



International
Labour
Organization

Fair
Recruitment
Initiative

► Rapid assessment on access to labour justice for migrant workers in Ghana



► **Rapid assessment on access
to labour justice for migrant
workers in Ghana**

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This study on access to labour justice for migrant workers in Ghana was prepared by the International Labour Organization (ILO). It aims to conduct an in-depth analysis of existing national mechanisms for handling complaints and resolving labour disputes, to identify legal, institutional, and practical obstacles hindering effective access to labour justice, and to formulate operational recommendations to strengthen the protection of migrant workers' rights.

The study was conducted within the framework of the ILO Fair Recruitment Initiative, specifically its fourth pillar, which focuses on empowering migrant workers and improving their access to redress mechanisms. As such, it contributes to the ILO's overall effort to promote access to labour justice and effective redress mechanisms for migrant workers, including in transnational contexts. It also follows on from the ILO's comprehensive study under this Initiative, *"Justice across borders: Access to labour justice for migrant workers through cross-border litigation."*

This study is a participatory and analytical exercise aimed at strengthening access to labour justice for migrant workers in Ghana. Based on ILO's International Labour Standards, as well as the ILO's General Principles and Operational Guidelines for Fair Recruitment, it examines the legal and institutional frameworks for resolving labour grievances and disputes. It highlights existing structural and operational gaps and proposes concrete measures to improve the effectiveness, accessibility, fairness, and sensitivity to migration realities of judicial and non-judicial labour dispute resolution mechanisms. Drawing on a document review, Key Informant Interviews, and Focus Group Discussions, the study is intended as a practical and strategic tool to inform policy development, strengthen coordination among relevant stakeholders, and promote the respect, protection, and realization of the rights of migrant workers in Ghana and in countries of destination.

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This report does not necessarily reflect the views or policies of the SDC, nor does mention of trade names, commercial products, or organizations imply endorsement by the SDC.

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► List of acronyms

ADR	Alternative Dispute Resolution
ATUC	Arab Trade Union Confederation
ATUMNET	African Trade Unions Migration Network
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Covenant on Elimination of All Forms of Racial Discrimination
CHRAJ	Commission on Human Rights and Administrative Justice
CSOs	Civil Society Organizations
ECOWAS	Economic Community of West Africa States
FGD	Focus Group Discussions
GCC	Gulf Cooperation Council
GCM	Global Compact for Migration
GEA	Ghana Employers Association
GFMD	Global Forum on Migration & Development
ICESCRs	International Covenant for Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of all Migrant Workers
ILO	International Labour Organization
IOM	International Organization for Migration
ITUC-Africa	International Trade Union Confederation-Africa
KII	Key Informant Interview
LD	Labour Department
MELR	The Ministry of Employment and Labour Relations
MFARI	Ministry of Foreign Affairs & Regional Integration
MJAG	Ministry of Justice & Office of the Attorney General
MLGWUI	Migrant Labour General Workers Union International
NGOs	Non-Governmental Organizations
NLC	National Labour Commission
NLMP	National Labour Migration Policy
NMP	National Migration Policy
PEAs	Private Employment Agencies
RECFAM	Research and Counselling Foundation for African Migrants

SDG	Sustainable Development Goals
TUC	Trades Union Congress
TWG	Technical Working Group
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme

► Executive summary

Access to labour justice is a fundamental right that allows workers, including migrant workers, to seek and obtain remedies for grievances that emanate from abuses of their rights. However, several reports and lived experiences of migrant workers have demonstrated that many migrants are denied this fundamental right and lack the means and effective access to mechanisms to challenge abuses. This study examines mechanisms available for migrant workers in Ghana to address or challenge rights violations. The primary goal of the study is to map out the existing grievance redress options for migrant workers, including legal frameworks, institutional mechanisms, and practical challenges hindering effective access to justice. It also aims to make recommendations for actions that will promote more effective access to justice for migrant workers. The study utilized a mixed-method approach, including desk reviews, Key Informant Interviews (KIIs) with relevant institutions, and Focus Group Discussions (FGDs) with the rights-holders (returnee migrant workers).

The findings reveal that grievance redress mechanisms and measures for migrant workers exist in Ghana and are predominantly formal, state-driven, and involve legal and alternative dispute resolution (ADR) processes. These mechanisms and measures are supported by appropriate domestic legal and institutional frameworks which are in line with international standards. The most common accessible and efficient redress mechanisms for migrant workers include facilitation, mediation, and arbitration. The use of legal redress was considered the last resort and migrant workers shy away from it due to its cost, bureaucratic processes and delays in delivering justice. Institutions such as the National Labour Commission (NLC), the Labour Department, the Commission on Human Rights and Administrative Justice (CHRAJ), and the Legal Aid Commission play crucial roles in addressing employment-related disputes. Additionally, trade unions and private recruitment agencies engage in negotiations and repatriation efforts to assist migrant workers who experience distress or abuses.

However, the study highlights a range of barriers that prevent migrant workers from effectively accessing justice. These include lack of awareness

of their rights and available redress mechanisms among migrant workers; high costs of mediation or arbitration fees (GHS 1,850 per hearing); bureaucratic delays in court or legal systems (average of two weeks for ruling to be pronounced); and fear of retaliation from employers in the case of abuses abroad. Weak enforcement of labour regulations and inadequate institutional capacity were also identified as factors hindering the prevention of violations or facilitating migrant workers' access to justice. Migrant workers, especially women in domestic work, often face exploitation, with limited avenues for legal recourse in both Ghana and destination countries due to social and cultural stigma. Victims frequently face blame or rejection. The fear of retaliation and deportation discourages them from reporting abuses. Women migrant workers also have low legal awareness and educational opportunities, leaving them vulnerable to contract fraud, unfair conditions, and exploitation, with limited ability to prove violations like harassment.

The assessment concluded that while Ghana has a structured legal and institutional framework with mechanisms to protect migrant workers by preventing rights violations or that allow adequate access to justice when violations occur, gaps in enforcement, accessibility, and low awareness of justice mechanisms limit their ability to obtain adequate justice. To achieve adequate access to justice, more than legislation and institutional frameworks is needed. The commitment to resourcing state regulators and working collaboratively with other actors is also necessary.

Key recommendations include enhancing financial support for legal aid services, strengthening enforcement of labour laws, increasing awareness and pre-departure training for migrant workers, improving collaboration between Ghanaian institutions and destination countries, and integrating technology-driven complaint mechanisms to simplify access to justice. Strengthening partnerships between the government, trade unions, employers, civil society organizations (CSOs), and international stakeholders will be crucial in ensuring migrant workers have effective access to the mechanisms of justice in and out of Ghana.



Section one

Introduction

Section one

► Introduction

1.1 Background

Labour migration, over the past three decades, has remained an integral part of the global migration trends. Recent estimates by the ILO show that of the 255.7 million international migrants of working age (15 and above), 65.6 per cent (167.7 million) were in the labour force, which constitutes 4.7 per cent of the global workforce¹. According to the estimates, women constituted 38.7 per cent (64.9 million) of the global migrant workers.

Migrant workers contribute immensely to the socio-economic development of both their origin and destination countries². In regions such as the Arab States, migrant workers form a large share of the workforce and support key sectors such as construction, domestic work, and services, and enrich host societies with cultural and social diversity³. At home, they contribute through knowledge transfer and financial remittances. These remittances are critical for boosting GDP, reducing poverty, and sustaining community livelihoods. Despite these benefits, migrant workers often face exploitative recruitment, rights violations, and barriers to accessing justice⁴.

In Ghana, labour migration is deeply woven into the socio-economic fabric of the country. The country plays a dual role as both a major origin and destination country for African migrant workers⁵. Migration patterns are both regular and irregular, with an increasing proportion of women migrants⁶. While traditional destinations for Ghanaian migrant workers include Europe and the West African sub-region, the Gulf Cooperation Council (GCC) countries and other Arab States have recently emerged as major hubs for Ghanaian workers, particularly women in low-wage, high-risk sectors such as domestic work. This trend is driven by ease of access and geographic proximity to the Middle East labour markets⁷.

The rapid growth of migration to the GCC has raised concerns among policymakers, stakeholders, and families in Ghana. In line with international standards, particularly the ILO's General Principles and Operational Guidelines for Fair Recruitment, fair recruitment is essential to protecting migrant workers from abuse and exploitation throughout the migration cycle⁸. However, reports highlight exploitative recruitment processes and widespread abuses of Ghanaian migrants, especially domestic workers. Examples of these abuses include nonpayment of wages, excessive working hours, restrictions on freedom of movement, physical and psychological abuse, and gender-based risks such as sexual harassment and trafficking⁹. Importantly, these vulnerabilities led the Ghanaian government to ban recruitment for domestic work in the GCC in 2017, although migration has continued both formally and informally. At the heart of these abuses and

- 1 ILO. (2024). *ILO Global Estimates on International Migrant Workers: International migrants in the labour force. Fourth edition*.
- 2 OECD and ILO. (2018). *How Immigrants Contribute to Developing Countries' Economies*, OECD Publishing.
- 3 Taylor, R. S. (2016). *The Role of Migrant Networks in Global Migration Governance and Development. Migration and Development*, 5(3), pp. 351-360.
- 4 OECD and ILO. (2018). *How Immigrants Contribute to Developing Countries' Economies*, OECD Publishing.
- 5 Ghana Statistical Service. (2016). *2015 Labour Force Report*.
- 6 Awumbila, M., (2015). Women moving within Borders: Gender and internal migration dynamics in Ghana. *Ghana Journal of Geography*, 7(2), pp. 132-145.
- 7 ILO. (2022). *Fair recruitment and access to justice for migrant workers*.
- 8 ILO. (2019). *General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs*.
- 9 Kandilige, L., Teye, J.K., Setrana, M., and Badasu, D.M. (2023). 'They'd beat us with whatever is available to them': Exploitation and abuse of Ghanaian domestic workers in the Middle East. In *International Migration*.

exploitation of migrants is the issue of workers' inability to access justice for violations that have occurred or are ongoing.

Access to justice, as defined by the United Nations, means that individuals have access to and can make effective use of existing judicial or quasi-judicial mechanisms to protect their rights and obtain redress in response to violations¹⁰. Access to justice is a fundamental human right and an essential aspect of a fair and equitable society, ensuring that individuals, including migrants, can seek and obtain remedies through formal and informal justice institutions for grievances in compliance with human rights standards¹¹. Equally, fair recruitment is linked to access to justice, as underscored in the ILO's Fair Recruitment and Access to Justice framework, which emphasizes that migrant workers must have access to affordable, timely, and effective remedies when their rights are violated. This includes the ability to seek redress without fear of retaliation, detention, or deportation, and requires governments, employers, recruiters, and worker organizations to cooperate in eliminating barriers such as high legal costs, language barriers, and discriminatory practices that prevent migrants from exercising their rights¹². For migrants, access to labour justice is essential not only for individual well-being but also for family security. Access to justice is upheld and reinforced by the following key international instruments and frameworks:

- ▶ The Universal Declaration of Human Rights (1948, articles 7 & 8) guarantees equal protection and the right to effective remedies;
- ▶ The 1976 International Covenant on Civil and Political Rights (ICCPR)¹³;
- ▶ The 1990 International Convention on the Protection of the Rights of All Migrant Workers (ICRMW) and members of their families¹⁴;
- ▶ The 2030 Agenda for Sustainable Development (SDG 16) emphasizes access to justice as critical for inclusive and peaceful societies;
- ▶ The International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- ▶ The Convention on the Elimination of Discrimination Against Women (1979);
- ▶ The Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- ▶ The Migration for Employment Convention (Revised), 1949 (No. 97); and
- ▶ The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

In Ghana, the 1992 Constitution and Labour Act, 2003 (Act 651) also enshrine provisions for non-discrimination and protection of rights. However, in practice, access to justice for Ghanaian migrant workers remains limited and difficult to realize. Hence, the purpose of this study is to examine the existing access to justice mechanisms available to migrant workers and the barriers to accessing justice, alongside making recommendations to ensure that migration governance systems in Ghana and beyond uphold dignity, equality, and decent work for all migrant workers.

1.2 Rationale of the Assessment

The lack of access to labour justice is one of the many sources of vulnerability for migrant workers in and out of Ghana, as well as other workers in the country. Despite the existence of various international human rights laws and conventions, as well as Ghanaian legal and institutional frameworks, migrant workers still face various forms of abuse and exploitation and often lack access

10 UNDP. (2005). *Programming for Justice: Access for All - A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, p. 5; Francioni, F. (2007). The Right to Access to Justice under Customary International Law. In *Access to Justice as a Human Right* (F. Francioni, ed.). Oxford University Press, pp. 3-4.

11 ILO. (2022). [*Fair recruitment and access to justice for migrant workers*](#).

12 *Ibidem*.

13 See articles 2(3)(a), 9(4), and 14(1) of the ICCPR.

14 See articles 16(7-9), 18(3)(5)(7), and 24 of the ICRMW.

to redress mechanisms. For instance, many Ghanaian workers in the GCC and elsewhere lack effective access to fair grievance and redress mechanisms. Furthermore, during the COVID-19 pandemic, many migrants were forced to return to Ghana with complaints of maltreatment and non-payment of their wages without access to legal assistance or avenues for reparations.

It is worth noting that the focus of stakeholders has been on abuse and exploitation of migrant workers with comparatively less attention paid to limited access to justice in both origin and destination countries. In Ghana, the judicial sector and other institutions face numerous challenges, including a shortage of personnel, perceived corruption, prohibitive costs and fees, procedural delays and proximity challenges, all of which hinder the efficient delivery of justice.

In view of the above, this study sets out to assess the limitations in the effective use of existing mechanisms for access to justice for migrant workers in Ghana and abroad. Understanding the challenges migrant workers face in accessing labour justice in Ghana will help identify channels for improvement alongside efforts to ensure access to redress mechanisms for migrant workers in host countries, especially with a focus on the GCC and other destinations in the Middle East.

1.3 Aims and Objectives of the Assessment

The main aim of the assessment is to map existing grievance and remedy mechanisms available to Ghanaian migrant workers for addressing violations of human or labour rights, in line with international labour standards and ILO fair recruitment guidelines. This mapping seeks to maximize protection for both male and female Ghanaian migrant workers, emphasizing services and information that meet their needs. The specific objectives of the study are:

- To analyze the relevant legal frameworks and identify institutional obstacles/gaps to effective access to justice.
- To examine practical obstacles to accessing remedies, mediation, or other forms of justice.

- To identify and analyze the effectiveness of available remedial and mediation mechanisms.
- To examine the key processes of access to formal justice by migrant workers.
- To examine organizations facilitating access to remedial services.
- To analyze gender dynamics, particularly in sectors such as domestic work.
- To enhance access to justice by making recommendations to:
 - overcome institutional, legal, financial, and knowledge barriers, focusing on pragmatic and achievable solutions.
 - engage trade unions in helping migrant workers access dispute resolution, redress, and legal mechanisms, including proposals for strategic partnerships.
 - ensure that recommendations integrate gender considerations by proposing solutions adapted to the specific realities of female migrant workers.

1.4 Overview of Ghana Migration Shift to the Middle East and Access to Justice

Ghana's migration patterns have shifted over time, from being a major destination country prior to and shortly after independence due to economic expansion, to becoming a major migrant-sending country from the 1980s onward as worsening economic conditions spurred emigration. While Ghana is still an attractive destination for many migrant workers, especially from countries in the ECOWAS sub-region, current international migration trends in Ghana are characterized by increased emigration of the workforce, driven largely by economic factors. According to data from the UN, outward migration has progressively been higher than inflows since the 1990s and accelerated further after 2000. Around the year 2000, outward migration in terms of emigrant stock stood at 495,900 compared to 191,601

immigrants¹⁵. Outward migration has progressively increased since then; in 2015 and 2024, the stock of Ghanaian emigrants numbered 846,131 and 1,055,494 compared to 414,744 and 532,286 immigrants respectively¹⁶. These figures could even be higher given the unknown number of migrants who are recruited irregularly for work abroad and remain undocumented.

An important aspect of recent migration trends in Ghana is the relatively large-scale involvement of female migrants, particularly in emigrant out-flows compared to immigrant inflows. According to the official data, 49.05 per cent of the emigrants were female compared to 46.71 per cent for immigrants, while in 2024 the respective figures were 48.37 and 46.60 per cent¹⁷. Migration towards traditional destination countries of Europe and North America is also shifting with the Gulf and Middle East countries becoming preferred destinations. The number of Ghanaians migrating to the Middle East has increased significantly from the 1990s to the present¹⁸. The main destinations for Ghanaian migrants, largely composed of women employed in domestic work, include Saudi Arabia, Kuwait and Qatar as well as Jordan and Lebanon. This is supported by the national data as shown in Annex 1a on Ghanaian migrant workers overseas employment destinations in the Gulf States. Annex 1b further provides an account of the number of migrant workers that are engaged in various industries or sectors of employment with the key and dominant ones being domestic work, construction, hospitality and transport work.

