el último informe del Gobierno no incluya información relativa al progreso de estas enmiendas. Nos hacemos eco de las expresiones de la Comisión de Expertos y esperamos que, una vez adoptadas, las enmiendas garanticen que las trabajadoras no sean despedidas, ni reciban preaviso de despido durante el periodo protegido.

Alentamos al Gobierno a continuar solicitando asistencia técnica y a trabajar en conjunto con las organizaciones más representativas de empleadores y de trabajadores del país, para diseñar un esquema normativo que garantice el cumplimiento de estas obligaciones.

Nos parece relevante destacar cierta complejidad que surge del estatus del Convenio. Este Convenio es un documento considerado como un instrumento superado y el Consejo de Administración de la OIT, en su 349.^a reunión, de noviembre de 2023, por recomendación del Grupo de Trabajo tripartito del mecanismo de examen de las normas, confirmó su clasificación como instrumento superado y decidió la inclusión preliminar de un punto para su posible abrogación en el orden del día de la 121.^a reunión de la Conferencia en el año 2033. Es decir, dentro de ocho años.

Es importante tener presente que, hasta su efectiva abrogación, el Convenio se encuentra plenamente vigente y los Estados ratificantes tienen la obligación de honrar las obligaciones allí asumidas.

En este contexto, los miembros empleadores destacamos la posición del Gobierno de Ghana, en tanto a expresado su interés por ratificar el más reciente, el Convenio sobre la protección de la maternidad, 2000 (núm. 183), que es el instrumento más actualizado en este área. Observamos, a su vez, que el Gobierno de Ghana ha expresado su interés por incorporar las disposiciones normativas necesarias para acercarse al texto del nuevo Convenio.

Sin embargo, llamamos la atención por las persistentes brechas de cumplimiento, y animamos al Gobierno para que redoble sus esfuerzos para alcanzar cuanto antes el cumplimiento de las disposiciones del Convenio ya ratificado.

No parece redundante recordar que la expresión de interés en ratificar un convenio más actualizado no mejora en forma automática la situación con respecto a las actuales brechas de cumplimiento.

Los miembros empleadores recordamos nuestra opinión con respecto a que, antes de la ratificación de un instrumento, los países deben hacer un análisis en consulta con los actores sociales para identificar las políticas que deberían impulsar, con miras al cumplimiento efectivo de un convenio en la legislación y en la práctica, teniendo en cuenta las características de su entramado legal, institucional y productivo.

Confiamos en que el firme compromiso expresado con respecto a este caso, y en particular con respecto a las consultas que se están desarrollando con los actores sociales, se traducirá lo antes posible en medidas efectivas que aseguren el cumplimiento de las disposiciones aquí discutidas.

Observamos que Ghana ha solicitado repetidamente asistencia técnica de la OIT en relación con los problemas de cumplimiento planteados en virtud del Convenio, pero sin embargo, no contamos con información relevante sobre asistencia técnica específica por parte de la Oficina a este país.

Alentamos al Gobierno a seguir buscando la asistencia de la OIT, y a trabajar en estrecha cooperación con los interlocutores sociales para desarrollar e implementar las medidas necesarias para garantizar la protección efectiva de la maternidad.

Worker members – Ghana is being discussed under a Convention which, though is technically outdated, still provides protection to workers and to that extent we welcome the opportunity to examine Ghana's application of this Convention in law and practice. Ghana ratified this Convention in 1986. This case has not previously been discussed in this Committee,

but the Committee of Experts has made several observations, the latest being in 2024. Let me take the issues one after the other.

The Committee has requested that Ghana amend section 57 of the Labour Act 2003 to ensure that at least six weeks of compulsory leave is granted after childbirth as expressly required by the Convention. We will all agree that this provision is essential for protecting maternal health and ensuring time for recovery and infant care. Voluntary leave alone cannot guarantee this protection, particularly for women in vulnerable employment or under pressure to return to work early. We welcome the commitment of the Government to address this observation by the Committee of Experts as part of the ongoing labour law reforms. We urge them to seek ILO assistance in this regard.

