



# OFFICE OF PARLIAMENT

Hon. Francis-Xavier Kojo Sosu (Esq)  
MP, Madina Constituency



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Parliament House  
Room No. F2T 02E 019  
Osu, Accra, Ghana

Your Ref.....

My Ref..... **MEMO**

**TO: THE CLERK TO PARLIAMENT**

**FROM: THE HONOURABLE MEMBER FOR MADINA  
(HON. FRANCIS-XAVIER KOJO SOSU)**

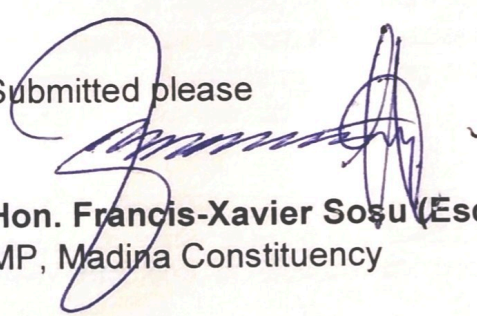
**SUBJECT: INTRODUCTION OF PRIVATE MEMBER'S BILL FOR  
THE PROVISION OF MINIMUM EMPLOYMENT OF  
PERSONS WITH DISABILITIES.**

**DATE: 7<sup>TH</sup> SEPTEMBER 2022**

Sir, I wish to request the Legislative Drafting Office to draft for subsequent submission to the Speaker **Employment of Persons With Disability Bill 2022** to introduce a regime to ensure five percent (5%) minimum employment of Persons with Disabilities (PWDs) in all public and private sector Institutions in Ghana and provide for related matters.

Please find attached my proposal for the said Bill.

Submitted please

  
**Hon. Francis-Xavier Sosu (Esq)**  
MP, Madina Constituency

# **PROPOSED POLICY REASONING FOR THE INTRODUCTION OF THE EMPLOYMENT OF PERSONS WITH DISABILITIES BILL 2022**

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## **BACKGROUND**

Disabled persons in Ghana continue to experience various forms of discrimination and social exclusion. These occur despite the fact that there are several anti-discriminatory laws that are meant to protect the rights of disabled people and facilitate their participation in mainstream social, political and economic activities. As it is, the laws have not completely eroded the discrimination and in some instances, appears to have even institutionalised the discrimination that disabled people experience. It is important that the state pays more attention to amending aspects of these laws and putting them into practice (Ocran, 2019).

According to data from the World Health Organisation (WHO), 15% of the world's population, representing some 1 billion people suffer one form of disability. Out of this number, 80% are found in developing countries. In Ghana, data from the Ghana Statistical Service (GSS) shows that 8% of Ghana's population representing some 2.4 million persons have some form of disability as compared to 3% in 2010. It is sad to note that with this number and in a democratic country such as ours which prides itself with respect for the fundamental human rights of persons, no strategy or laws exist to ensure the employment of PWDs despite their academic heights, success or qualifications. In simple terms, our society does not seem to consider PWDs as productive components of mainstream society. It is time to change this narrative.

## **CURRENT STATE OF PWDS IN GHANA**

From the recent stakeholders meeting held on Thursday, 28<sup>th</sup> April, 2022 organised by the Ghana Disability Forum with the various federations of PWDs in attendance, some of the challenges faced by PWDs in Ghana include; accessibility barriers in built environments including transport, products and services. A general lack of awareness of disability in the workplace leading to misrepresentation and stigma, insufficient disability support services and a lack of inter-agency liaising, non-inclusive education and vocational training leading to lower levels of education and training among persons with disabilities.

There is also the problem of a lack of structured support for younger people with disabilities when making the transition from school to work, due to the dearth of awareness and confidence on how to include persons with disabilities in the



workplace. It was also noted that there is a misplaced fear of legal challenges by employees with disabilities if employment does not work out. Work premises and work tools, including Information and Communication Technologies is mainly inaccessible. Another major problem PWDs face is the lack of support for persons with disabilities to secure and maintain employment due to little or no information and support for companies considering the employment of persons with disabilities.

Until recently, a major government intervention, that ensured that most PWDs had some form of employment, thus guaranteeing their livelihoods by manning toll booths, was abruptly ended further exacerbating the plight of many PWDs. Also, considering that Ghana and the rest of the world was recovering from the devastating effects of the Covid-19 pandemic, this meant PWDs in the country had been dealt a heavy blow.

Again, despite a stipulation by the District Assembly Common Fund (DACF) Act 1993 that two percent of the Fund be given to Persons with Disability to among others, support their businesses, the lack of adequate and prompt payment of the Common Fund makes this law ineffective and barely enforceable to the detriment of PWDs, leading to increased marginalisation of PWDs, particularly female PWDs.