While the rising unemployment and lack of decent work in Ghana have prompted many individuals, both women and men, to seek employment in diverse countries overseas, the shift of interest towards the Gulf States and other Middle East countries can be attributed to several factors. The strict entry controls into Europe and North America via visa restrictions could be a reason for

the shift to the Gulf and Middle East regions which are comparatively less restrictive for temporary labour. The rise has also been attributed to the increase in the number of private employment agencies recruiting workers for domestic work¹⁹. Atong et al. (2018) further describe migration to the Gulf as a political business in Ghana, contributing to the increasing trend.

The recent migration of Ghanaian workers to the Gulf States and Middle East has been accompanied by several challenges. Abuse by employers of migrant workers and exploitation by various actors, especially recruiters, have been reported by several studies. Some of the key reported challenges experienced by Ghanaian migrant workers in the Gulf States include deception, extortion and lack of pre-departure training as well as reduced pay, long hours of work and sexual abuse²⁰. Another report by the IOM (2019) revealed that a significant percentage of returned Ghanaian domestic workers reported suffering from various forms of abuse during their period of employment in the Middle East. The increased and repeated reports of human rights violations and abuse of Ghanaian migrants, especially female domestic workers in the Gulf States, led to a temporary ban on the recruitment of domestic workers to those countries by the Government of Ghana in 2017.

While it can be said that women are particularly vulnerable based on the work they do, it is important to state that the indecent working conditions and treatment endured by migrant workers are shaped by both conditions abroad and in Ghana during recruitment and departure processes²¹. As a result, migrants often lack adequate education and information on their rights and what is expected of them thus making them vulnerable prior to placement.

15 UN DESA, 2019.

16 UN DESA, 2024 mid-year.

17 UN DESA, 2024.

18 IOM. (2019). *Ghanaian domestic workers in the Middle East*, International Organisation for Migration.

19 *Ibidem*.

20 Atong, K., Mayah, E., and Odigie, A. (2018). *Africa Labour Migration to the GCC States: The Case of Ghana, Kenya, Nigeria and Uganda*, ITUC Africa.

21 *Ibidem*.



Section two

Study methodology

Section two

► Study methodology

2.1 Assessment Design

This study applied a mixed-method approach, which combines primary and secondary quantitative and qualitative methods to offer a thorough assessment of access to labour justice for migrant workers in and out of Ghana. The implementation of the study design (mixed-method) was guided by a participatory user approach. Thus, both qualitative and quantitative methods of data collection were utilized to collect the required information in order to address the study objectives. Qualitatively, stakeholders were involved in Key Informant Interviews and migrant workers were engaged in Focus Group Discussions (FGDs). The participatory user approach was relevant because it allowed for the opinions and reactions of a wide range of stakeholders to be captured. Thus, perspectives on access to justice by migrant workers and key actors/stakeholders were captured, thereby enhancing the validity and ownership of the findings. Quantitative secondary data were reviewed and analyzed to understand the trends and patterns of migration from Ghana to the Gulf States.

2.2 Data Collection Methods

2.2.1 Desk Study

A desk analysis that involved an extensive review of existing literature, reports, and relevant databases was carried out to gather information that ensured a robust and comprehensive analysis. The desk study highlighted the gaps in available information and enhanced the need for more in-depth engagement with the responsible stakeholders. The desk study focused on mapping out key stakeholders relating to migrant access to justice systems, examined existing regulations, legal frameworks, policies, international

conventions, and strategic plans at national and international levels relating to migrants' access to justice services and remediation mechanisms. In addition, trends of migration to the Gulf States were analyzed after collating data from the Labour Department.

2.2.2 Key Informant Interviews

Following the desk research, Key Informant Interviews were conducted with a carefully selected group of participants who were subject matter experts. These interviews were designed to elicit in-depth insights that could not be captured through secondary data. The open-ended nature of the questions facilitated rich, qualitative data collection, enabling the exploration of nuanced issues and the gathering of evidence. A total of 17 key informant interviews were conducted across 15 stakeholder institutions (see Annex 2). Interviews were also conducted via WhatsApp with five migrant workers across three Middle East countries (Saudi Arabia, the Kurdistan region of Iraq and Kuwait).

2.2.3 Focus Group Discussion

As part of a supplementary source of information from stakeholders, two Focus Group Discussions were conducted among returnee migrants to share their experiences on any processes of remediation or justice delivery systems in addressing their grievances. Each of the Focus Group Discussions was made up of five respondents and responses were analyzed with disaggregation by sex.

2.3 Data Collection Instruments

Interview and focus group guides were used to collect qualitative data during the Key Informant Interviews and Focus Group Discussions respectively. The interview guide was administered via both Zoom calls and face-to-face with key institutional experts, while the Focus Group Discussions were conducted face-to-face among returnee migrants. Also, secondary data in the form of

literature and reports were reviewed and this allowed triangulation of information/data between what is in the literature and what was gathered from the field. A sequential triangulation was conducted where literature was reviewed, gaps identified, questions designed to fill these gaps, data were collected and findings were compared to existing literature.

2.4 Sample Size and Sampling Procedure

The selection of Key Informants was guided by a purposive sampling approach. Thus, institutions and actors were selected based on their roles in promoting the interests of workers and, by extension, migrant workers. Sixteen respondents were reached across the targeted and mapped institutions for Key Informants Interviews. For the Focus Group Discussions, respondents were purposively selected. That is, respondents (returnee migrants) who have had experience in seeking justice, the majority of whom were back in Ghana. The Migrant Labour General Workers Union International (MLGWI) and Migration Solution Limited facilitated the selection of respondents. Two Focus Group Discussions were conducted among ten respondents.

2.5 Data Analysis and Report Writing

2.5.1 Qualitative Analysis

The Key Informant Interviews and Focus Group Discussions recorded were transcribed using qualitative software (Turboscribe). After the transcriptions, qualitative content analysis (for identifying patterns, examining and quantifying the presence of certain words, subjects, and concepts), and narrative analysis were utilized for data analysis. Furthermore, the results of the Focus Group Discussions were disaggregated by sex of respondents while the Key Informant Interviews were disaggregated by institution type.

2.5.2 Quantitative Analysis

The secondary quantitative data were analyzed using descriptive statistics such as frequency distributions and cross-tabulation. The results were presented using tables.

2.6 Consent

Respondents were asked for their consent before the interviews started. The consent process explained the nature of the assessment, confidentiality issues, the estimated time required, and the risks involved.

2.7 Limitations of the Assessment

The assessment faced low participation in the survey. Only four migrant workers responded to the survey. Hence, the assessment did not incorporate any quantitative survey data.



Section three

Review of legal and institutional frameworks on access to justice for ghanaiian migrant workers

Section three

► Review of legal and institutional frameworks on access to justice for ghanaian migrant workers

3.1 Introduction

Migrant workers' human and labour rights are governed by a combination of legal, policy, and administrative frameworks at the global, regional, and national levels. In Ghana, several international instruments have been adopted or ratified, and several enacted national laws and established institutions exist to promote and protect the rights of migrant workers, including the ability to seek remedies and resolve disputes. This section examines the international treaties Ghana has adopted and the national policies and laws enacted, notably those with embedded provisions on access to justice. The section also explores institutions that are critical in implementing the legal frameworks, the effectiveness of the institutional responses as well as the practical challenges and implementation gaps. It further highlights non-state actors that play specific roles in supporting migrant workers to access grievance mechanisms and access to labour justice.

3.2 Adopted International Legal and Policy Frameworks

The adoption and ratification of international labour and human rights treaties is central to strengthening local legislation and policies. Beyond Ghana's 1992 Constitution and other legislation, the country has adopted and ratified various international legal instruments and policies that safeguard the right to access justice, especially the United Nations (UN) and ILO conventions that have provisions on access to labour justice enshrined as a legal right for all workers, including migrant workers.

At the continental level in particular, the country has adopted the ECOWAS Free Movement Protocol and the African Charter on Human and Peoples' Rights²². In addition, some of the essential UN instruments and policy blueprints adopted by Ghana include the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families²³, the International Covenant on Civil and Political Rights (ICCPR)²⁴ and the Convention on the Elimination of Discrimination Against Women (CEDAW)²⁵ as well as the Sustainable Development Goals (SDGs), 2030 Agenda for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration (GCM). Further, as Ghana has been a member of the ILO since 1957, it has also ratified the core ILO instruments, including the following which are related to the rights of migrant workers:

- Convention on Forced Labour, 1930 (No. 29)²⁶
- Equal Remuneration Convention, 1951 (No. 100)²⁷
- Abolition of Forced Labour Convention, 1957 (No. 105)²⁸

22 [ECOWAS Free Movement Protocol and the African Charter on Human and Peoples Rights](#)

23 [The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(ICRMW\)](#)

24 [The International Covenant on Civil and Political Rights \(ICCPR\)](#)

25 [The Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\),1979](#)

26 [Convention on Forced Labour, 1939 \(No.29\)](#)

27 [Equal Remuneration Convention, 1951\(No.100\)](#)

28 [Abolition of Forced Labour Convention,1957 \(No. 105\).](#)

The country has been a party to the implementation of the ILO Decent Work Agenda and 2008 ILO Declaration on Social Justice for a Fair Globalization²⁹, which sees decent work as key and effective response to the challenges of globalization, including migration. The ILO General Principles and Operational Guidelines for Fair Recruitment (2016)³⁰ have also been a model for the development of Ghana's Labour Migration Policy (2020-2024) and other practices to promote fair recruitment in Ghana. They underline that all migrant workers, irrespective of their migration status, gender, or occupation, must enjoy equal protection of labour rights, in line with the principle of fairness, transparency, and non-discrimination in recruitment and employment. Annex 3 presents a detailed account of the relevant provisions related to access to justice in the various international legal and policy frameworks adopted or ratified by Ghana.

Ghana has not ratified any of the ILO Conventions related to migrant workers. The four crucial instruments are the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189). Even more concerning is the failure to ratify the 2014 Protocol to the Forced Labour Convention despite the heightened vulnerability of Ghanaian migrant workers to forced labour conditions. The non-ratification of these crucial legal instruments for migrant workers is a matter of concern given the fact that a large number of Ghanaian workers are migrating and facing various violations. It is only upon ratification that the country will be legally bound to ensure the principles in the Conventions are observed in legislation and practice. The non-ratification creates significant limitations in Ghana's legal framework. Without these specialized protections, migrant workers operate in an environment where international standards on recruitment practices, working conditions, and access to justice remain unenforceable through international monitoring mechanisms. At the same time, however, regardless of the non-ratification, Ghana does have some

existing frameworks such as the Global Compact on Migration (GCM) blueprint and other options through Bilateral Labour Agreements (BLAs) that can respond to migrants' protection needs and guarantee access to justice. Although these conventions have not been ratified, Ghana can still align its legislation and policies with the relevant international standards. Ratification alone, however, would not automatically guarantee access to justice. While existing laws and frameworks (including the 1992 Constitution) recognize the right to access justice, implementation for migrant workers remains insufficient. The main challenges are weak coordination mechanisms and gaps in the development and execution of practical implementation plans.

Other key gaps include limited migrant participation in policymaking, insufficient migration data, unregulated recruitment fees (leading to exploitation), and barriers to justice for migrant workers. A critical weakness in the ECOWAS framework is the absence of precise provisions regarding access to justice and remedies. While Article 23 of the 1986 Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, which includes procedural safeguards, references equal treatment for basic services, migrants seeking justice for workplace violations face significant challenges in accessing effective legal remedies across borders, creating a substantial accountability gap. Despite formal commitments, effective enforcement and inclusive measures are lacking. All these stumbling blocks have implications for access to justice for migrant workers.

Ghana's ongoing labour legislation review presents a vital opportunity to harmonize national legislation with ECOWAS commitments while addressing implementation gaps. Key priorities should include eliminating recruitment fees charged to migrant workers, establishing stronger regulations for private employment agencies (PEAs) operating across borders, developing accessible grievance mechanisms for regional migrants, and creating formal collaboration channels between ECOWAS states to address cross-border labour disputes effectively.

29 [The ILO Decent Work Agenda and the 2008 ILO Declaration on Social Justice for a Fair Globalization](#)

30 [The ILO's General Principles and Operational Guidelines for Fair Recruitment \(2016\)](#)

3.3 National Legal and Institutional Frameworks Governing the Rights of Migrant Workers

The rights of Ghanaian migrant workers are protected and addressed through various domestic legal and policy frameworks. These frameworks consist of provisions in legal instruments such as the 1992 Constitution, the Labour Act, 2003 (Act 651) and its Regulations (L.I. 1833/2007), and the National Migration Policy as well as the National Labour Migration Policy (2020-2024). Discussed below are the key and relevant national instruments that focus on the protection of the rights and interests of migrant workers especially in relation to access to labour justice when violations of human and labour rights occur.

3.3.1 The 1992 Constitution of Ghana

The 1992 Constitution of Ghana, as amended up to 1996, guarantees fundamental rights and freedoms to all persons, including migrant workers in Ghana. In particular, the Constitution has provisions related to the promotion of justice and related rights. The key provisions and the embedded relevant rights include: the right to equality and non-discrimination (Article 17), fair trial (Article 19) and administrative justice (Article 23). Other related provisions are Article 15 (human dignity), Article 16 (protection from exploitation and forced labour), and Article 24 (1), which states the right to satisfactory, safe and healthy working conditions. Despite the Constitution guaranteeing these rights, it is not very explicit on access to justice beyond stating that the state shall ensure access to justice for all. A significant challenge remains on how these constitutional rights and freedoms, including the right to access justice, are upheld and enforced when citizens, and, for that matter, migrant workers, are outside Ghana's jurisdiction. The government has an obligation to protect the rights of migrant workers and ensure access to justice even outside Ghana's borders. Making use of the enshrined constitutional rights to access justice is equally limited by lack of awareness and understanding of the law, especially by migrant workers.

3.3.2 The Labour Act, 2003 (Act 651)

The Labour Act and its Regulations (L.I. 1833/2007) provide the legal framework for employment and industrial relations in Ghana. The Act provides for the establishment of a National Labour Commission (section 135) and for the determination of industrial or labour disputes (section 138, subsection (1) (a)-(c)). Further, it provides for the settlement of disputes between workers and employers by the processes of conciliation (section 153), mediation (section 154) and arbitration (section 157). With regard to private employment or recruitment agencies (PEAs), whose activities may lead to the breach of workers' rights and grievances, the Act 651 and its Regulations have provisions especially on licensing of PEAs (section 7, subsections (1)-(4)) and contract conditions for foreign employment (regulations 28 and 29). The legislative instrument also includes provisions that outline the procedures and requirements for assignment of contract, termination of contract and repatriation of workers.

It is important to note, however, that Ghana's Labour Act has significant shortcomings regarding access to justice for workers and protection of migrant workers. One limitation of the Act is the lack of a specific section with detailed guidelines on complaint filing, which would improve access to the justice system for workers, including migrant workers. Further, while it covers PEA registration, licensing, and overseas recruitment, which are aspects that can prevent disputes from arising, it lacks critical provisions for pre-departure training and accessible dispute resolution mechanisms for workers abroad. Equally concerning, the law permits recruitment fees to be charged to migrant workers, contradicting ILO guidelines on fair recruitment and creating potential debt bondage risks. Despite prohibitions on forced labour, enforcement remains weak, particularly for vulnerable women migrant workers.

The ongoing revision of Ghana's labour law presents a crucial opportunity to eliminate recruitment fees, implement stricter regulation of PEAs, establish pre-departure training requirements, and create accessible justice mechanisms for migrant workers. These reforms are essential to align with international standards and best

practices and provide meaningful protection for Ghanaian migrant workers, including through improved access to labour justice.

3.3.3 The Labour (Domestic Workers) Regulation, 2020 (L.I. 2408)

Beyond the 1992 Constitution of Ghana and the Labour law (Act 651), access to justice is guaranteed as a right for domestic workers in Ghana's Labour (Domestic Workers) Regulation, 2020 (L.I. 2408). Specifically, Regulations 17(2), 19, and 20 encompass the key provisions that afford access to justice for domestic workers who have grievances of any kind. A worker can access or use the system under Regulation 17(2) of the L.I. in the event of sexual harassment and domestic violence. Concerning such offences, a domestic worker is granted access to justice by reporting to the relevant authorities including the District Labour Officer, the Ghana Police Service and the Commission on Human Rights and Administrative Justice. Furthermore, access to the machinery for the enforcement of a contract of employment is under Regulation 20 through the alternative dispute resolution system while under Regulation 19 is through monitoring, which demands that the District Labour Officer, upon receipt of a complaint from a domestic worker, shall conduct an inspection of the respective household to ascertain compliance by an employer with the provisions of the Regulation.