Secondly, the Committee of Experts has noted that, while Ghanaian law provides for extension of maternity leave in cases of illness, it lacks a specific provision for extensions when childbirth occurs later than expected. Clearly, the absence of this provision means that some women may lose part of their postnatal leave due to delayed deliveries. The Convention is clear that this time must not be deducted from the period following childbirth. So again, we note the commitment of the Government to address the observations of the Committee of Experts on this matter.

Thirdly, one of the other concerns raised by the Committee of Experts is the issue of cash maternity benefits. The Convention provides that such benefits should be financed through compulsory social insurance or public funds. We urge the Government of Ghana to seek ILO technical assistance to first understand and better appreciate the nature of its obligations in respect of this provision, and to take steps to implement them with the support and guidance of the ILO.

Finally, the Committee of Experts has expressed regret over the lack of recent information from the Government regarding pending amendments to section 57(8) and 63(2)(E) of the Labour Act. These amendments are crucial to ensure that no woman can be dismissed during maternity leave or in a way that allows the notice period to overlap with this protected time. The absence of legal certainty on this point continues to leave women vulnerable, especially in workplaces with no trade unions or collective bargaining. We, therefore, urge the Government to address these matters immediately and to ensure that the protection is expressly provided as part of the ongoing labour law reforms.

Employer member, Ghana – The Employers' delegation fully supports the statement issued by the Government. This was as the result of extensive consultations among the social partners following the concerns raised by the Committee of Experts regarding compliance with some of the key provisions under the Convention. The Labour Act is currently under review, as was indicated by the Government, and the changes shall be reflected in the new legislation. Currently, the social partners are in consultation on how we can ensure full compliance with Ghana's commitments under the international labour instruments including the Convention, and the ratification of Convention No. 183. As the Government rightly indicated, it is an opportune time for us to seek technical assistance from the ILO to make sure that Ghana is fully compliant.

Worker member, Ghana – We welcome the observations of the Committee of Experts on the application of the Convention in Ghana. We acknowledge the important role of the Committee of Experts in drawing attention to the gaps in implementation. This provides important guidance for the proper application of labour law in line with ratified Conventions and also serves as an important contribution to our socio-economic development.

Equally important, we commend the Government of Ghana for submitting the recent report to the Committee of Experts and we wish to emphasize that this submission was the result of a tripartite process. The social partners were actively engaged in these discussions demonstrating the spirit of good faith, mutual respect and equality of partners in the dialogue process.

Allow me to speak to the broader policy environment as it relates to the application of the Convention. Ghana is currently undergoing a labour law review, a process that has become increasingly urgent. The concerns raised by the Committee of Experts is timely and reinforces the need to accelerate this legislative process and to ensure that the revised law aligns with our international labour standards commitments.

We have emphasized at home that this review must not be a mere legal exercise. It must be an inclusive participatory process involving the tripartite constituents and must ultimately result in a legal framework that reflects the evolving needs of Ghanaian workers, especially women and young people. We therefore urge the ILO to support this national reform process by providing technical assistance, including support for tripartite dialogue platforms, tools for gap analysis and any specific considerations for legislative drafting of Labour laws. The support of the ILO is critical if we are to ensure that our revised labour law meets both the letter and spirit of our international labour standards commitments, including the application of the most modern maternity protection Convention No. 183, as we move away from Convention No. 103.

Let me now address the substantive concerns raised by the Committee of Experts and echoed by workers in Ghana. Ghana currently provides 12 weeks of maternity leave which may be used before or after childbirth. While flexibility is important, in some cases, in practice, it often results in inadequate recovery time for mothers post-delivery. Some women may choose or be encouraged to use more of their leave before delivery, leaving them with insufficient rest and bonding time after childbirth. Moreover, though maternity extension is available to women on the production of a medical certificate, the law does not especially provide for the automatic extension of maternity leave in cases of late childbirth, a situation which is not uncommon and leaves affected workers uncertain about their entitlements.