### **NEED TO ENACT LAWS TO ENSURE MINIMUM EMPLOYMENT OF PWDS**

As a society, the time is ripe to enact laws and policies that can ensure minimum employment of PWDs. This law when enacted will provide for compulsory employment of PWDs in all public and private institutions and also provide for related matters. We must do more to protect the rights of marginalised persons and vulnerable groups and ensure that we steadily lift the majority of our people across the poverty line. As such, a deliberate policy such as the introduction of a minimum percentage employment (5%-20%) of PWDs will go a long way to create a more fair, open and inclusive society that not only respects but guarantees individual rights and freedoms. Such a policy will also accelerate achievement of SDGs 1, 2, 3, 4, 5, 8 and 10 which read No Poverty, Zero Hunger, Good Health and Wellbeing, Quality Education, Gender Equality, Decent work and Economic Growth and Reduced Inequalities.

# LEGAL JUSTIFICATION FOR THE CALL FOR SPECIFIC LAWS AND POLICIES IN SUPPORT FOR EMPLOYMENT OF PWDS

## Convention on the Rights of Persons with Disabilities

Our world today has excluded persons with disability from society, and at the same time, denied them their basic human rights. It is worth noting that, discrimination against persons with disabilities occurs in various forms ranging from individual discrimination, such as the denial of employment opportunities, to segregation and isolation because of the imposition of physical and social barriers. It is for this reason that there are various international human rights instruments to protect their basic human rights. One of the founding principles of the Convention on the Rights of Persons with Disabilities is to emphasize the importance of mainstreaming disability issues as an integral part of relevant strategies for sustainable development. To wit, this Convention requires State Parties to recognize the right of persons with disabilities to work on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work open environment.<sup>1</sup>

It is also to be noted that, all member countries are obliged to promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention to better provide the assistance and services guaranteed by those rights and provide training in mobility skills to persons with disabilities and specialist staff working with persons with disabilities.<sup>2</sup>Imputing an end to such acts.

## International Covenant on Economic, Social, and Cultural Rights

Article 3 of the International Covenant on Economic, Social, and Cultural Rights requires State Parties to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights outlined in the present Covenant, therefore, men and women including persons with disability are to have equal rights.

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<sup>1</sup> Article 27(1) of the Convention on the Rights of Persons with Disabilities and Optional Protocol

<sup>2</sup> Article 4(g) and 20 of the Convention on the Rights of Persons with Disabilities and Optional Protocol



## **International Covenant on Civil and Political Rights (ICCPR)**

Additionally, Article 26 of the International Covenant on Civil and Political Rights (ICCPR) states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

## **African Charter on Human and Peoples Rights**

Also, Article 15 of the African Charter on Human and Peoples Rights which reads "Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work."

## **United Nations Convention on the Rights of the Child**

Tellingly, the Convention on the Rights of the Child gives a deeper insight that it is required of State Parties to recognize mentally and physically disabled children to enjoy a full and decent life, and also protect them from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education. At the regional level, the African Charter on Human and Peoples' Rights seeks to advocate the fundamental human rights among the state parties, particularly emphasizing that every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

## **LAWS OF GHANA**

In Ghana, Article 12(2) of the 1992 Constitution of Ghana states that "Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest." Article 15(1) of the Constitution also states that "The dignity of all persons shall be inviolable". Article 17(1) and (2) of the Constitution further states that "All persons shall be equal before the law" and "A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status."

The above provisions of the 1992 Constitution of Ghana, which is the supreme law of the land prohibits discrimination against people based on their race, religion, gender, and their physical appearance. With this assertion, the Disability Act of Ghana further requires any employer that employs a person with a disability to provide any relevant working tools and appropriate facilities required by the person with a disability for the efficient performance of the functions required by the employment. Section 9 of the Persons with Disabilities Act 2006 (Act 715) states that "The Ministry shall through the public employment centres, assist to secure jobs for persons with disability." Despite this obligation on the state, employment issues with respect to persons with disability remains a major problem due to the absence of clearcut policy directions and interventions.

## **MINIMUM EMPLOYMENT OF PERSONS WITH DISABILITIES BILL, 2022**

### **PROPOSED CLAUSES FOR YOUR CONSIDERATION**

#### **CLAUSE 1 – OBJECT OF THE BILL**

#### **Establishment of 5% Minimum Employment Quota for Persons With Disability In All Public and Private Institutions**

The object of the Bill is to ensure a minimum of 5% quota on employment of Persons with Disabilities in All Public and Private Sector Institutions in Ghana.