At least, this legislation is an interim measure (or appears to be such) to address the protection gaps created by Ghana's non-ratification of ILO Convention No. 189 on Decent Work for Domestic Workers. It has provided some guidelines for mechanisms to be in place to enable access to justice for paid domestic workers in private households. While some provisions of the legal instrument provide a mechanism for access to justice for some breaches, the biggest challenge is the low awareness and knowledge of the legislation on the part of domestic workers, especially migrant domestic workers, to enable them to use the law. Indeed, workers can use the system to protect their rights if they are aware that such mechanisms exist. This limitation can

be attributed to seemingly low sensitization of the public and domestic workers about the law in Ghana and the basic legal rights it provides.

3.3.4 National Migration Policies

Ghana's migration governance is anchored in two key policy frameworks: the National Migration Policy (NMP), introduced in 2016, and the National Labour Migration Policy (NLMP), adopted in 2020. While the NMP provides an overarching strategy for managing migration in all its dimensions, the NLMP (2020–2024) serves as the principal framework specifically addressing labour migration. The NLMP adopts a coordinated and rights-based approach aimed at safeguarding the rights and welfare of migrant workers. Its core objectives are to promote effective governance of labour migration and to strengthen institutional mechanisms for the protection and empowerment of migrant workers and their families. Since its inception, the NLMP has established an inclusive governance framework involving key stakeholders such as social partners and academia. For instance, a National Technical Working Group, coordinated by the Ministry of Labour, Jobs and Employment, has been established to oversee the implementation of a stakeholder-driven activity plan (i.e., annual labour migration institutional workplan) across priority thematic areas.

One fundamental challenge of the NLMP implementation is the fact that it has been insufficiently funded by government and has had to depend on the goodwill of international donors. Such a situation has not strengthened institutional mechanisms to be more effective in the protection of migrant workers, including facilitating access to justice for them by way of assisting with the filing of claims. This has largely been missing despite rising exploitation and abuse of labour migrants from Ghana and within the country, including wage theft and charging of illegal recruitment fees. The policy is currently due for renewal, and it would be critical for institutions to be properly resourced to assist labour migrants whose rights have been violated.

3.3.5 National Institutional Frameworks Protecting the Rights of Migrant Workers

In the labour migration space in Ghana, there is an established institutional framework to support the governance of labour migration by enforcing laws and implementing policies. The main institutions include the state ministries and agencies such as the Ministry of Labour, Jobs and Employment (MLJE), which is responsible for coordination and governance of labour migration. Others include non-state actors such as

employers' organizations, workers' organizations (trade unions) and Civil Society Organizations (CSOs) that advocate for the rights of migrant workers, as well as Private Employment Agencies (PEAs), which provide recruitment and placement services. These stakeholder institutions are working or expected to work collectively through the National Labour Migration Technical Working Group (NLMTWG) mechanism. The key and relevant stakeholder institutions with their mandates and roles are presented in Table 1. This is followed by some analysis of the impediments to their effective functioning in promoting migrant workers' rights, including access to labour justice.

► Table 1: National Institutional Frameworks Protecting the Rights of Migrant Workers

Institution	Key Mandates/Functions	Effectiveness	Implementation / Coordination Gaps	Practical Challenges for Migrant Workers
Ministry of Labour, Jobs and Employment (MLJE)	Leads labour migration governance; formulates and implements labour policies; licenses and oversees Private Employment Agencies (PEAs); and promotes BLAs and fair recruitment.	Moderately effective in policy development; has adopted the National Labour Migration Policy (NLMP) in 2020.	Weak enforcement of regulations; limited coordination with other ministries and civil society.	Persistent recruitment abuses; workers still pay recruitment fees; migrants lack awareness of their rights and available grievance channels.
Labour Department (LD)	Implements labour migration policies; licenses and monitors PEAs; conducts inspections; provides pre-departure training. The Labour Department, through the Labour Inspectorate, enforces national labour laws on wages, hours, occupational safety, social protection, and work conditions. It conducts inspections, monitors contracts and prevents discrimination. It serves as complaint channels and intermediaries for dispute resolution, refers to severe cases (e.g., trafficking) to authorities, and educates workers and employers.	Active role in licensing and inspections; launched the JLMIS platform. Inspections help detect violations and ensure employers' compliance. They provide a formal avenue for migrants to report abuses, support awareness-raising on rights and obligations, and contribute to policy reforms through data reporting.	Limited field presence and capacity; weak coordination with regional offices; inconsistent monitoring. The Labour Inspectorate faces limited resources to expand inspection coverage and frequency. Coordination with immigration, police, unions, and civil society exists but is often ad-hoc. Limited proactive outreach to informal sectors and hidden workplaces. Inadequate systematic protections for migrants fearing retaliation or deportation.	PEAs evade oversight; limited pre-departure training; migrants are unaware of complaint mechanisms or do not trust them. Language and cultural barriers limit effective communication with migrants. Many workplaces, especially private homes, are inaccessible for inspections. Migrants' fear of deportation discourages reporting. Informality and lack of legal awareness leave migrants vulnerable to abuses.
National Labour Commission (NLC)	Resolves labour disputes; enforces rights through legal powers; handles unfair labour practices.	Strong legal mandate and authority, including court-like powers.	Regional and district structures largely absent; weak follow-up on reported cases.	Migrants in rural areas lack access to NLC and are unaware of dispute channels; procedures may be lengthy or complex.

Institution	Key Mandates/Functions	Effectiveness	Implementation / Coordination Gaps	Practical Challenges for Migrant Workers
Ministry of Interior (MINTER)	Issues work/residency permits; combats trafficking and smuggling through Ghana Immigration Service (GIS) and Police Service.	Actively involved in migration control and border management. GIS conducts public sensitization.	Overlaps and confusion over work permit authority (with the Ministry of Labour, Jobs and Employment (MLJE)); weak monitoring of outbound recruitment.	Bureaucratic delays in permits; unclear procedures; limited migrant access to Migrant Resource Centers or police support.
Ghana Immigration Service (GIS)	Promotes regular migration; issues permits; operates Migrant Resource Centers; combats irregular migration.	Visible role in migration governance; provides information and support.	Limited staffing and budget for MRCs; low coordination with MLJE/LD on fair recruitment.	Migrants struggle to get accurate information; irregular migrants fear approaching GIS; limited follow-up after training sessions.
Ghana Police Service	Investigates fraud, trafficking, and recruitment-related crimes.	Plays supportive role in enforcement and prosecution.	Not consistently trained on migration-specific laws and violations.	Migrants may fear reporting due to stigma or lack of trust; cases are not always prioritized.
Ministry of Foreign Affairs & Regional Integration (MFARI)	Protects Ghanaians abroad through embassies; negotiates BLAs; consular support.	Engaged in diplomatic support and bilateral labour agreements.	No labour attachés; lacks complaint mechanisms abroad; limited coordination with other institutions.	Migrants abroad face difficulty accessing consular support; little help for disputes or abuses by employers/recruiters.
Ministry of Justice & Attorney General (MJAG)	Drafts laws and ratifies treaties; supports legal enforcement; prosecutes abuses.	Strong legislative role; supports ratification of international conventions.	Rarely involved in operational migration issues; low visibility in migrant support.	Migrants lack access to formal justice due to cost; legal procedures are complex and slow.
Commission on Human Rights and Administrative Justice (CHRAJ)	Investigates human rights violations; provides education, redress, and advocacy.	Prominent national human rights body; receives and investigates complaints.	Limited outreach to migrant communities; not systematically involved in labour migration monitoring.	Migrants are unaware of CHRAJ mandate or locations; lack of trust in public institutions.
Legal Aid Commission (LAC)	Provides free legal aid to indigent people; supports fair trial and dispute resolution.	Offers mediation and free legal representation; is present in all 10 traditional regions.	Unclear eligibility criteria; services stretched thin; migrants abroad are not covered.	Many migrants do not qualify under 'indigent'; legal aid not accessible outside Ghana; limited awareness of services.
Private Employment Agencies (PEAs)	Recruitment and placement of Ghanaian workers for employment domestically and abroad. They operate under the Labour Act, 2003 (Act 651) and Labour Regulations, L.I. 1833. Foreign recruitment permitted only with valid license and where a bilateral agreement exists.	Some licensed PEAs play significant roles in facilitating labour migration in line with legal requirements. Official data (2025) shows 304 licensed PEAs, with 89 authorized for international recruitment.	Weak enforcement and oversight mechanisms by Labour Department (LD) and Ministry of Employment and Labour Relations (MELR). Weak monitoring of licensed PEAs. High levels of informality in recruitment channels.	Many migrant workers are recruited by informal, unlicensed PEAs, intermediaries, or independently. Increasing vulnerability to deceptive recruitment and exploitation and limited access to formal grievance mechanisms for those recruited outside the regulated framework.
Ghana Employers' Association (GEA)	Represents employers' interests in labour migration policy. Provides education to employers on ILO Fair Recruitment Guidelines. Active role in Labour Law review and National Labour Migration Policy development.	Effective in raising awareness among employers regarding fair recruitment. Key stakeholder in policy formulation and legal reforms.	Limited enforcement power to ensure employer compliance. Dependent on the voluntary adherence to guidelines by member companies.	Some employers may remain unaware or non-compliant with fair recruitment standards, affecting working conditions for migrants.

Institution	Key Mandates/Functions	Effectiveness	Implementation / Coordination Gaps	Practical Challenges for Migrant Workers
Trades Union Congress (TUC Ghana)	<p>Advocacy for migrant workers' rights and decent work; organizes migrant workers and provides support services.</p> <p>Awareness raising through media. Member of the Technical Working Group on Labour Migration Policy.</p> <p>Implemented the Migrant Recruitment Advisor (MRA) with ITUC/ILO support.</p>	<p>Strong presence in labour migration governance and worker mobilization. Effective in outreach and awareness campaigns. MRA is a valuable tool for transparency and feedback on recruitment practices.</p>	<p>MRA feedback is not fully integrated into state enforcement mechanisms. Challenges in organizing and supporting migrant workers in the informal sector.</p>	<p>Migrants recruited informally may lack awareness of union support. Limited enforcement leverage over informal recruiters and employers in destination countries.</p>
Migrant Labour General Workers Union International (MLGWUI)	<p>Advocates for migrant workers' rights and fair labour conditions; provides legal assistance, education, awareness, and social justice support. Handles internal and international migration issues, negotiations, and repatriation efforts to resolve exploitation cases.</p>	<p>Services are accessible to all migrants who seek assistance and join the union network. Services are free of charge. Successfully resolved 108 cases through labour courts in Kurdistan in 2024.</p> <p>Facilitates repatriation in collaboration with Ghana Missions abroad.</p>	<p>Slow or absent responses from key institutions such as the police, the Ministry of Foreign Affairs, and the Labour Department.</p> <p>Informal negotiations often replace formal redress mechanisms.</p>	<p>Legal services provided by the Union are free, but legal proceedings can incur high costs beyond the union's support.</p> <p>Long delays in processing cases due to bureaucratic inefficiencies.</p>
Civil Society Organizations (CSOs)	<p>Provide information, counselling, legal aid, and other support services to migrant workers. Engage in advocacy and monitoring of recruitment practices.</p>	<p>Play a critical role in reaching vulnerable migrants, especially those outside formal systems. Help fill protection and information gaps in underserved communities.</p>	<p>Often operate with limited resources and fragmented coordination. Lack of formal integration into state policy frameworks and oversight mechanisms.</p>	<p>Services may not reach remote or rural areas.</p> <p>Migrants may lack awareness of CSO support, especially when recruited through informal or irregular channels.</p>

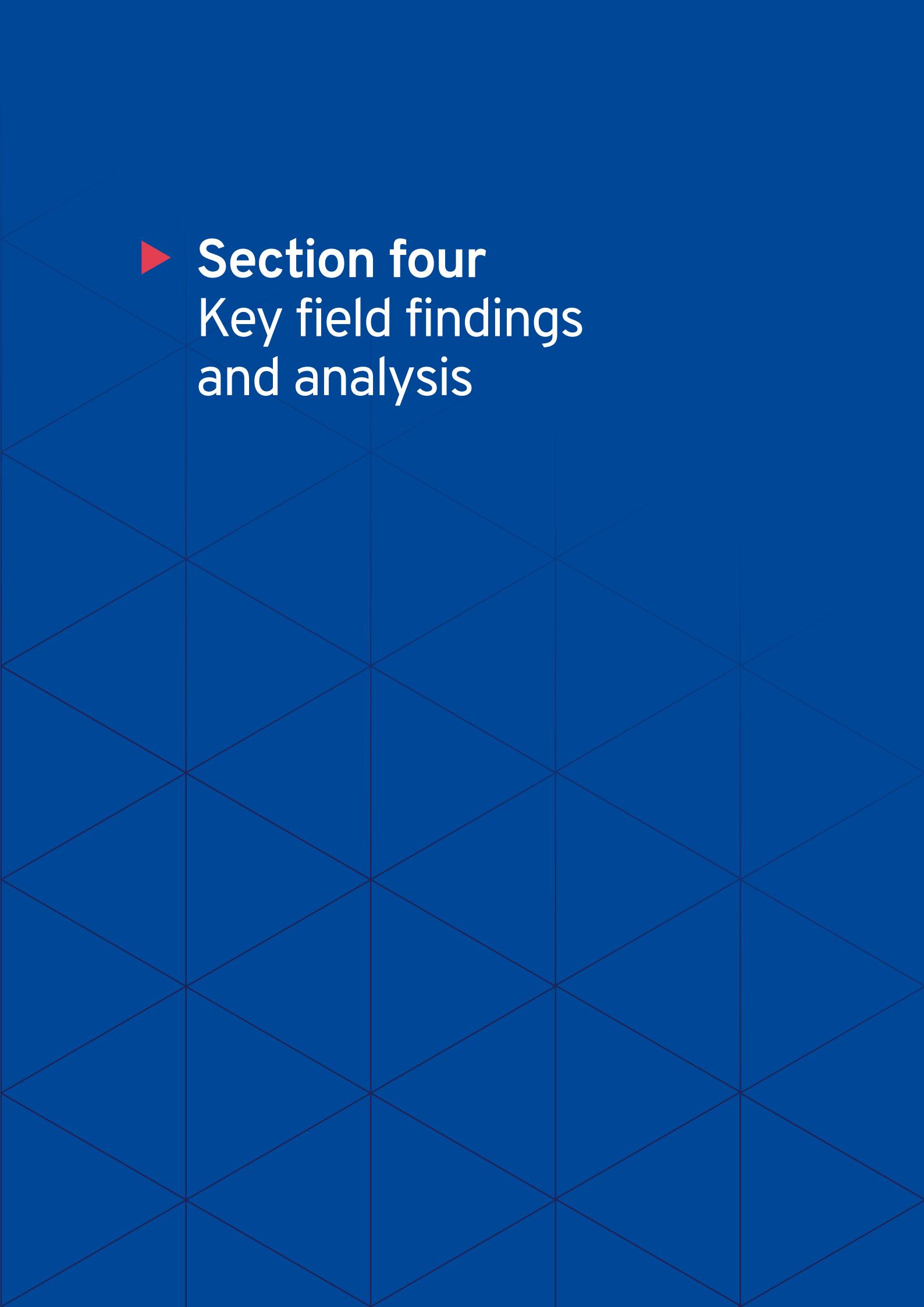
Regarding the institutional framework, especially given the numbers and mandates, as presented above, it can be said that Ghana has enough institutions to adequately respond to migrant workers' abuses and facilitate their access to justice. Additionally, the various institutions are rallied together by an engagement platform through the creation of the National Labour Migration Technical Working Group (NLMTWG). Such structures, that enable public and private actors to carry out their functions jointly, are not only inclusive but working through both a 'whole-of-government' approach and a 'whole-of-society' approach. It is also a form of empowerment; hence, intensified provision of services to migrant workers is expected. This notwithstanding, a number of cross-cutting challenges are identified as impeding the institutional framework and its functioning in delivering access to justice.

The first fundamental gap is coordination failures or the absence of effective coordination. In fact, despite the creation of the NLMTWG engagement platform, coordination of stakeholders has been weak and inadequate. Individual institutions such as the Ministry of Labour, Jobs and Employment (MLJE), the Ministry of Interior, the National Labour Commission (NLC), and the Ghana Immigration Service (GIS) are working in silos by implementing their own mandates without a coherent approach. While lack of clear mandates may be a reason for actors not being committed to working together, it could also be attributed to the lack of dedicated funding from central government to implement joint institutional labour migration activities. Both can make effective coordination difficult, but the lack of dedicated funding from central government seems to portray migration issues as not an area of priority and hence amplifying the reluctance

to coordinate. Further, the lack of reliable funding leads to implementation limitations as institutions must depend on the goodwill of external donor organizations to execute their legal mandates and policy programmes to deliver services to migrant workers.