We strongly recommend that, in line with current standards, the revised law establish a minimum of six weeks of compulsory postnatal leave. This will not only safeguard maternal health but also eliminate legal ambiguity and enhance enforcement.

The question of cash benefits during maternity leave is also critical. Currently Ghana relies on two main arrangements. Healthcare covered under the national insurance scheme and payment of wages during leave, including maternity leave by the employer. While these mechanisms are important and must continue, the law review may explore additional income protection options, especially for mothers who may seek further extended leave as well as vulnerable workers, especially those in the informal economy or in precarious employment who may not receive income during maternity leave or may be discouraged from taking the full leave they need.

On the issue of protection against dismissal, the current Labour Act rightly states that a woman shall not be dismissed because of her absence on maternity leave. However, as workers, we are concerned about enforcement in practice. Cases of dismissal or discrimination on grounds of pregnancy may go unreported, either because women fear retaliation or because their system to lodge complaints are inaccessible or ineffective. Some violations escape labour inspections and remain undocumented. We therefore propose that the legal protections be strengthened in two ways. First, through clearer and stronger legal language that defines discriminatory practices and sets sanctions. Second, through the establishment of

effective enforcement mechanisms, including improved labour inspections, grievance redress systems and data collection tools that can capture violations more accurately. Where collective bargaining exists, protections are safeguarded. So, encouraging and promoting the full development and utilization of the right to organize and voluntary collective bargaining will be appropriate. Furthermore, we call for education and awareness-raising campaigns targeted at employers and workers to reinforce their obligations and promote a culture of respect for maternity rights on one hand and assistance and take up of this on the other.

As workers, we strongly support the ratification of Convention No. 183. We are encouraged that in our discussions at home, the Government intend to table for consideration the ratification of Convention No. 183. Convention No. 183 reflects the modern realities of work and motherhood. It offers broader and more comprehensive protection for maternity than Convention No. 103, including extended leave, improved health protection, job security and protection from discrimination. To support the ratification process, we request ILO technical assistance to provide pre-ratification assessment, including legal gap analysis and alignment plans, capacity-building for social partners and support for tripartite consultations, public sensitization and implementation planning. Regardless of our state of capacity, we will strongly urge our Government to ratify the most modern Conventions which will reflect the aspirations of the country for its workers and in most cases have inbuilt flexibilities for their progressive realization. We are also certain in this regard that we will secure post-ratification ILO technical assistance to ensure proper application of the ratified Convention.

Maternity protection is not just about individual rights. It is about social justice, gender equality and national socio-economic development. When women are protected during pregnancy and childbirth, it strengthens families, includes childhood outcomes and enhances workforce participation. Maternity protection is an investment in future generations and resilient economies and societies. We believe that no woman should have to choose between motherhood and employment and no society should accept that childbirth leads to job loss or poverty. We affirm our commitment to workers to work with the Government and employers to advance maternity protection in Ghana. When we protect pregnant women at work, we protect the future of our society.

Government member, Norway – Maternity protection is not merely a legal obligation. It is a fundamental matter of dignity, health and equality. When women are denied adequate time to recover from childbirth or face uncertainty regarding income and job security during this critical period, the consequences extend beyond the individual impacting children, families and society at large. We note with concern that Ghana's current legislation does not yet guarantee a compulsory six-week period of leave after childbirth, nor does it clearly provide for an extension of leave in cases of late delivery. These are not minor technicalities. They are essential safeguards for the well-being of mothers and newborns. Every woman should have the right to rest, recover and bond with her child without fear of losing her livelihood.

Norway has long prioritized strong maternity and parental leave policies, not only because they are fair but because they work. They support public health, promote gender equality and contribute to a more inclusive and productive workforce. At its core, maternity protection is about valuing care, supporting families and ensuring that no woman has to choose between her job and her health. These are values we all share and they are central to the mandate of the ILO.