Considering that Ghana's population is 31,072,940 according to the Ghana Statistical Service (GSS), and total workforce of about 13,400,000 persons as at 2022, this means 43.12% of Ghana's population constitute the total workforce of the country. Of this number, a total of 1,149,698.78 are said to have some form of disability, representing 3.7%. Introducing a Bill such as this which seeks to ensure minimum quota of 5% employment of PWDs in all Public and Private Institutions, means that a total of 670,000 persons out of the current labour force would be constituted by PWDs out of a possible 57,484.94 persons. This is also consistent with best practices in other jurisdictions, particularly in countries in Europe such as France (6%), Argentina (4%), Brazil(2% for 100 employees, among others), Germany (5% for 60 or more employees), Spain (2% for 50 or more employees), Czech Republic (4% for 26 or more employees), Chile (1% for 100 or more employees), and Romania (4% for at least 50 employees), among others.



## CLAUSE 2 – DUTY TO EMPLOY PWDs

### **Imposition of Duty to Employ Persons with Disabilities**

All Employers shall have a duty to ensure at least 5% minimum employment of PWDs as part of their human resource needs and related workforce.

Employers shall be required to put in place minimum monthly targets to ensure that PWDs contribute effectively to the attainment of organisational goals and objectives.

## CLAUSE 3 - OBLIGATION OF PWDs

### **Obligation of All Persons with Disability to Work**

All PWDs shall be expected to work diligently and give off their utmost best to achieve minimum monthly targets in order to help attain respective organisational goals.

## CLAUSE 4 – PROHIBITION OF PUBLIC BEGGING AND RELATED ACTIVITIES

### **Prohibition of Street or Public Space Begging, Loitering or Selling by Persons with Disabilities**

All PWDs are prohibited from begging in the streets or public place, loitering or selling with the coming into force of this Act.

## CLAUSE 5 – RIGHT OF PWDs

### **Right of PWDs to Work**

The Right to Work is as adopted from the draft National Policy as proposed by the National Council on Persons with Disabilities (NCPD)

## 1. Right to Life;

This right is linked to goal 3 of the sustainable development goals which is to ensure healthy lives and well-being for all at all ages;

(1) Each baby with disability shall be assigned to a social worker upon birth to provide appropriate support including referrals to the appropriate assessment centres, sensitization to the mothers on the care and support necessary for children with disabilities, facilitate the procurement of assistive devices and monitor on record the development of a child with disability and make recommendations for the appropriate specialized intervention;

(2) Every person with disability shall be assigned a social worker at the onset of the disability irrespective of age;

(3) Under the coordination of the Commission, Needs assessment shall be conducted by the assigned social worker to ensure that the needs of children and persons with disabilities are met.

(4) The assigned social worker shall keep and make available whenever necessary a report of the growth and development of a person with disability to the assessment Centres to inform the medical, the educational, occupational and professional, and livelihood choices;

(5) Parents of children with disabilities shall be allowed flexible working hours to enable them undertake their child caring responsibilities in line with the conditions of service extended to expectant mothers and the fresh mothers;

(6) Families of persons with disabilities shall benefit from the social protection programmes offered by the Government regardless of their age.

(7) For purposes of this section, families of persons with disabilities shall include parents and caregivers;

### CLAUSE 6 – NON-DISCRIMINATION AGAINST PWDs

#### **Non-Discrimination Against PWDs at the Workplace**

There shall be no discrimination against PWDs at various Public or Private Institutions on grounds of gender, race, physical condition, social status, or religion, among others.



## CLAUSE 7 – OFFENCES

### **Offences and Penalties**

An employer who wilfully and without any justifiable reason, proof of which shall be on the employer violates the provisions of this Act shall be liable on summary conviction to a fine.

## CLAUSE 8 – VICTIMS OF VIOLATION

### **Miscellaneous Provisions**

#### **Treatment of Victims of Violation Under this Bill**

A person who is a victim under this Act shall make a formal complain to the Commission on Human Rights and Administrative Justice for redress.

## CLAUSE 9 – INTERPRETATION

### **Interpretation**

Definition of Key Terms within the meaning of this Bill such as:

“Employer” - a person or organization either Public or Private that employs people.

“Employee” - someone who gets paid to work for a person or organization.

“PWD(s)” - individuals who suffer long-term physical, mental, intellectual or sensory impairments which, upon interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others

“Non-Discrimination” - ensuring that no one is denied their rights because of factors such as race, colour, sex, language, religion, political or other opinion, national or social origin, property or birth.

## CLAUSE 10 – AMENDMENTS

### **Amendments and Savings**

It is proposed that all other Provisions relating to Employment of Persons with Disabilities in the Disabilities Act or any other legislation stands amended or repealed where applicable.

### **CONCLUSION**

In conclusion, the proposed amendment when introduced will ensure the employment of Persons with Disabilities, to exclusively deal with employment matters and related matters of Persons with this ability. This piece of legislation will aim to ensure minimum employment of PWDs to guarantee their rights and ensure a more open, fair and inclusive society. This will also allow for the collation of comprehensive data on PWDs and related profiling that includes capabilities of PWDs; and ensure that healthcare services are free for PWDs to guarantee their good health and wellbeing. This will go a long way to reassure PWDs that they remain key components of mainstream society.



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