The second limitation, alongside coordination obstacles, is the issue of data gaps. There is no national centralized database on migrant workers in Ghana. While some institutions such as the MLJE, GIS, NLC, CHRAJ and several CSOs hold fragmented data, low interoperability and the lack of integration result in poor monitoring, weak enforcement, and invisibility of many migrant workers, especially those recruited informally. This limits the ability to track recruitment trends, monitor abuses, or make evidence-based policy decisions. For migrants, this translates into weaker protection, limited access to remedies, and sustained vulnerability despite Ghana's policy commitments. As a result, abusive recruiters go unpunished, migrants struggle to access remedies, and policies cannot effectively target vulnerable groups like women in domestic work.

The third cross-cutting gap stems from weak monitoring and enforcement. Monitoring of the labour migration industry and enforcement of regulations is not only weak but more difficult as reflected in rising abuses of migrant workers especially during the recruitment stages in Ghana. The majority of the work, if not all, is done by the labour authorities, especially the Labour Department; and if others are involved, there is limited inclusion of actors in the space. However, the Department not only lacks the requisite capacities in terms of logistics and staff capacity due to resource constraints but is also aware that protecting migrants from abuse is complex and needs a collective effort. Due to the lack of collaboration for joint monitoring, inspections to address abuses are not frequent or regular and sometimes they are too late to make an impact, especially when abuses have already taken place and covered up.



► Section four Key field findings and analysis

Section four

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4.1 Introduction

This section discusses the major findings. It begins with an analysis of the persistent human and labour rights abuses and harms experienced by migrant workers while working or in pursuit of jobs abroad, especially in countries of the Middle East and the Gulf Cooperation Council (GCC). The mechanisms for enforcing rights and seeking redress for abuses that occurred are then discussed, followed by the impediments that obstruct migrant workers from accessing justice and obtaining remedies.

4.2 Labour Rights Abuses Faced by Ghanaian Migrant Workers

The study reveals that Ghanaian migrant workers, both in transit and at destination, continue to face significant labour rights violations throughout the migration cycle, particularly in countries of the GCC and the Middle East. These violations begin with deceptive recruitment practices and extend to abusive working conditions, inadequate protection mechanisms, and discriminatory treatment, undermining the principles of fair recruitment and decent work for migrant workers.

It was noted that some of the exploitation is perpetrated domestically. During the recruitment process, many potential migrant workers are exposed to deceptive practices, including misleading information and false promises regarding job opportunities abroad. These promises often pertain to the nature of the work, wages, or conditions of employment, which, upon arrival, prove to be inaccurate, exaggerated, or entirely false. A recurrent concern raised by the study participants relates to the lack of written employment contracts, leaving workers without formal documentation to verify the terms and conditions initially

communicated during recruitment. Such practices contravene the principles of transparency and accountability set out in the ILO's General Principles and Operational Guidelines for Fair Recruitment. Participants attributed these deceptive practices to the operations of unlicensed or informal recruitment intermediaries, who exploit regulatory gaps to circumvent accountability mechanisms. Some representatives of licensed private employment agencies and migrant workers' support organizations also raised these concerns, noting that unscrupulous or unlicensed agencies and sub-agents contribute significantly to the prevalence of unfair recruitment practices. These findings are consistent with existing research on irregular recruitment dynamics in Ghana. Further, especially upon arrival at destination, it was gathered that many migrant workers face various forms of exploitation, including withholding of wages, confiscation of identity documents such as passports, and restrictions on communication. Cases of physical abuse, sexual harassment, and degrading treatment were also reported, particularly among women migrant domestic workers in destinations such as Saudi Arabia and Iraq. In addition, some migrant workers also reported being subjected to occupational safety and health challenges, including excessively long working hours and exposure to extremely hot weather without adequate protection, contributing to illness and, in some cases, fatalities. A specific example was the repatriation of the remains of a female migrant worker who died in Saudi Arabia. When asked about the ordeals they had encountered, one female migrant responded during the Focus Group Discussion (FGD):



"I worked for 3 months without pay during my one-year work. My wages were being withheld and I was told that it will be paid to the agent in Ghana. I run away from my old madam after paying her.

She further indicated that others are in detention for attempting to escape from abusive employers."

Another returnee migrant worker who migrated through a family member to work in Dubai for three months in 2018, stated:



"Although I did not face challenges while working in Dubai, I came across the body of a Ghanaian worker who had died because of the heat."

The study further indicates that migrant workers experienced a systemic lack of protection, both at destination and upon return to Ghana. Weak enforcement of existing laws, limited awareness of redress mechanisms and rights among migrants as well as insufficient pre-departure preparation were identified as contributing factors. Structural vulnerabilities, including gender, legal status, informality, and sector of employment exacerbated these risks, with undocumented migrants and women disproportionately affected.

An emerging concern identified through the study, though not widely documented in existing literature, is the treatment of Ghanaian women migrant workers in some Middle East countries as commodities rather than as workers with human rights, reflecting degrading and dehumanizing recruitment practices. Female migrant domestic workers interviewed reported the practice or trend, especially in Iraq, of being lined up and physically inspected by prospective employers to assess their suitability against specific and arbitrary criteria before being hired. This trend is not only a degrading and dehumanizing recruitment and placement practice, but it violates the ILO Violence and Harassment Convention, 2019 (No. 190), which Ghana is yet to ratify. For instance, a female returnee migrant worker shared the following experience:



"When employers come to the center where we are kept being linked to jobs, we are asked to form a queue to be examined before being hired. If you are beautiful, you will not be selected because they fear you will take their husbands. They also fear well-built women, believing they will fight back when being harassed. It took me several weeks before I got my first madam (job)."

4.3 Access to Justice and Remedy Mechanisms for the Protection of Migrant Workers' Rights

The study identified several formal mechanisms used to protect migrant workers' rights and address abuses such as unpaid wages, wrongful dismissals, contract breaches, exploitation, and discrimination. Most mechanisms are state-led and include both legal and non-legal processes (Alternative Dispute Resolution) applied in Ghana and destination countries.

Pre-emptive measures:

Proactive actions, policies, and educational initiatives implemented before the employment relationship or labour migration process begins, designed to minimize the risk of disputes, exploitation, and rights violations. These measures aim to empower workers and employers with knowledge, clear expectations, and accessible mechanisms for addressing grievances, thereby reducing the likelihood of disputes arising. In the context of labour migration, pre-emptive measures are crucial for closing justice gaps by enhancing workers' access to information and protection even before they enter the workplace or destination country. In Ghana, the Labour Department and some licensed Private Employment Agencies (PEAs) do provide some form of pre-departure orientations to educate outgoing migrant workers on their rights and ensure contracts include dispute resolution clauses. While this is key to reducing migrant workers' vulnerability, the practice has not been regular and at the same time cannot be described as a training due to lack of a formal curriculum. Most PEAs, both licensed and especially unlicensed, also evade or do not use the process and go unpunished.

Alternative Dispute Resolution (ADR) Mechanisms (Out-of-Court Process)

Dispute prevention: "Arrangements and processes that enable conflicts or disagreements concerning matters of mutual interest to be resolved by the actions of the concerned parties. Arrangements that enable problems to be

resolved fairly and quickly, thereby eliminating the possibility of escalation into major confrontation between the disputing parties and thus avoiding the formal declaration or notification of a dispute”³¹.

This mechanism is often the first step for resolving disputes between employers and employees. The Labour Department promotes social dialogue as an alternative to litigation, encouraging employers and workers to resolve disputes through constructive engagement. The National Labour Commission (NLC) also facilitates the settlement of industrial disputes through negotiation as set out in the collective agreement or contract of employment if a case is brought to its attention. However, most migrant workers, including migrant domestic workers, who have complaints have no knowledge of the Commission’s procedures.

Mediation (or conciliation): “A process in which an independent and impartial third party assists the disputing parties to reach a mutually acceptable agreement to resolve their dispute”³².

In Ghana, when negotiation or facilitation fails, mediation is used by state agencies like the NLC, the Commission for Human Rights & Administrative Justice (CHRAJ), the Legal Aid Commission, and trade unions. Parties are formally invited, ground rules are set, and, if successful, a binding agreement is signed.

Arbitration: “The determination of a dispute by one or more independent third parties rather than by a court. During arbitration, an arbitrator hears the arguments of both parties to a dispute and settles the case by making an award”³³.

Often, when mediation is unsuccessful, arbitration follows. Independent arbitrators, chosen by the parties or appointed by the NLC, hear cases and issue binding rulings.

Court Systems

Adjudication: “A process of settling a dispute in court before a judge or magistrate, in accordance with the formalities and procedures required by law”³⁴.

In Ghana, the court system is a last resort for enforcing rights after other mechanisms fail. CHRAJ and NLC may refer cases to court, especially for non-compliant employers. However, litigation is discouraged due to long, complex processes. According to a Labour Department staff member: *“Legal action is discouraged due to the lengthy court processes. Litigation is considered only as a last resort when all other mechanisms fail.”* The court system is characterized by long bureaucratic processes, and outcomes can be delayed or compromised. In particular, the interview with the National Labour Commission (NLC) staff revealed that the NLC enforces recommendations that are legally binding under the Labour Act. In the words of a staff member from the National Labour Commission:



“There was one case that involved a Sierra Leonean cook who traveled home to visit his family but was dismissed upon his return, even though he had an existing employment contract. Another case involved a Ugandan employee and his wife, who were dismissed and required repatriation, but their employer refused to cover their costs. The Labour Act mandates that employers must pay for the repatriation of migrant workers, but some employers fail to comply. The NLC intervened in such cases to ensure legal enforcement.”

31 ILO. (2025). [Report for the Tripartite Technical Meeting on Access to Labour Justice for All. Glossary: Working definitions. Key terms related to labour dispute prevention and resolution based on ILO publications](#).

32 *Ibidem*.

33 *Ibidem*.

34 *Ibidem*.

Study informants, particularly some migrant workers, indicated that redress processes or mechanisms in some GCC countries are comparatively better than those in Ghana. One migrant

stated that he could not understand why. Box 1 provides an account of court redress processes as narrated by one male returnee migrant during the FGD.

► Box 1. Experience of a migrant worker with the redress process through the court system

Ghanaians abroad often have better access to justice than those in Ghana. Workers in countries such as the UAE and Qatar can file labour complaints and seek compensation.

"I think it is even easier for Ghanaians to seek redress when it comes to labour issues in the Gulf, at least in two countries that I am very comfortable with, in the UAE and in Qatar, than in Ghana."

For example, six Ghanaian workers in Dubai filed a complaint and won compensation of 3,000 to 5,000 dirhams each after experiencing poor conditions.

"The Ghanaian workers (...) went to report to the labour court. The case was heard, and they were given compensation, I think 5,000 dirhams or 3,000 dirhams each."

Additionally, mobile labour courts in Abu Dhabi and Dubai increase accessibility.

"In Abu Dhabi, and I think in Dubai too, they used to have a mobile labour court where a big man with a judge in it drives to the worker's accommodation and invites people who have labour issues to come."

However, in Ghana, labour justice remains largely inaccessible because workers are unaware of their rights and legal channels.

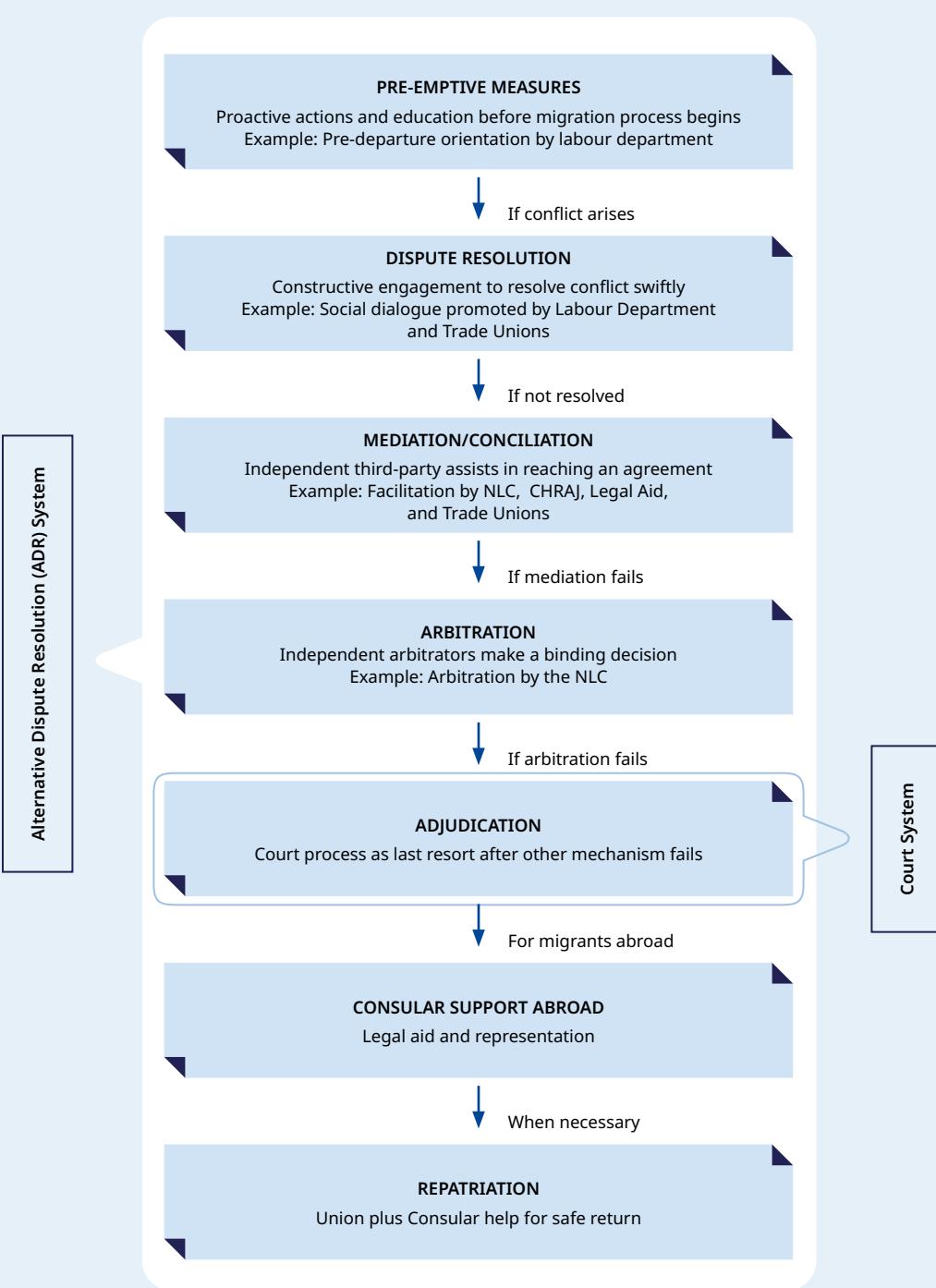
Consular support: Ghana's missions abroad assist migrants facing rights violations by providing legal help or arranging repatriation in collaboration with state agencies. However, especially in the GCC, consulate interventions in migrant labour disputes and other emergencies such as arrests or detentions of migrants are limited as Ghanaian embassies do not operate in every country, including Iraq.

Repatriation: Trade unions and migrant CSOs, often with Ghana's consular support, organize the safe return of migrant workers facing exploitation. In 2023, the Migrant Labour General Workers Union International (MLGWUI) repatriated over 200 West African workers. According to the union official from the MLGWUI interviewed:



"MLGWUI facilitated the repatriation of the remains of a migrant worker, who died in Saudi Arabia, and subsequently reported the case to the Police Criminal Investigations Department (CID) for action against those responsible and for the pursuit of remedies. The union has also entered into negotiations with the receiving company to secure the return of a victimised breastfeeding domestic migrant worker, Mary, from Saudi Arabia. Mary gave birth in her employer's home and was forced to continue working without adequate support for breastfeeding."

► **Figure 1. Flowchart on Redress Mechanisms for Migrant Workers' Access to Justice**



4.4 Effectiveness of Existing Redress Mechanisms for Migrant Workers

This section examines the quality of remediation and redress mechanisms available to migrant workers in Ghana. In Annex 4, it was observed that the available remedies and redress mechanisms in Ghana are largely driven by state actors or governmental institutions through formal channels and processes. These main state actors include the Commission on Human Rights and Administrative Justice (CHRAJ), the Legal Aid Commission, the National Labour Commission and the Labour Department. It is important to reiterate that other bodies like the Ministry of Labour, Jobs, and Employment, the Ministry of Interior (made up of the Ghana Police Service and the Ghana Immigration Service) and the Ministry of Foreign Affairs (Consular and Missions) facilitate policy and administrative processes that allow access to justice for migrant workers. It was also found that the majority of migrant workers prefer using Alternative Dispute Resolution (ADR) mechanisms such as mediation, facilitation, arbitration, and social dialogue in seeking redress because they offer timely outcomes when both parties cooperate. Channels such as the court system in Ghana are considered a last resort to seeking access to justice in labour disputes due to its bureaucratic process and delays. However, in the Gulf States, legal redress through labour court systems and lawyer representation is preferred but limited due to high legal fees.