We take note of Ghana's indication that it is considering steps to address the concerns raised, including possible amendments to the Labour Act. While this is a positive signal, the current legal framework does not yet fully reflect the provisions of the Convention. We

encourage Ghana to continue its efforts to align its legislation with the Convention and to consider the benefits of transitioning to the more up-to-date Maternity Protection Convention, 2000 (No. 183).

Worker member, Eswatini – The workers of the Republic of Botswana align themselves with this statement. In its observations of 2025, the Committee of Experts, among other requests, requested the Government of the Republic of Ghana to amend section 57 of the Labour Act, specifically to:

- (1) expressly establish a period of compulsory maternity leave of at least six weeks after childbirth;
- (2) establish an extension of prenatal leave when the childbirth takes place after the expected date and without any further corresponding reduction of the compulsory period of maternity leave after childbirth.

The Committee of Experts expressed firm hope that the amendments would ensure that worker women are not dismissed or receive notice of dismissal on any grounds during the protected period or at such time that the notice would expire during the protected period. These requested amendments are in line with Article 3(2), (3) and (4) of the Convention.

The High Court of Ghana has led in the front in the recognition of the protection of rights of women workers guaranteed by the Convention. In the High Court case of *CHRAJ v. Ghana national fire services and the Attorney General*, the court held in favour of two women workers whose services were terminated on the basis of pregnancy. The Court, in its findings, developed very important principles resonating well with the context of the Convention which must be considered by the social partners to what is the necessary legislative reform. We note with interest the willingness of the Government of Ghana and its social partners to take measures to comply with the Convention. We believe the social dialogue structures in Ghana are competent to make the necessary amendments without delay. We further urge the Government of Ghana to ratify the maternity protection Convention No. 183, which is the latest instrument.

Worker member, Norway – I am speaking on behalf of the trade unions in the Nordic countries. The Labour Act provides for 12 weeks of maternity leave but does not expressly state the compulsory leave of six weeks after childbirth nor extend the leave in the event of late childbirth. At the moment, it is the responsibility of the employers to pay maternity benefits. This may disadvantage female workers, as some employers see them as a cost.

We would like to take the opportunity to share our approach as an example on the topic. Each Nordic country offers laws and benefits to ensure that parents can balance work and family life effectively. All the Nordic countries pay compensations for loss of income during the last few weeks prior to childbirth and at least the first few months afterwards. The amount paid depends on both previous income and the length of the leave. Workers are entitled to higher compensation under collective bargaining agreements, in some cases full compensation. The law is not only in compliance with the Convention, but offers better protection.

In Norway, parents are entitled to a total of 12 months of parental leave. The leave includes a mandatory period for the mother around childbirth and a dedicated quota for each parent, which encourages both parents to take time off. Parental leave is funded through the national social security system. Mothers are entitled to 18 weeks of leave, a minimum of three weeks must be taken before giving birth and six weeks must be taken after the birth. After the reserved period for each parent, the remaining leave can be shared between the parents as they wish. Parental benefits in Norway are calculated based on the parent's income up to a

certain ceiling. Parents can choose between 49 weeks of leave with full pay or 61 weeks with 80 per cent pay. There is a minimum benefit for parents with low or no income.

The trade unions in the Nordic countries strongly encourage the Government of Ghana to amend the labour laws so that the period of compulsory maternity leave will be at least six weeks after childbirth. Further, we urge the Government to engage with its social partners to ensure that cash maternity benefits are guaranteed without disadvantaging the beneficiaries and in accordance with the national context and ILO guidance.

Worker member, United Kingdom of Great Britain and Northern Ireland – We note that there are several clear failures of compliance with the Convention for Ghana that would not necessarily be failures of compliance with Convention No. 183, depending on context. But it is important that, until such time that any Government moves its commitments to a more modern Convention or until the old Convention is agreed to be obsolete by tripartite consensus, we continue to hold them to account.

There are 40 other ILO Member States that are still bound by the Convention despite the availability of the more up-to-date Convention No. 183. We hope this case will draw attention to the need to embrace the modern version as soon as possible. To reflect on our own situation for the purpose of comparison with the challenge facing Ghana, the United Kingdom has not ratified either Convention No. 103 or No. 183, though we are discussing the possibility with our new Government.

British unions are also currently in dialogue with our Government on improving our current maternity provision as part of a major consultation which we hope will have positive outcomes for working parents. Our own experience has been long in its development and has resulted in a complex multilevel coverage of maternity pay that continues to leave some workers behind. In following the advice of the Committee of Experts, therefore, we urge the Government of Ghana to consult meaningfully with social partners and to avail itself of ILO technical assistance to ensure a good outcome for all.

This year is the 50th anniversary of the Employment Protection Act that established statutory maternity pay and employment protection for pregnant women in the United Kingdom for the very first time, the legislation being brought forward during the social contract period between the Government and unions of the 1970s. This introduction also coincided with a major restructuring of social insurance taxes, with national insurance becoming pay related for the very first time, and considerably higher to keep pace with the additional expenditure required.

Noting the Committee of Experts' request that maternity pay should be paid from a social insurance fund or public funds, statutory maternity pay in the United Kingdom is now funded by national insurance contributions for both employers and employees, currently typically 8 per cent for employees and 15 per cent for employers. It is also worth noting in any comparison with other social insurance systems that most United Kingdom employers also have to contribute a minimum of 3 per cent to a typical employee's non-state pension scheme, making the effective cost of all social insurance on United Kingdom employers around 18 per cent of average wages.

In the United Kingdom, employers have always had the responsibility of paying the statutory maternity pay through their payroll systems as maintaining the link between the mother and the workplace is rightly seen as important. Employers can draw down from the state the equivalent of 90 per cent of the mother's salary for the first six weeks of maternity

leave. After this, it falls to £187 a week or still 90 per cent of salary if that is lower than £187 until the end of 39 weeks.

Two-thirds of United Kingdom employers use the statutory pay as a subsidy rather than the full payment, and voluntarily offer some enhanced maternity over and above the different statutory minimums. Therefore, the majority of cash maternity benefits in the United Kingdom are made by some combination of social insurance and direct employer contribution, at least for the first few weeks. In short, moving to a new system of contributory compulsory social insurance from maternity pay often costs employees the same as making direct payments but it does remove the incentive for employers to discriminate against younger women during recruitment. Noting that the history of examination by the Committee of Experts of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in Ghana seems to suggest a positive history of tripartite consultation, hopefully the Government can work with the social partners in finding the right way forward for Ghana, just as the social contract worked for the United Kingdom those 50 years ago.

Observer, Building and Woodworkers' International (BWI) – The BWI expresses serious concern over the Government of Ghana's continued failure to reform its maternity leave system in line with the provisions of the Convention. Maternity leave is a corner stone of decent work and gender equality and its importance is particularly pronounced in construction sector, an industry characterized by physical labour, extended working hours and exposure to hazardous environments. For women in this sector, access to adequate, fully protected maternity leave is not merely a matter of health and safety. It is fundamentally a matter of human rights, dignity and workplace justice which impacts the health and economic security of mothers and their children, enabling women to balance their reproductive and productive roles. In absence of such protections, women are forced to make impossible choices between economic survival and their well-being, often jeopardizing their health and that of their unborn children.

Construction work frequently involves manual handling of heavy materials, exposure to noise, dust, chemicals and extreme weather conditions that pose elevated risks during pregnancy. In such a high-risk environment, the lack of targeted occupational health safeguards for pregnant workers underscores the critical need for accessible and fully paid maternity leave. Restricting or denying this leave not only increases the likelihood of serious health complications and workplace accidents but also contributes to the early and often permanent exit of women from the sector, further enriching gender disparities in an already male-dominated industry. Ensuring maternity protection is critical to promoting the sustained participation of women in the workforce. According to recent reports, women constitute only 3 per cent of the workforce in Ghana's construction sector. In an industry where female representation remains disproportionately low, the provisions of comprehensive maternity leave alongside guaranteed job security before, during and after pregnancy is essential for attracting, retaining and advancing women in construction. Strengthening maternity protection not only supports gender inclusivity but also addresses one of the sector's pressing challenges: a persistent shortage of skilled labour.