The study also identified that non-state actors such as the trade unions, migrant-related CSOs and private recruitment agencies play a critical role in providing access to redress mechanisms for migrant workers. For instance, the TUC Ghana and, in particular, the MLGWUI (which operates independently) facilitate migrants' access to justice through information, advocacy, mediation, negotiations, and arbitration. Furthermore, some private recruitment agencies including Migration Solution Limited, SEWA Foundation and Zanithi and Associates were found to be key in supporting workers seeking to migrate for work abroad by educating them on their rights, including access to justice. This is often done during a pre-departure

orientation. Additionally, these agencies support migrant workers' access to justice through facilitation, court processes, and social dialogue.

The study also explored the effectiveness of these mechanisms in terms of accessibility, affordability and timeliness. The analysis of the data revealed that the remedies and redress mechanisms provided by the state bodies, especially the Commission on Human Rights and Administrative Justice (CHRAJ), the Legal Aid Commission (LAC), the Labour Department (LD), as well as social partners, particularly trade unions (i.e., TUC Ghana) are accessible to most migrant workers because their offices are situated widely across almost all regional capitals in the country or at strategic locations that make them easily accessible. However, apart from the offices in the political capital region, Greater Accra, most other regions are under-resourced in terms of logistics and personnel. The services provided collectively by TUC Ghana were also found to be relatively accessible to all workers, including migrant workers, particularly due to its broad coverage at the district level and its non-charging of fees. On the contrary, access to the National Labour Commission (NLC) services appeared to be limited compared to CHRAJ and the Legal Aid Commission. For instance, the NLC's limited coverage - approximately 25 per cent (operational in only four regions at the time of the study) - and the associated fees make access to and use of the systems difficult for many migrant workers.

In terms of affordability, overall, the assessed redress mechanisms in Ghana were found to be affordable, especially among state organizational systems. For instance, the LAC staff respondent indicated that *"a one time fee of five Ghana cedis is required to apply as filing fee. However, there are no additional costs for legal representation or mediation. If a case is already in court, the commission can request an exemption from filing fees, ensuring that clients do not bear the financial burden of litigation"*. However, outside Ghana, especially in Gulf countries, many migrant workers face high legal costs and cannot afford the services of a lawyer or legal representation. In a few cases, as gathered in interviews with migrants, it is the United Nations, through IOM, that provides legal assistance.

In terms of timeliness, while state institutional systems aim to resolve cases within the stipulated periods, the specified guidelines always fall short of the reality. It was observed that most of the cases can be delayed due to lack of cooperation between the two parties involved and unavailability of personnel (mediators). The words of the staff member from NLC provide emphasis on the findings:



"Delays occur due to uncooperative parties, including employers ignoring notices or employees not responding. In some cases, employer responses take over 28 days instead of the required 14 days."

456). With offices in approximately 180 districts, CHRAJ provides accessible services, including for migrant workers facing issues such as unpaid wages, contract violations, labour exploitation, and discrimination. CHRAJ primarily offers non-legal redress mechanisms through mediation. For instance, once a complaint is filed and deemed within its mandate, both parties are invited to consent to mediation. If successful, the resolution is implemented; if an employer refuses to comply, CHRAJ can escalate the matter to court. Services are free and cases are generally resolved within three months, while some are settled in days, depending on the level of cooperation from the parties involved. In the in-depth interview conducted at CHRAJ, the respondent noted: "*Where, after an investigation, a recommendation is made and the offending party refuses to comply, the matter is referred to court for enforcement.*" (CHRAJ staff, male).

4.5 Formal Access to Complaints and Redress Mechanisms for Migrant Workers in Ghana

This section examines the formal channels of access to the legal system available to migrant workers by analyzing their procedures and discussing the reasons that encourage or discourage migrant workers from choosing formal channels. In Ghana, the formal channels of access to the legal system are the official and state-recognized institutions and procedures that individuals, including migrant workers, can use to seek justice and protect their rights. These channels operate within a structured legal framework established by laws, policies, and regulations. The analysis of the data revealed that there are six formal channels of access to the legal system.

4.5.1 Commission on Human Rights and Administrative Justice

The Commission on Human Rights and Administrative Justice (CHRAJ) is Ghana's national human rights institution, mandated to promote, protect, and enforce fundamental rights under the Constitution and the CHRAJ Act, 1993 (Act

4.5.2 The National Labour Commission

The National Labour Commission (NLC) is established under the Labour Act, 2003 (Act 651) to resolve industrial disputes and enforce fair labour practices in Ghana. The Labour Act (Sections 136-139) provides the legal basis for its operations. The core functions of the NLC encompass facilitating dispute settlements between employers and employees, investigating unfair labour practices, ensuring compliance with labour laws, and preventing and resolving workplace conflicts through mediation, arbitration and legal enforcement. Despite its critical role in promoting industrial harmony, the Commission's reach remains limited, with operational offices in only four regions - Greater Accra, Ashanti, Western, and Bono. This limited geographical presence significantly restricts easy access to its services for many workers, particularly migrant workers outside these regions. Compared to institutions like CHRAJ, the NLC's capacity to provide nationwide coverage remains constrained.

The interviewee indicated that the NLC provides three main dispute resolution mechanisms: facilitation, mediation, and arbitration. He revealed that dispute prevention or facilitation is the first step, where the NLC's Industrial Relations Department arranges a hearing between the parties to resolve the dispute amicably. If successful,

a formal award is issued. If facilitation fails, mediation is offered, allowing both parties to select a neutral mediator to help reach a voluntary settlement, though mediators do not impose decisions. When mediation is unsuccessful, the case proceeds to arbitration, where an independent arbitrator, selected by the parties or appointed by the NLC, delivers a binding ruling. If unresolved, the case is referred to a final seven-member panel representing employers, workers, and government, whose decisions are also binding but subject to judicial appeal. It was gathered that the NLC's aim is to resolve cases within two weeks; however, delays often occur due to uncooperative parties, entrenched positions, or slow responses, particularly from employers. Regarding cost, the fee for mediation or arbitration was quoted at GH₵1,850 per hearing, which is ordinarily shared equally between the employer and employee. It was revealed, however, that in many cases, the employer covers the full cost, ensuring the employee is not burdened.

4.5.3 Legal Aid Commission

The Legal Aid Commission (LAC) is a public institution established by the Constitution of Ghana to provide legal services to individuals who cannot afford a lawyer. This mandate is enshrined in Article 294 of the Constitution, which states that anyone without financial means has the right to free legal representation. The Legal Aid Commission Act, 2018 (Act 977) is the current governing law that regulates the Commission's activities. LAC has three main divisions made up of (1) the Public Defender Division, handling court cases and legal defense; (2) the ADR (Alternative Dispute Resolution) Division, focusing on mediation and settlements outside court; and (3) the Custodial Citizenship Advisory Division, responsible for public education and awareness. The Commission, as indicated in the interview, frequently assists migrant workers, indicating that the Commission receives cases where foreign workers face injustices at the hands of their employers. With offices across all ten traditional regions, the Commission provides geographical proximity for easy access and use of legal services. Other mechanisms of serving workers under the Commission are captured in the box below.



Mediation: When a case does not qualify for legal aid, it may be referred to mediation under the Alternative Dispute Resolution (ADR) Division. If mediation succeeds, both parties sign a binding agreement; if it fails, the case proceeds to court.



Adjudication: Cases falling under criminal matters (e.g., robbery, assault), employment disputes (e.g., wrongful dismissal, unpaid wages), or civil issues (e.g., estate disputes, family matters) that qualify for legal aid are assigned to a lawyer for court representation through the Public Defender Division. Legal Aid Services for mediation or court representation are free. However, a one-time fee of GH₵ 5 is required to apply.

4.5.4 Labour Department

The Labour Department, under the Ministry of Labour, Jobs, and Employment, is responsible for enforcing labour laws, regulating recruitment agencies, monitoring overseas employment, and protecting the rights of migrant workers. It also collaborates with other government agencies, consular offices, and destination country partners to uphold migrant rights. The Department operates nationwide across 86 zones, each covering about three districts. It can be contacted via hotlines that provide direct access to officials, allowing workers to report abuses without interference from employers. However, the interview revealed that many migrant workers, especially those recruited by unlicensed agencies, remain unaware of these mechanisms and often lack protection. The hotline system is rated 70–80 per cent accessible. Some challenges were identified with this tool including limited lines, busy networks, and high costs of international calls, which can reduce access and use for many workers.

Further, the respondent indicated that the Labour Department emphasizes pre-emptive measures for protection rather than solely relying on mediation. For instance, it verifies employment

contracts to ensure dispute resolution clauses exist, thus preventing exploitation abroad. This is done during pre-departure orientation in partnership with licensed recruitment agencies and destination countries. However, enforcement remains a difficult issue for workers recruited informally. The interviewee stated: *"We ensure that the employment contract contains the provision on how they can report issues in the destination country. (...) Due diligence is the first thing we do. We look at the documents, their genuineness, and authenticity in collaboration with our partners. In fact, we carry out several things including verification of employment contracts and recruitment agency agreements, ensuring workers are not misled about job conditions abroad, and checking that no underage workers are being recruited."* (Labour Department Official).

Alongside these approaches, emphasis is also placed on social dialogue and liaising with Ghanaian missions abroad for consular support. Regarding the former, the Department discourages court litigation due to delays and promotes social dialogue. In this process, employers and employees resolve disputes through discussion. On the other hand, consular support is extended to migrant workers facing challenges through the Department's work with Ghana missions. The officer interviewed stressed that complaints received through the Department's hotline are reviewed by the Chief Labour Officer, who may involve the police and contact the relevant Ghana mission for intervention. It was revealed that in some cases, inter-agency coordination between the Ministries of Labour, Foreign Affairs, and Interior facilitates consular assistance. However, the process remains ad hoc due to the absence of a centralized control system. One respondent shared an example of how the Department, in collaboration with a Ghana mission abroad, successfully assisted in the repatriation of a migrant worker.

"For instance, a man approached the Department on behalf of his sister, who had been recruited to work abroad. He indicated that his sister expressed a desire to return home due to excessive working hours and non-payment of wages. The Department escalated the issue through the following approach: (i) the complaint was formally submitted and reviewed by the Chief Labour Officer, (ii) the case was referred to the police, who initiated contact with authorities abroad, and (iii) after approximately a

month, the worker was successfully repatriated to Ghana. However, this worker had not been recruited through a licensed agency, highlighting a key challenge. Thus, workers who migrate through unauthorized channels lack formal protection mechanisms. The Labour Department continues to advocate for legal pathways through bilateral migration agreements, ensuring that migrant workers have clear access to justice in destination countries." (Labour Department Staff).

4.5.5 Private Recruitment Agencies

Private recruitment agencies licensed by the Labour Department play a key role in facilitating migrant workers' access to justice and protection. These agencies serve as an accessible first point of contact for workers seeking support, available whenever contacted. Importantly, their services are generally free of charge, but formal legal processes (e.g., court or police cases) may involve fees, which can be a barrier for many migrant workers. The expert interviews identified dispute prevention and adjudication as two areas in which recruitment agencies provide support to migrant workers. With dispute prevention or facilitation, for example, migrant workers can raise a concern with the agency, which promptly intervenes by contacting the employer or supervisor. Relevant information is gathered and timely feedback is provided to the worker. This quick response helps prevent minor conflicts from becoming formal complaints or litigation cases. In terms of adjudication, it was stressed that these agencies also support migrant workers by facilitating access to formal redress mechanisms, including labour courts and police assistance, when necessary, although the cost of pursuing formal legal action can be a limiting factor for some workers. However, pursuing formal legal processes remains costly and often beyond the financial capacity of many migrant workers, even when agencies provide mediation support.

4.5.6 Trade Unions

Trade unions in Ghana play a crucial role in protecting workers' rights and ensuring fair treatment in the workplace. One of their primary functions is grievance redress, which involves

resolving disputes between employees and employers, through structured procedures aligned with national labour laws, collective bargaining agreements, and internal union rules.

Pre-emptive measures: Trade unions, especially the Trades Union Congress (TUC) Ghana protect migrant workers' rights through advocacy, policy engagement, and capacity-building training. The TUC was crucial in the development of the 2020 National Labour Migration Policy and continues to push for ratification of key ILO conventions, including C190. It also influences labour law reforms and fair recruitment policies. To empower migrants, the TUC launched the Migrant Recruitment Advisor (MRA) national website for Ghana on 26 April 2022. The National MRA web portal is a recruitment and employment review tool linked to a global interface. It provides information on recruitment agencies, workers' rights, and relevant laws, and allows migrants to share work experiences, submit complaints, and make informed decisions. The platform also enables survey analysis and reporting to the government for monitoring and to trade unions for advocacy and support to migrant workers in abusive situations. The TUC has strengthened unions to organize and support migrant workers and is working to establish a Migrant Desk or Resource Centre. It also collaborates locally and internationally with CSOs and unions to promote fair recruitment and safe migration, participating in forums such as ATUMNET and the Africa Review of the Global Compact for Migration. Through research and outreach, including a 2016 study and information guides, the TUC raises awareness about ethical recruitment and helps migrants access reliable information for safer migration and dispute resolution.

4.5.7 The Migrant Labour General Workers Union International (MLGWUI)

The Migrant Labour General Workers Union International (MLGWUI) plays a crucial role in advocating for migrant workers' rights, providing support in cases of exploitation, and working to ensure fair labour conditions. The Union was founded in 2006 and officially incorporated in 2013 before gaining recognition as a trade union

in 2017. MLGWUI focuses on social justice, decent working conditions, education and awareness, and the protection of labour rights for migrant workers. The union operates on both internal and international migration issues, particularly addressing challenges faced by workers migrating to the GCC countries and other countries such as Iraq. MLGWUI provides support, legal assistance, and pathways to justice. They work to help migrants escape exploitative conditions and secure safe repatriation. *"In 2024 alone, the organization handled 118 cases of migrant worker complaints."* (MLGWUI staff). The MLGWUI, whose desire is to affiliate with the TUC Ghana, utilizes the following channels and processes for redress for migrant workers in Ghana and abroad with technical and professional advice from the TUC Ghana.

► **Dispute prevention:** The Union uses direct negotiations as a redress mechanism between employees and employers, as stated in the Labour Act, 2003 (Act 651). Furthermore, the lack of government intervention and enforcement forces the union to resolve issues informally by negotiating directly with recruitment agents: *"We negotiate with employers to transfer workers instead of dismissing them unjustly."* (MLGWUI staff). Where court systems are not available, especially for migrant workers abroad, legal representatives are hired to negotiate with employers and recruitment companies.

► **Adjudication:** The Migrant Labour General Workers Union International uses the labour court as one of its mechanisms in providing justice for migrant workers. The study found that legal action is taken in destination countries, such as Kurdistan, to seek justice for exploited workers: *"We were able to resolve 108 cases through labour courts in Kurdistan."* (MLGWUI staff).

► **Repatriation:** This redress mechanism involves a collaboration between the Migrant Labour General Workers Union International and the Ghanaian missions of the respective countries. As a member, the union usually submits a formal complaint to the migration desk of the concerned Ghana Mission or Consulate.

MLGWUI offers a range of services to migrant workers and facilitates repatriation for distressed migrants. Access to these services is open to all migrant workers who seek assistance and join the union network. The services provided by MLGWUI are free of charge. In addition, there are no fixed timelines for resolving cases, as legal processes are often delayed due to bureaucratic inefficiencies. The Union frequently reports cases to the Ghana Police, the Ministry of Foreign Affairs, and the Labour Department. However, responses from these institutions are often delayed or absent, limiting the effectiveness of redress efforts. As one union representative stated, "*We report cases to the police, Ministry of Foreign Affairs, and Labour Department, but they do not respond.*" (MLGWUI staff).

Despite these challenges, MLGWUI remains an essential actor in advocating for migrant workers' rights and providing support for those facing abuse, exploitation, or seeking repatriation.

4.5.8 Civil Society Organizations

The role of Civil Society Organizations (CSOs), including Non-Governmental Organizations (NGOs), in facilitating access to justice for migrant workers in Ghana cannot be underestimated. A number of migration-related CSOs identified contribute in the following ways.

► **Referral to Adjudication Processes:** Civil Society Organizations play a critical role in linking migrant workers with the legal aid services and mobilizing lawyers, particularly from within migrant communities. For example, Nigerian lawyers based in Ghana are engaged to defend Nigerian migrants facing criminal charges or immigration-related challenges. This is what one CSO informant in the study had to say:



"We try to engage with legal aid (...) and then we try to get a group of Nigerians who are lawyers in Ghana, and we try to use them to help them, to bring them out."

This statement demonstrates how CSOs bridge gaps in formal legal systems by leveraging community-based expertise. Also, the expert interview with the Research and Counselling Foundation for African Migrants (RECFAM) revealed that they engage in facilitating access to labour justice for migrants in Ghana and beyond, including public education on labour rights, counselling, and legal referrals to formal justice mechanisms.

► **Mobilization:** CSOs aim to promote the mobilization of migrant workers into organized groups to sustain migrant workers' strong bargaining power. They facilitate this process by supporting the creation of networks and coalitions that strengthen collective bargaining and advocacy power, as well as facilitating access to duty bearers. Through such organized groups, CSOs address issues more systematically and engage with government institutions more effectively. A staff member from the CSO revealed that:



"Migrants who are organized into national associations or groups (such as Nigerian communities in Ghana) can be engaged more systematically. CSOs work with these groups to identify families of trafficked individuals, notify them of their relatives' situations, and sometimes secure funding to repatriate victims back home. For instance, CSOs recently prepared to return eight trafficked Nigerians to their families. These interventions vary depending on circumstances, and while some cases involve criminal elements, CSOs often focus on humanitarian and rights-based concerns."



► **Coalition Building and Advocacy:** CSOs have established broader coalitions to amplify their influence through advocacy. The CSO Coalition on Migration, consisting of around 64 organizations, is one such platform for collaboration and advocacy. These coalitions enable CSOs to share knowledge, pool resources, and collectively engage with

state institutions to promote the interests of migrant workers, including access to justice mechanisms.

4.6 Practical Challenges and Barriers to Access to Justice and Effective Remedies for Migrant Workers

Several practical barriers have emerged from the study findings that hinder Ghanaian migrant workers in their efforts to access labour rights or seek justice inside or outside Ghana. During focused discussions with migrants and interviews with officials of state institutions, migrant CSOs, trade unions, and private recruitment agencies, the challenges to accessing justice range from legal and institutional barriers to practical ones. The most significant and recurring challenges are discussed below.

4.6.1 Limited Awareness and Access to Information

Information and knowledge are critical to accessing justice and other services. However, stakeholders consistently identified limited awareness among migrant workers about their rights and the available redress mechanisms. Many migrants lack information on legal protections or are unfamiliar with how to navigate the complaints procedures. Migrant participants consistently reported relying on trade unions in Ghana for guidance when seeking remedies for abuses, particularly in Gulf Cooperation Council (GCC) countries. Recruitment agencies also noted that migrants often confuse their role with that of travel and tour companies, while some report civil matters to the police rather than to the relevant institutions, reflecting broader gaps in legal awareness. An additional finding supporting this is that, although Legal Aid and CHRAJ redress mechanisms are free, most migrants and some workers are not aware of them.

The lack of knowledge about their rights is largely attributed to insufficient pre-departure orientation, which is meant to inform migrant workers of their rights and how to seek redress. However,

institutional stakeholders noted that pre-departure information is often ineffective because it does not reach those recruited through informal or irregular channels. At the same time, restrictions imposed by some employers abroad, such as confinement or confiscation of mobile phones, further isolate migrants and limit access to information. These barriers disproportionately affect undocumented migrants and women, particularly those employed in domestic work, due to their heightened vulnerability and confinement in private homes. To emphasize the issue, one interviewee noted:

"Many migrant workers lack knowledge of the redress mechanisms available to them. Those who did not go through the Labour Department do not have contact with migration support units, which limits their ability to report issues and seek redress. In addition, migrant workers often do not know where to find their consular offices or how to seek help, further isolating them when facing labour disputes." (Labour Department staff).

4.6.2 Weak Regulation of the Private Recruitment Industry

The weak enforcement of labour laws and regulations in Ghana was identified as a significant barrier to protecting migrant workers' rights and ensuring access to justice. For instance, based on in-depth interviews, the Ministry of Foreign Affairs identified ineffective enforcement as a key obstacle, and the National Labour Commission noted widespread employer non-compliance and delays in resolving cases. The Ministry of Interior further noted that fraudulent or unlicensed recruitment agencies exploit these gaps, making access to justice unattainable for migrant workers.

Many interviewees described the regulation and oversight of private recruitment agencies as weak, particularly compared with countries such as the Philippines, where agencies are held accountable for violations. Some Private Employment Agencies (PEAs) acknowledged that although Ghana has laws in place, poor implementation and ineffective supervision undermine the laws' impact. Several participants also raised concerns that political connections may shield certain recruitment agencies from accountability.

Government representatives interviewed agreed that regulatory and enforcement weaknesses are more acute in Ghana than abroad, citing legal and institutional gaps, inadequate resources, and poor coordination among relevant institutions. They recommended improving inter-agency cooperation, increasing logistical and human resources for enforcement, strengthening policy and legal frameworks to address loopholes, and establishing mechanisms such as complaints desks or labour attachés in foreign missions to support migrant workers and ensure access to remedies.

4.6.3 Lack of Support Services

Interviews with migrant workers, civil society organizations, and trade unions revealed persistent concerns about the limited engagement of state institutions, particularly consular services, in addressing the rights and protection needs of Ghanaian migrant workers abroad. Many migrant workers and stakeholders perceived that their concerns, particularly in cases of exploitation and abuse, are not treated by relevant authorities with the urgency or seriousness they deserve. This perceived lack of institutional responsiveness contributes to an environment where many migrants feel abandoned in the face of rights violations.

Stakeholders emphasized that despite the critical role consular services are expected to play in safeguarding nationals abroad, support for Ghanaian migrant workers in destination countries is inconsistent. Many migrants reported limited access to effective assistance from consulates, particularly in high-risk migration corridors such as the GCC countries.

In response to these protection gaps, some trade unions and civil society organizations have made efforts to assist distressed migrant workers, albeit within the constraints of their own capacities and resources. Although their interventions cannot substitute state-led protection, they have been instrumental in certain cases. For example, in 2024, one trade union facilitated the repatriation of 23 Ghanaian workers from the GCC countries and negotiated the transfer of 79 others to alternative employers, providing a measure of protection from further exploitation. Similarly, a civil

society organization reported assisting over 2,000 migrant workers to return voluntarily during the COVID-19 pandemic.

These interventions, while commendable, remain limited in scale and sustainability, and highlight the pressing need for more structured, coordinated, and state-driven responses to migrant protection. Stakeholders noted that without stronger institutional engagement, including more consistent and proactive consular support. The rights of Ghanaian migrant workers remain insufficiently protected, and their grievances inadequately addressed. While acknowledging the shortcomings of state institutional services, stakeholders also raised concerns about the lack of local support services provided by non-state actors, such as migrant CSOs and trade unions in Ghana. The lack of migrant resource or advice centers to support migrants with information on existing assistance mechanisms is a hindrance to effective access to justice. This may indicate that non-state actors do not prioritize migrant protection, and this is concerning given the rising violations of migrant workers' rights inside and outside Ghana.

Ensuring effective access to justice for Ghanaian migrant workers requires stronger political commitment, enhanced institutional coordination, and closer collaboration between state and non-state actors. Addressing the perception - and often the reality - that migrant workers' concerns are not taken seriously must be central to ongoing efforts to align national systems with international labour standards and advance the protection of all migrant workers. Box 2 below presents a trade union participant's remarks on the lack of priority given to migrant workers' issues.

4.6.4 High Legal Fees and Related Costs

Access to justice can be elusive for migrant workers without legal representation or aid. At the same time, a major barrier to effective access to justice, even with legal aid, is the financial cost associated with pursuing legal remedies, particularly through formal court processes. The interviews with both migrant workers and institutional representatives from government and private agencies consistently highlighted that legal representation and court proceedings often

► Box 2. Justice's perspectives

Justice, a trade unionist, has been an advocate for the state to strengthen fair recruitment for the protection of migrants.

"Even though I am not physically present in the GCC and lack adequate resources and networks as a government representative, I am able to support migrant workers in various bad situations to file complaints, get lawyers to represent them and facilitate their return or placement with other employers. I also know that TUC Ghana, with whom I collaborate closely, has concrete initiatives in place like the Migrant Recruitment Advisory Platform to promote fair recruitment and protect migrants."

In 2024, Justice was able, through negotiations, to resolve 79 cases of abuse and arranged their transfer to other employers. On March 19, 2025, Justice facilitated the repatriation of a deceased female migrant worker from Saudi Arabia to Ghana and handed her over to her family in Offinso.

carry prohibitive costs that deter many migrant workers from seeking the services of lawyers for redress, even in cases of serious rights violations.

Some migrant workers have been able to pursue cases before the courts in certain destination countries, notably within the GCC region. Such instances frequently occur with the direct support of international organizations, including United Nations agencies. For many others, the high cost of legal representation, combined with lengthy and complex judicial procedures, effectively discourages the pursuit of justice through formal judicial channels.

Beyond the financial barriers, stakeholders emphasized that judicial processes are often long and unpredictable, with significant associated costs, especially for low-wage migrant workers, who may lose income during prolonged legal proceedings. It was further reported that some workers have resorted to paralegal services or police interventions to recover unpaid wages or compensation, often incurring considerable expenses without any guarantee of successful outcomes.

In line with the ILO's emphasis on fair recruitment and access to justice, stakeholders highlighted the importance of strengthening alternative dispute resolution mechanisms, including mediation, arbitration, and social dialogue. Such mechanisms, when effectively implemented, can provide more accessible, affordable, and timely pathways to justice for migrant workers. For example, the National Labour Commission (NLC) indicated

that, in many cases, the costs of mediation or arbitration are either shared between parties or covered by employers, reducing financial barriers. However, delays in dispute resolution can still arise due to entrenched positions, lack of co-operation, or non-compliance by parties involved.

While formal litigation remains an essential component of access to justice, it should be considered a measure of last resort in resolving labour disputes involving migrant workers. Priority should be placed on strengthening and promoting accessible, rights-based, and gender-responsive dispute resolution mechanisms, in line with international labour standards and the ILO's General Principles and Operational Guidelines for Fair Recruitment. Such efforts are essential to ensure that migrant workers can effectively access remedies without facing prohibitive financial or procedural obstacles. A respondent stressed that: *"High legal costs are a major barrier. In fact, many workers struggle to afford legal representation when trying to enforce their contractual rights. For example, if a migrant works abroad (e.g., Saudi Arabia) and is unpaid, enforcing the contract across borders is legally complicated."* Respondents particularly cited high legal costs as a key factor preventing migrant workers from accessing justice through CHRAJ. In the words of one CHRAJ representative: *"hiring a lawyer for contract enforcement, especially for cases involving foreign employers, is expensive. Hence, those who are unable to pay may discontinue the case."*

4.6.5 Language and Cultural Barriers

Language and culture play a critical role in the delivery of justice and can also constitute significant barriers, as individuals may be discriminated against based on their language or culture. Language emerged from the study as a critical impediment to migrant workers' ability to access justice and effectively use grievance mechanisms, both in Ghana and in destination countries, particularly within the GCC and in destinations such as Iraq. Many migrant workers interviewed reported that their inability to communicate in local languages prevented them from reporting cases of abuse, lodging complaints, or navigating dispute resolution processes in destination countries. This was particularly evident in Iraq, where all the migrant workers indicated that they could not access support services or report rights violations simply because they could not communicate in the local language with law enforcement officials.

While some participants noted that access to redress mechanisms in countries like Qatar and the United Arab Emirates is comparatively better than in other GCC states and may, in certain instances, offer faster procedures than those available in Ghana, the absence of language support services significantly limits their practical ability to seek justice. The challenge is further compounded by reports that migrant workers face discrimination based on their skin colour, with some officials reportedly pretending not to understand them when being approached in English. Moreover, even in cases where migrants manage to report or file complaints, the absence of qualified and readily available professional interpreters in both court proceedings and out-of-court dispute resolution processes further exacerbates these barriers. Cases may be delayed or dismissed, and workers may be discouraged from pursuing remedies when they cannot effectively communicate their grievances or understand the procedures.

The institutional actors in Ghana also acknowledged that language barriers similarly restrict access to justice for migrant workers in the country. For example, non-English-speaking migrant workers, such as those from China, often face difficulties in engaging with formal redress services, including labour inspections and legal

aid, due to the lack of linguistic support. They also raised concerns that pre-departure orientation, information, and employment contracts for Ghanaian migrant workers bound for jobs abroad are often ineffective because it is often delivered in a language they do not understand well. This is contrary to the ILO's fair recruitment principles, which emphasize the importance of ensuring that all terms and conditions of employment, as well as available grievance mechanisms, are clearly communicated in a language the worker can comprehend. An institutional interviewee expressed the following concern:



"So, one of our main challenges with migrant workers in Ghana - particularly those employed in language-specific institutions - is that they can encounter difficulties when, for example, Chinese migrants work for Chinese-owned companies. These are Chinese nationals employed by Chinese employers. Sometimes, when they come into conflict with the law and approach us, our main challenge is related to interpretation or translation."

In line with international labour standards and the ILO's operational guidelines, it is essential to address language barriers by systematically integrating language support services into labour dispute resolution mechanisms, both in countries of origin and destination. This includes ensuring the availability of trained interpreters, providing translated information on rights and complaint procedures, and enhancing pre-departure orientation programmes with accessible, multilingual content tailored to the needs of all migrant workers, regardless of their gender or migration status.

4.6.6 Undocumented or Irregular Status

The persistence of informality in labour recruitment processes in Ghana is closely linked to the prevalence of irregular migration, both of which significantly undermine the protection of migrant workers and their access to justice. As confirmed

by this assessment and supported by existing research, a substantial number of Ghanaian migrant workers, particularly those seeking employment in the GCC countries, are recruited through unlicensed private agencies and their intermediaries or informal networks operating outside the national regulatory framework. These unregulated recruitment practices, which are not aligned with the ILO's General Principles and Operational Guidelines for Fair Recruitment, emphasizing that recruitment should be transparent, well-governed, and rights-based, expose migrant workers to exploitation and abuse. For instance, the 2017 ban on the recruitment of Ghanaian labour as domestic workers to certain GCC countries was introduced as a result of widespread reported abuses with most being undocumented.

A particular concern highlighted by the study was the undocumented or irregular status of many Ghanaian migrant workers, especially women, who find themselves undocumented in destination countries due to informal and irregular recruitment processes. In such cases, workers are often unable to access legal protection, report abuses, or seek remedies for fear of arrest, detention, or deportation. The absence of valid documentation not only limits their access to justice in host countries but also constrains the ability of Ghanaian authorities, including consular services, to locate and assist affected individuals.

Institutional actors also reported that many migrant workers lack awareness of available grievance mechanisms, and even those who are informed often refrain from seeking redress due to fears of retaliation, including job loss, deportation, or other negative repercussions. This situation is particularly acute for workers in irregular situations, who remain excluded from formal protection systems.

The persistence of irregular migration, driven in part by unregulated recruitment practices, continues to undermine migrant workers' rights and Ghana's efforts to promote safe, orderly, and regular labour migration. Addressing these challenges requires strengthened enforcement of recruitment regulations, effective oversight of intermediaries, and the promotion of accessible, confidential, and gender-responsive information and redress mechanisms, in line with international labour standards and the ILO's fair recruitment

framework. However, efforts to achieve these objectives have often been constrained by several limitations, as highlighted by one institutional informant from the Ministry of Labour, Jobs and Employment:



"Many migrant workers travel to their destination countries through unauthorized channels, which means that state agencies in their home countries often remain unaware of their departure. As a result, it becomes extremely challenging to identify and reach out to these individuals to provide them with the necessary protection. Additionally, once they arrive in the destination country, their undocumented status prevents them from accessing the services meant to safeguard them. Thus, irregular migration stands out as the biggest challenge because if authorities cannot determine that someone has left, it is nearly impossible to locate and ensure their safety."

4.6.7 Limited Diplomatic Support

A significant barrier is the absence of dedicated labour attachés or trained labour officers in Ghanaian diplomatic missions abroad. As a result, migrant workers face challenges in navigating complaint mechanisms and lack access to informed legal representation and support during critical moments of dispute resolution, wage recovery, and exit from abusive situations. These gaps undermine the right to an effective remedy and disproportionately affect workers in informal or unregulated occupations such as domestic work, caregiving, and hospitality. Overall, limited access to legal assistance and the absence of specialized diplomatic support significantly weakens the protection of Ghanaian migrant workers, both during recruitment and while employed abroad. Stakeholders consulted for this assessment emphasized that gaps in legal aid services and consular protection create substantial barriers to addressing labour rights violations.