BWI emphasizes that maternity protection is not a privilege but a right embedded in the international labour standards. In this regard, BWI strongly supports the ratification of maternity protection Convention No. 183 as the most up-to-date instrument in the field. In line with the Recommendations of the Committee of Experts, BWI stipulates the Government of Ghana to take all necessary steps towards the ratification of Convention No. 183, thereby strengthening legal protections for working women and aligning national legislation with contemporary international standards.

Government representative – The Government of Ghana appreciates the opportunity to clarify its position on the issues raised by the Committee of Experts regarding some provisions of Convention No. 103. We are grateful to all delegates for the quality and wealth of information shared on the matter. The Government wishes to assure this Committee of its unwavering commitment to upholding the rights of workers, especially working women in law and practice. In the spirit of tripartism, the Government will engage the tripartite partners at the national level to consider the Recommendations of the Committee of Experts, bearing in mind the inputs from various delegates while considering the ratification of Convention No. 183. In conclusion, I would like to re-emphasize the Government's request for the ILO's technical assistance to effectively incorporate the Recommendations of the Committee of Experts into law for implementation by all parties.

Worker members – We want to encourage the Government of Ghana to formally request the technical assistance from the ILO. And this support will be critical in reviewing the Labour Act in line with the Convention but, more importantly, in ratifying the more modern Convention on maternity protection, which is Convention No. 183.

Specifically, we urge the Government of Ghana:

- (1) to amend section 57 of the Labour Act to expressly include a mandatory six-week maternity leave period after childbirth;
- (2) to expressly provide for an automatic extension of leave in the event of late childbirth;
- (3) to transition from employer liability to a compulsory social insurance scheme for financing maternity cash benefits in line with Article 4 of the Convention;
- (4) to amend legislation to ensure protection against dismissal during maternity leave and during the protected period;
- (5) to seek ILO technical assistance to support legislative reform, financing analysis and capacity-building;
- (6) to initiate national consultations on the ratification of Convention No. 183 with the support from the ILO.

These steps will not only bring Ghana into full compliance with the Convention, but also will demonstrate leadership in promoting the rights of working women and advancing social protection. We look forward to meaningful progress by the next reporting cycle.

Miembros empleadores - En nuestras observaciones finales sobre este caso, deseamos agradecer una vez más al Gobierno de Ghana por la información adicional suministrada ante la Comisión, y como se ha dicho antes, encontramos que esta información es prometedora y acogemos con satisfacción el firme compromiso expresado por el Gobierno de cumplir con sus obligaciones. También agradecemos a todos los delegados por su participación y aportes.

Considerando la complejidad de la situación y las persistentes lagunas en el cumplimiento del Convenio, reiteramos nuestra preocupación por este caso. Insistimos en recordar que, aunque el Convenio está considerado un instrumento superado y su abrogación está programada para el año 2033, permanece vigente hasta entonces, y los Estados ratificantes deben honrar sus obligaciones. Por este motivo, creemos que este caso ilustra el hecho de que una fecha de abrogación tan lejana no resulta conveniente para el sistema de supervisión de normas. Una fecha más próxima, nos daría más certeza sobre el caso, y funcionaría como un claro incentivo para la ratificación de los convenios más actualizados por los países que aún no lo han hecho.