The Ministry of Foreign Affairs acknowledged that many Ghanaian embassies in key destination countries, particularly in the GCC region, lack personnel with the technical expertise required to effectively address labour disputes and promote the rights of migrant workers. Similarly, the Ministry of the Interior underlined the absence of labour attachés in Ghana's diplomatic missions, which limits the government's capacity to proactively engage in destination countries to resolve grievances and prevent exploitation. The Ministry further highlighted that existing legal aid mechanisms for migrant workers remain insufficient, particularly at the pre-departure stage. The absence of comprehensive legal orientation and support services prior to migration increases workers' vulnerability to abusive recruitment practices.

These structural gaps in both legal aid and diplomatic engagement hinder migrant workers' ability to seek redress for abuses and secure adequate protection in destination countries. Strengthening the capacity of Ghana's diplomatic missions, including the deployment of specialized labour attachés, alongside the establishment of targeted legal aid programmes for prospective and current migrant workers, is essential to promoting rights-based migration governance and enhancing access to justice in line with international labour standards. A Ministry of Foreign Affairs official interviewed further noted:



"Another challenge is the lack of consular involvement in employment recruitment processes. Ideally, embassies and consular offices should protect their citizens abroad, but many migrants remain unaware of their rights or even the existence of these diplomatic institutions. Many recruitment arrangements occur between private agencies and individuals, limiting effective state intervention."

The interviewee therefore advocated for the strengthening of bilateral labour agreements that incorporate direct government oversight, as a means of ensuring that migrant workers are protected throughout the recruitment and employment process.

4.6.8 Migrant Exclusion in Policy Processes and Development

Ghana has strong migration policies like the National Labour Migration Policy (NLMP) and Bilateral Labour Agreements (BLAs), with key institutions (MLJE, GIS, NLC, CHRAJ, TUC) involved. However, migrant workers themselves are rarely consulted, leaving their voices absent from decision-making. There are no formal platforms for participation, and union and CSO input is not fully integrated. Migrants face limited awareness of policy processes, fear, and barriers such as cost, language, and distance, which restrict their involvement. As a result, policies risk being state-driven and less responsive to the real needs of migrants, especially women and irregular migrants.

4.7 Institutional Related Gaps to Protection and Access to Justice

Justice processes for labour and recruitment-related grievances often require navigating multiple agencies across jurisdictions. In Ghana, for instance, an aggrieved migrant may have to navigate several institutions, including national legal aid services, consular support, sector ministries such as Labour, Jobs and Employment, Interior, and Foreign Affairs, as well as embassies in destination countries. However, coordination between these actors remains fragmented and under-resourced. Prolonged legal proceedings, jurisdictional challenges, and limited bilateral cooperation often result in unresolved cases, especially where employers refuse to comply with investigations or legal rulings.

The study identified several institutional and systemic barriers that hinder migrant workers' effective use of procedures to access justice, both prior to departure and upon return to Ghana. These challenges include resource constraints, legal limitations, bureaucratic inefficiencies, and jurisdictional complexities, all of which weaken the protection framework available to migrant workers. In destination countries, particularly within the GCC states, Ghanaian migrant workers often have no alternative but to pursue remedies locally due to the jurisdictional limitations faced by Ghanaian institutions abroad. While some

participants acknowledged the existence of relatively accessible and, in certain cases, free redress mechanisms in destination countries, the ability to access these mechanisms remains inconsistent, particularly for workers facing language barriers, legal uncertainty, or restrictive sponsorship systems.

Upon return to Ghana, the study revealed that although multiple institutions exist, such as the Labour Department, the National Labour Commission (NLC), and CHRAJ, practical obstacles continue to undermine their effectiveness. Resource and capacity limitations were cited as significantly affecting these institutions' ability to make their services visible, accessible, and responsive to the needs of migrant workers, particularly for returnees or those preparing to migrate abroad. Some services also lack adequate outreach and public information dissemination, making it difficult for workers to know where to seek assistance.

Gaps in legal frameworks also constrain institutional intervention. For instance, CHRAJ representatives reported that, under the CHRAJ Act, the institution cannot proactively intervene in labour rights violations unless a formal complaint is lodged, even in cases where they are aware of abuses. This reactive approach leaves many migrant workers without immediate protection or support, particularly those unaware of complaint procedures. Additionally, fragmented institutional mandates and weak coordination mechanisms further complicate access to justice. The Labour Department, for example, highlighted the absence of a clearly defined, institutionalized process for handling migrant workers' grievances, while the NLC struggles with significant case backlogs, delaying dispute resolution. Similarly, coordination gaps within the Ministry of Foreign Affairs, particularly between consular services and labour-related departments, result in slow response times when migrant workers face rights violations abroad.

Complex administrative procedures, lack of clarity regarding available avenues for seeking justice, and the protracted nature of legal processes present significant obstacles to migrant workers' ability to pursue redress effectively. These procedural challenges not only delay the resolution of labour disputes and the restoration of workers'

rights but also risk diminishing migrant workers' confidence in formal institutions. Such barriers undermine efforts to promote accessible, timely, and worker-centered grievance mechanisms, as envisaged under the ILO's rights-based approach to fair recruitment and the broader framework for decent work.

Addressing these barriers requires strengthening institutional coordination, improving the visibility and accessibility of redress services, building institutional capacity, and ensuring grievance mechanisms are proactive, gender-responsive, and accessible to all migrant workers regardless of migration status. In the view of one respondent from the Labour Department:



"One problem is that there is no clearly defined institutional mechanism to facilitate access to justice for migrant workers. I think that is a major gap. We need to look at it carefully. The institutional processes and arrangements must be clearly defined. That is one thing that is missing."

4.8 Gender-related Barriers to Accessing Labour Justice

The right of men and women to equality and non-discrimination before the law and equal access to redress systems is enshrined in several local and international instruments, obligating access to justice as a universal human right. However, this principle is often far from reality, especially for women who face specific challenges. Labour migration itself presents diverse and often complex challenges for women migrant workers, particularly those employed in the domestic work sector. Structural gender inequalities, intersecting with other forms of discrimination, such as nationality, migration status, ethnicity, and socio-economic background, expose women migrant workers more than men to heightened risks of abuse and labour rights violations, during recruitment and throughout employment.

Women migrant workers are disproportionately represented in sectors such as domestic work, caregiving, and hospitality, which are frequently undervalued, under-regulated, and excluded from labour protections. These sectors are also more likely to rely on informal, unmonitored, or irregular recruitment practices, where risks of deceptive recruitment, non-payment of wages, excessive recruitment fees and related costs, contract substitution, and other forms of abuse are significantly higher. The lack of labour protections and visibility contributes to a power imbalance that undermines their ability to assert their rights. The intersection of gender, migration status, and work environment often results in their exclusion from access to complaint mechanisms and, more broadly, from collective representation and policy-making spaces, limiting their bargaining power and ability to advocate for improved labour standards. To understand and redress inequality in access to justice mechanisms, this section analyses the specific challenges facing female migrant workers.

4.8.1 Gender-Specific Vulnerabilities and Barriers Facing Domestic Migrant Workers

As shown in annexes 1a and 1b, most Ghanaian migrant workers recruited to the GCC states are female and employed in domestic work. Undeniably, the GCC states are noted to present a complex set of risks and vulnerabilities for migrants, shaped by intersecting inequalities related to gender, migration status, and the informal, isolated nature of private households. The study revealed that domestic work in the GCC is frequently excluded from standard labour protections and oversight mechanisms. In both interviews and focused group discussions with migrant women (all domestic workers), participants indicated that limited visibility - due to legal gaps and isolation in private homes - creates conditions that increase the likelihood of abuse and denial of rights. It was further noted that, unlike occupations such as construction, transport, and hospitality, domestic work is characterized by limited freedom of movement, lack of privacy, excessive working hours,

denial of rest periods, wage withholding, and other labour law violations. For instance, below is the testimony of one female worker in the Focus Group Discussion (FGD):



“Sometimes you work from morning to evening without rest. The only time you rest is when everyone is sleeping. Even days when you complain that you are not feeling well, they allow you to rest but do not pay you for that day.”

Moreover, the study identified that women migrant workers in domestic settings are particularly exposed to risks of sexual harassment, coercion, and other forms of violence. The combination of isolation, unequal power dynamics, and inadequate protection creates an environment where it can be difficult to report violations or access support. Below are the sentiments of another female migrant interviewed during the FGD:



“Sometimes the employer wants to sleep with you, and if you refuse, he starts mistreating you or accuses you of something that never happened. The agent will call and warn you.”

Furthermore, gender-specific discrimination was reported by some employers in the GCC and other Middle Eastern states, especially during recruitment. A typical discriminatory and degrading selection practice reported is based on stereotyped gender norms related to physical appearance, beauty, and perceived submissiveness. Such practices not only violate the principle of non-discrimination in recruitment but also commodify workers, reinforcing power imbalances that persist throughout the employment relationship. An affected worker expressing her frustration indicated:



"When you arrive, they line you up for selection. Those who look physically strong are left out because they feel you can physically confront them. So, they go for the weak and smaller women so they can control them.'

Domestic workers employed in private households often do not report exploitation or abuse due to fear of retaliation. FGDs and case studies indicate that violence, confinement, threats, and reprisals, including physical abuse and attempted poisoning, are used by some employers to punish or intimidate workers who attempt to assert their rights or leave exploitative situations.

In some cases, employers withhold identity documents, refuse repatriation, or threaten deportation, placing workers at risk of forced labour and trafficking for labour exploitation. The absence of effective protection mechanisms and safe exit strategies contributes to the re-traumatization and silencing of victims, who are often left without any realistic pathway to report abuses or seek restitution.

Stigma against women migrant workers, particularly those who experience gender-based violence, including sexual harassment or assault, continues to limit access to justice. Many workers report facing community rejection, family abandonment, and reputational harm upon return, particularly when they are perceived to have experienced exploitation or abuse abroad. These dynamics are reinforced by societal norms that blame survivors rather than perpetrators, thereby perpetuating silence and impunity.

Additionally, workers may be discouraged from pursuing justice due to the lack of confidentiality and privacy protections in legal proceedings. The fear of public exposure, judgment, and secondary victimization deters many from reporting cases of sexual violence, harassment, or coercion. These realities highlight the urgent need to integrate confidential complaint mechanisms, survivor-centered procedures, and psychosocial support services into the labour and justice response.

Another critical barrier to accessing labour justice lies in the limited legal awareness and protection available to domestic migrant workers. Low levels of education, limited pre-departure training, and insufficient regulation of recruitment practices leave many domestic workers vulnerable to contract fraud, deceptive recruitment, and exploitative working conditions. Workers frequently sign contracts in languages they do not understand or without adequate explanation of their rights, entitlements, or complaint procedures. As a result, they are often subject to excessive working hours, arbitrary wage deductions, and hidden financial penalties, contrary to the principles set out in the ILO's General Principles and Operational Guidelines for Fair Recruitment.

Legal protection is further undermined by the difficulty domestic workers face in producing evidence to support complaints, especially in situations of violence, harassment, or coercion that occur within private households. Given the isolated nature of domestic work, there are rarely witnesses or documentation available to corroborate workers' testimonies. In many legal systems, the burden of proof rests heavily on the worker, reducing the likelihood of successful outcomes when material evidence is lacking. These procedural and evidentiary constraints not only discourage workers from seeking redress but also reinforce structural inequalities and power imbalances between employers and workers, ultimately limiting access to fair, effective, and timely dispute resolution mechanisms.

4.8.2 Integrating a Gender-Responsive Approach to Labour Justice for Migrant Workers

Based on the findings of this study, ensuring effective access to labour justice for all migrant workers requires a gender-responsive approach that addresses the intersecting forms of discrimination and vulnerability faced by women migrants. As the evidence shows, women migrant workers - particularly in domestic work - are disproportionately exposed to exploitative recruitment practices, poor working conditions, and

barriers to redress, shaped by their gender and the structural characteristics of the sectors in which they are employed.

These challenges are compounded by limited legal literacy, fear of retaliation, stigma associated with reporting abuse, and weak institutional support in both countries of origin and destination. As such, gender-neutral justice mechanisms often fail to respond effectively to the specific realities women migrant workers face throughout the migration cycle.

To ensure effective access to remedy for women migrant workers, particularly in domestic work, grievance mechanisms must be adapted to the specific vulnerabilities arising from the highly individualized and unregulated nature of domestic employment. These mechanisms must be accessible, gender-responsive, confidential, and free from conflicts of interest, particularly in contexts where live-in arrangements, power imbalances, and isolation from public spaces make it difficult for workers to file complaints without fear of reprisal. In accordance with the ILO's General Principles and Operational Guidelines for Fair Recruitment, grievance procedures should be available at all stages of the labour migration cycle, including pre-departure, transit, at destination, and upon return, and should be supported by the availability of free or affordable legal assistance, interpretation services, and psychosocial support.

Legal frameworks must include non-retaliation guarantees and proactive protection measures for migrant workers who come forward with complaints. This includes temporary residence, access to shelter, legal aid, and health services, as well as the prosecution of perpetrators under both labour and criminal law where relevant. Bilateral labour agreements should also include provisions for joint investigations and cooperation in cross-border complaints.

Increased outreach and rights awareness are critical to ensure that women migrant workers are informed of their entitlements under national labour laws, bilateral labour agreements, and applicable international labour standards. Tailored, culturally appropriate, and multilingual information should be disseminated through trusted platforms, such as migrant community networks, worker support organizations and

consular services. Special attention must be paid to reaching workers in private households, where isolation makes it difficult to access information. This includes strengthening non-retaliation protections to ensure that workers who report abuses are protected from dismissal, deportation, blacklisting, or other reprisals. These protections should be embedded in legal frameworks and supported by trusted reporting channels and temporary residence or work permits for complainants, where relevant.

To enhance compliance with labour standards, labour inspection systems and regulatory oversight must be reinforced in high-risk sectors. While inspections in private households are often restricted due to privacy laws, alternative approaches, including the registration and monitoring of private employment agencies (in line with ILO Convention No. 181), off-site interviews with workers, and consular monitoring mechanisms, can help ensure effective monitoring of working conditions while respecting the private sphere. Labour inspectors, attachés, and consular staff should be trained in gender-responsive and victim-centered approaches, as well as in identifying indicators of labour exploitation, forced labour, and violence and harassment in the world of work, as established under the ILO Convention No. 190.

These actions not only ensure the implementation of corrective measures but also promote and contribute to the empowerment of women migrant workers and gender equality. Empowerment entails enabling women migrant workers to understand and claim their rights, access support without fear, and organize collectively for improved working conditions. Promoting the meaningful participation of migrant women in social dialogue, policy development, and grievance mechanisms is essential to ensure gender equality within fair recruitment and labour migration frameworks.

4.9 Addressing Gaps in Access to Justice for Domestic Migrant Workers in Ghana

Ensuring effective access to justice is fundamental to protecting migrant workers' rights, particularly in an evolving world of work characterized by increased labour mobility, informality, and complex recruitment processes. It is not only a legal right but also a critical component of fair recruitment and decent work.

In Ghana, various institutional mechanisms exist to support the resolution of labour disputes. However, the findings of this study indicate that migrant workers, particularly those in low-wage and poorly regulated sectors such as domestic work, encounter a range of challenges in navigating these mechanisms. These include institutional fragmentation, limited awareness of legal rights, procedural delays, and gaps in cross-border coordination. Strengthening institutional coordination, increasing legal awareness, reducing procedural delays, and improving cross-border cooperation can significantly enhance the accessibility, responsiveness, and effectiveness of redress pathways for migrant workers.

One area that presents an opportunity for further development is the articulation of a clear and co-ordinated pathway for handling complaints related to labour migration. While the Ministry of Labour, Jobs and Employment and its agencies play a critical role in labour migration governance, the study observed that existing processes are often focused on prevention and awareness, particularly during pre-departure stages. Although these efforts are essential, there is also a need to enhance the capacity of these institutions to respond systematically to grievances during employment abroad. In many cases, referrals are made to other entities such as the Ghana Police Service, the Ministry of Foreign Affairs, or the Ministry of the Interior. Although inter-agency collaboration is important, greater clarity in roles and responsibilities, accompanied by coordinated referral protocols, could help ensure more timely and effective resolution of cases.

In sectors characterized by high levels of informality and limited oversight, such as domestic work, the absence of structured monitoring

systems contributes to underreporting of rights violations. Many migrant workers in this sector also face difficulties identifying where and how to report grievances. For instance, some may report labour-related issues to institutions not mandated to handle labour disputes, which may lead to procedural delays or unclear outcomes. Enhancing institutional coordination and streamlining complaint mechanisms could help mitigate these challenges and improve confidence in the system.