Los miembros empleadores hacemos un llamado al Gobierno de Ghana para:

- 1) intensificar sus esfuerzos con el objetivo de asegurar que la Ley sobre el Trabajo del año 2003 sea enmendada para establecer expresamente un periodo obligatorio de licencia de maternidad de al menos seis semanas después del parto como exige el artículo 3, 2) y 3 del Convenio,
- 2) introducir una disposición específica en la legislación para una extensión automática de la licencia prenatal cuando el parto ocurre después de la fecha prevista sin reducir el periodo obligatorio de licencia posterior al parto según el artículo 3, 4);
- 3) realizar la transición a un régimen de seguro social de maternidad obligatorio o fondos públicos, para las prestaciones en efectivo, abandonando el sistema de responsabilidad individual del empleador tal como exige el artículo 4, apartados 4 y 8, del Convenio;
- 4) garantizar que las trabajadoras no sean despedidas, ni reciban preaviso de despido durante el periodo protegido o en un momento tal que el preaviso expire durante dicho periodo, modificando las secciones 57, apartado 8 y 63 apartado 2, e) de la Ley sobre el Trabajo del año 2003, de acuerdo con el artículo 6 del Convenio; y
- 5) continuar desarrollando las consultas tripartitas con las organizaciones más representativas de empleadores y de trabajadores del país, para diseñar e implementar las políticas necesarias para cumplir con las disposiciones del Convenio, teniendo en cuenta las particulares circunstancias del país y proporcionar información sobre las medidas adoptadas y la experiencia de su implementación en el país.

Tomamos nota de la solicitud reiterada del Gobierno de Ghana de asistencia técnica de la OIT, en relación con los problemas de cumplimiento planteados en virtud del Convenio y alentamos al Gobierno a seguir buscando la asistencia de la OIT, y a trabajar en estrecha cooperación con los interlocutores sociales para avanzar en la adopción de las medidas necesarias para garantizar el cumplimiento del Convenio.

Acogemos con satisfacción que el Gobierno de Ghana esté considerando la ratificación del Convenio núm. 183, el instrumento más actualizado en esta área técnica, y que considere importante incorporar las disposiciones necesarias para dar cumplimiento con las obligaciones que surgen tanto del Convenio núm. 103 como del Convenio núm. 183.

Los miembros empleadores recordamos nuestra opinión con respecto a que, antes de la ratificación de un instrumento, es deseable que los países lleven adelante un análisis en consulta con los actores sociales, para identificar las modificaciones que deberían impulsar con miras al cumplimiento efectivo de un convenio en la legislación y la práctica, teniendo en cuenta las características de su entramado legal institucional y productivo.

Confiamos en que el firme compromiso expresado con respecto a este caso y en particular con respecto a las consultas que se están desarrollando con los actores sociales, se traducirá, lo antes posible, en medidas efectivas que aseguren el cumplimiento de las previsiones aquí discutidas sobre la protección de la maternidad.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee welcomed the efforts by the Government to meet its obligations under the Convention while noting the persistent gaps in implementing the Convention.

Taking the discussion into account, the Committee requested the Government to take, in consultation with the social partners, effective and time-bound measures to:

- **initiate legislative measures, including to amend or review the Labour Act and the Employment Act, with regard to (i) mandatory maternal leave, (ii) automatic extension of prenatal leave, (iii) a compulsory social insurance scheme, and (iv) prohibition of dismissal during the protected period, considering recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention;**
- **develop policies necessary to comply with the provisions of the Convention;**
- **ensure the transition to a maternity social insurance scheme or public funding for cash benefits in line with the Convention.**

Taking note of the Government's request for technical assistance, the Committee invited the Government to follow up on this request with the Office in order to address these recommendations.

The Committee requested the Government to, in consultation with social partners, provide detailed and complete information on measures taken and progress made on all of the above issues in its next report to the Committee of Experts.

Government representative – The Government has taken note of the conclusions as adopted by this Committee. The Government shall work in concert with its social partners to give effect to the recommendations utilizing technical assistance from the ILO. The Government wishes to assure the Committee of its unwavering commitment to the rights of female workers. We shall continuously work with our social partners to ensure that the recommendations are realized.