In addition to strengthening formal redress mechanisms, it is essential to enhance the early identification of labour rights violations, particularly in high-risk sectors and informal employment settings where migrant workers are most vulnerable. The study findings indicate that many migrant workers do not pursue complaints or seek remedies due to fear of retaliation, lack of confidence in existing mechanisms, and limited knowledge of their rights and entitlements. Strengthening access to labour justice therefore requires not only accessible and responsive grievance mechanisms, but also proactive strategies to identify cases of exploitation and abuse before they escalate. In this regard, workers' organizations and civil society organizations can play a critical role in raising rights awareness, legal empowerment, and supporting workers in navigating complaints processes by providing direct support to help them seek remedies for labour rights violations. Their close engagement with affected workers allows them to identify cases of abuse, facilitate referrals to the appropriate institutions and agencies, and offer legal and psychosocial support throughout the grievance process.

Beyond individual support, workers' organizations have a broader mandate to amplify the voices of migrant workers, advocating for systemic reforms that improve labour migration governance and strengthen access to labour justice. Through active participation in social dialogue and policy processes, they help ensure that the rights, needs, and perspectives of migrant workers are meaningfully represented and integrated into national frameworks.

Enhanced collaboration between government institutions, civil society, and workers' organizations is therefore essential to create an enabling environment where migrant workers can safely

access justice, receive timely and effective remedies, and engage as stakeholders in decisions affecting their working conditions and rights.

The study also noted that while formal judicial and quasi-judicial mechanisms are available, informal and customary dispute resolution mechanisms are rarely used for labour grievances involving migrant workers. Nonetheless, some workers have approached the local police for support in resolving wage-related disputes, with officers informally facilitating dialogue between employers and workers. While these interventions demonstrate a level of responsiveness, further institutional support could help ensure that such processes are aligned with legal requirements and offer appropriate remedies in line with international standards.

Finally, it emerged during the research that the concept of “access to justice” is sometimes interpreted narrowly within the national labour policy framework, with a strong emphasis placed on social dialogue and tripartite mechanisms. Social dialogue is indeed a core principle of the ILO and plays a crucial role in the prevention and resolution of labour disputes. However, a comprehensive labour protection framework also requires that workers have access to fair, timely, and effective redress when violations occur. Promoting a broader understanding of access to justice, supported by social dialogue, could further strengthen Ghana’s labour governance system and better protect the rights of migrant workers.

Improving access to justice for migrant workers therefore calls for a multi-faceted approach including institutional coordination, legal empowerment, accessible grievance mechanisms, and sustained dialogue among stakeholders. Such efforts, when implemented in accordance with the ILO General Principles and Operational Guidelines for Fair Recruitment and international labour standards, will contribute to a fairer and more inclusive labour migration governance system.

4.10 Best Practices and Lessons Learned from Private Employment Agencies (PEAs)

Private employment agencies and labour recruiters have a role to play in promoting access to justice for migrant workers. The ILO guidelines on fair recruitment have urged labour recruiters to carry out their processes with due diligence by complying with applicable international and domestic laws, including human rights and the fundamental principles and rights at work. However, it has often been difficult for some recruiters in Ghana to treat workers with dignity and respect, and to promote their rights, including access to justice. The selected licensed PEAs interviewed identified several good practices that reduce the risk of migrant workers falling into abusive situations to create conditions for ensuring access to justice.

It is critical that they engage in ethical recruitment practices, such as charging no fees, providing clear contracts, and offering pre-departure orientation. These elements not only curtail potential abuses, but pre-departure orientation is especially important to ensure that workers have accurate information on their rights, labour laws, and institutions, ensuring access to grievance mechanisms. Furthermore, the PEAs revealed that they have in place strong worker protection mechanisms, including multiple grievance channels, post-departure support services (e.g., legal advice on filing complaints) and trust-building. Case studies demonstrated that they directly facilitate access to justice by mediating disputes, leveraging legal protections available abroad, and calling for greater embassy involvement. In terms of welfare, the PEAs mentioned they provide training, continuous monitoring, and fraud prevention measures. Another good practice is that they promote gender equity by recruiting both men and women fairly and avoiding high-risk domestic work placements. Finally, to improve access to justice, they recommend systemic improvements, including stricter regulations of illegal recruiters, a public database of licensed agencies, expanded language training, and stronger coordination with state institutions.



Section five

Conclusions and recommendations

Section five

► Conclusions and recommendations

5.1 Conclusions

Recent trends in labour migration suggest a discernible shift in the emigration patterns of Ghanaian workers, with increasing numbers seeking employment opportunities in the Gulf Cooperation Council (GCC) countries and the broader Middle East, including the Kurdistan Region of Iraq. This change in destination preferences appears to be influenced by perceived opportunities for improved livelihoods and economic advancement, particularly in the construction and domestic work sectors. Notable within this trend lies the growing participation of women and the prevalence of irregular migration channels. The study established that many Ghanaian migrant workers, particularly women, continue to migrate through irregular recruitment processes, often facilitated by individual brokers or unlicensed intermediaries that operate outside the scope of legal regulations and institutional oversight.

Such irregular recruitment channels have largely contributed to the abuse of Ghanaian migrant workers' rights during recruitment, placement, and employment in the GCC and Iraq in recent times. The major abuses identified include deceptive recruitment practices, false promises of lucrative jobs, contract substitution, non-payment or underpayment of wages, substandard working conditions, and, in some instances, discrimination based on nationality and cases of physical or sexual abuse. A gender-specific abuse identified was the treatment of women migrants as commodities of import, a degrading practice in which women are physically displayed for employer examination and selection, which is a violation of their human dignity and fundamental rights. While the violations of migrant workers' rights occur mainly in employment at destinations, a significant number are also triggered without

notice during recruitment at home only to later exacerbate the risks faced by already vulnerable migrant workers abroad.

In the context of these abuses and violations, the study findings revealed that migrant workers face various challenges in their pursuit of access to labour justice within and outside Ghana. These mainly ranged from institutional weaknesses and legal shortcomings to practical barriers that hinder migrant workers' ability to access labour justice. The specific hindrances, especially from migrants' interviews include the lack of awareness and knowledge of justice delivery systems, inadequate information on their rights, laws, and support services before departure, limiting their ability to seek assistance. Also mentioned were the issues of language and high cost involved in legal proceedings particularly abroad. The persistence of these challenges underscores the importance of strengthening labour migration institutions at all stages of the migration cycle, particularly in relation to fair and ethical recruitment. Though several legal instruments, policies and institutions exist with specific protections for migrant workers regarding access to labour justice, there were gaps which equally hindered the effective delivery of justice. The adoption of Ghana's National Labour Migration Policy in 2020 and the establishment of the National Technical Working Group on Labour Migration were identified as good initiatives and progress. However, the study unraveled several implementation gaps that continue to undermine the effectiveness of these frameworks and hinder access to justice. Interviews with stakeholders revealed concerns related to limited institutional coordination, resource constraints in monitoring and enforcement, and the absence of structured cooperation mechanisms between relevant state agencies and private sector players. The lack of labour attachés in key Ghanaian embassies in the GCC and the insufficient provision of pre-departure information as well as the lack of support services also emerged as areas that hinder access to justice and require urgent action.

While the study acknowledged the positive role played by trade unions and migrant CSOs in Ghana in responding to migrant workers in distress including facilitating repatriations, negotiating job transfers, and raising awareness about rights and available remedies, a barrier of particular concern

is the lack of organizing migrant workers and of setting up resource or support centers for effective assistance. From the findings, while many of the barriers hindering access to justice may stem from state or non-state institutions failures, practical or legal/institutional and cross-cutting rather than gender specific (such as awareness and language), it was established that some barriers may tend to affect women more than men. The restriction of migrant domestic workers' (mostly women) mobility and communication which the study revealed, is a gender-specific barrier that can affect their access to information and aggravate the problem women face in accessing justice institutions and their mechanisms.

The study established additional barriers that further complicate the path to accessing justice for many migrant workers. These include uncertainty about how grievances will be handled, and the fears of retaliation, loss of employment and deportation. Irregular status often compounds these fears, while open discrimination may prevent workers from effectively engaging with justice systems or support services. These challenges were found to be present both in Ghana and in destination countries and were frequently cited by stakeholders as significant deterrents to pursuing justice. Of particular concern is the absence of a comprehensive pre-departure information framework, meaning many migrant workers leave Ghana without a clear understanding of their rights or how to navigate systems in the event of abuse abroad.

The human and labour rights violations faced by some Ghanaian migrant workers have often brought to the fore the discussion on whether to enforce existing legislation or enact new ones. Although laws are vital for enshrining rights, the study found that laws alone do not lead to adequate protection. State institutions need to be empowered to implement and enforce those enshrined rights, including collaborating with other industry players. As established by the study, Ghana has in place important institutions for redress and grievance resolution, including the Legal Aid Commission, CHRAJ and NLC. Despite their mandate to provide affordable or no-cost services, utilization of these services by migrant workers remained limited. The study found that lack of awareness among migrants, combined with limited visibility and outreach, have impeded

the effectiveness of these mechanisms. While the existence of these structures is critical, their full potential will only be realized when migrant workers are empowered with information and confidence to seek redress through improved visibility and accessibility.

The findings of this report point to the urgent need for a more integrated, gender-responsive, and rights-based approach to recruitment and labour migration governance. These include reinforcing regulation of private recruitment, ensuring accessible and worker-centered grievance mechanisms, and building institutional capacity to respond effectively and in a timely manner to migrant workers' concerns. It is equally important to invest in awareness-raising, education, and outreach initiatives that inform migrant workers of their rights and the services available to them, both prior to departure and throughout the migration cycle.

In conclusion, promoting fair recruitment and strengthening access to labour justice for Ghanaian migrant workers requires a coordinated and sustained commitment from all relevant stakeholders. The state has an obligation to protect the rights of migrant workers, and so do other stakeholders such as trade unions, employers, and migrant CSOs. Combined efforts are essential to addressing the structural and practical barriers outlined in this study, and to aligning national practices with international labour standards and the ILO's General Principles and Operational Guidelines for Fair Recruitment. Ghana can make meaningful progress toward addressing the access gaps and ensuring that all migrant workers, regardless of status, gender, or destination, are afforded equal access to justice institutions and services to achieve decent work. Indeed, while equal access to labour justice systems may be difficult or an unrealistic ideal, ensuring adequate access should remain a shared aspiration among stakeholders.

5.2 Recommendations

Based on the key findings and the lessons gathered, several strategies are needed to advance effective access to labour justice for Ghanaian migrant workers within and outside the country. Given the problems identified in accessing justice at all stages of labour migration, such strategies

would require both individual and collective attention and efforts of government, trade unions, CSOs, and employers to be effective. It must also consider the fact that, from the migrant's perspective, practical limitations often pose a greater challenge than legal ones. Indeed, what many migrant workers need are justice systems that are available, visible and accessible, and institutions that enforce their rights. Therefore, the key recommendations outlined below are aimed at providing actionable and transformative solutions to address the challenges that impede access to labour justice and redress mechanisms for Ghanaian migrant workers.

5.2.1 Government

Strengthen legal and institutional frameworks and promote innovative approaches to access to justice.

Legal and institutional frameworks exist but are not enough to ensure adequate protection for migrant workers. The following recommendations must be considered:

- Review and amend national labour laws and policies to strengthen protections for migrant workers, particularly in relation to contract enforcement, termination procedures, and remedies for labour rights violations, in alignment with international labour standards.
- Strengthen the mandate and enforcement capacity of institutions such as the Labour Department to regulate and monitor private recruitment actors, ensuring compliance with licensing conditions, ethical standards, and anti-trafficking provisions.
- Increase budgetary support to the Legal Aid Commission and similar institutions to reduce case backlogs and ensure timely handling of labour-related complaints involving migrants.
- Expand or decentralize Legal Aid services to other regions while exploring other innovative access to justice mechanisms, such as mobile courts or virtual court systems.

Mechanisms to facilitate access to justice must take into consideration the specific needs of different groups through steps to:

- Expand and institutionalize free or subsidized legal aid services for migrant workers, with a particular focus on women, since they face additional barriers, particularly in domestic work, where vulnerabilities are greater, to ensure gender-responsive access to justice. This will also help to ensure that low-income and undocumented migrant workers can access legal redress mechanisms without financial hardship.
- Integrate specific provisions on access to justice, dispute settlement, and legal assistance into bilateral labour migration agreements, with an emphasis on ensuring effective implementation and enforcement mechanisms.
- Ensure labour dispute mediation systems are inclusive, transparent, and enforceable, and to reinforce the role of the state in ensuring employer compliance in redress and remedy processes.

Enhancing institutional coordination and administrative capacity.

Collaboration is vital but was found to be low. There is therefore a need for increased and meaningful collaboration by:

- Fostering stronger inter-agency coordination between labour authorities, justice delivery institutions, foreign affairs bodies, and migration departments to ensure a coherent national response to the protection of migrant workers.
- Establishing a centralized labour migration unit within the Ministry of Labour, tasked with coordinating recruitment, training, registration, data management, and redress mechanisms for outbound migrant workers.
- Strengthening the labour inspection system to proactively detect labour rights violations involving migrant workers, with specific training on gender-sensitive inspection protocols.

- ▶ Developing and deploying a Digital Labour Migration Management Information System to track migrant workers, registered recruiters, grievance cases, and reintegration support services.
- ▶ Providing targeted capacity-building for judges, labour inspectors, and law enforcement personnel on labour rights, migrant protection standards, and gender-responsive approaches in handling migration-related disputes.

Increase awareness-raising on migrants' rights to access to justice by:

- ▶ Institutionalizing pre-departure orientation programmes that provide comprehensive, rights-based training to prospective migrant workers on labour laws, contract terms, complaint procedures, and available support services.
- ▶ Expanding public education campaigns led by the Labour Department and relevant agencies to raise awareness about the risks of irregular migration and the importance of using licensed recruitment channels, including through multilingual radio, TV, and digital platforms.
- ▶ Promoting the use of Convention No. 97 on Migration for Employment and Convention No. 143 on Migrant Workers as tools to regulate labour migration, safeguard migrant workers' rights, promote non-discrimination, and support policy development, intergovernmental dialogue, and international cooperation.
- ▶ Providing and expanding interpretation and translation services to facilitate access to justice for non-English-speaking migrant workers and ensure that language is not a barrier to exercising legal rights.
- ▶ Publishing regularly, through the Legal Aid website portal, court or adjudication outcomes involving migrant workers and their employers.

- ▶ Establishing an award scheme to recognize the efforts of institutions, especially the media, advocating for access to justice for migrant workers.

Enhancing cross-border access to justice and diplomatic engagement, through:

- ▶ Strengthening the capacity of Ghana's Ministry of Foreign Affairs by identifying priority destination countries and increasing the presence of trained labour attachés in embassies and consulates.
- ▶ Institutionalizing the role of Ghanaian embassies in documenting labour rights violations, facilitating complaints, and supporting legal representation, particularly for workers in distress.
- ▶ Engaging with destination country governments, diplomatic missions, and relevant regional bodies to improve legal cooperation on migrant worker protection and ensure cross-border enforcement of judgments and settlements.
- ▶ Ensuring that bilateral labour agreements and Memoranda of Understanding (MoUs) include specific provisions on complaint mechanisms, embassy intervention in labour disputes, and guaranteed access to legal aid and remedies for migrant workers.
- ▶ Advocating for enhanced consular protection and the formalization of reporting channels between embassies, destination-country authorities, and migrant communities.

5.2.2 Trade Unions (Workers' Organizations)

Labour migration involves the movement of workers to seek employment and is fundamentally a trade union issue. Trade unions in Ghana play a vital role in promoting migrant workers' rights. The TUC Ghana, with its affiliates, and to some extent the MLGWUI, are the key trade unions assisting Ghanaian migrant workers with awareness creation via outreach campaigns, capacity building and engaging in dialogue with government and employers to ensure migrant

workers' voices are heard and reflected in policies. However, there are some areas trade unions have fallen short, but which need focus to provide support to migrants in accessing justice. These include:

Organize migrant workers into unions or associations.

Trade unions must make the organizing of migrant workers into unions a priority to strengthen the representation and voice of migrant workers. When organized, they must adopt inclusive membership strategies to better integrate migrant workers into trade union structures. This will make unions recognize migrants' specific needs to better promote and protect their access to justice and other labour rights. Organizing can also help trade unions increase their membership. Where they are hesitant to join unions, they can be mobilized into associations to facilitate their involvement in dialogue spaces and/or link to duty bearers such as justice delivery institutions.

Establish trade union-led migrant support centres.

Trade union-led migrant support centres can help migrants access legal assistance, training, and information. Such centres are places where migrants can comfortably lodge complaints and seek advice. They should also forge strategic partnerships with legal institutions to train union officials on labour rights and legal assistance tools to properly guide migrants in accessing appropriate redress mechanisms. The centres should also offer training in languages that migrants can understand. These can expand access to redress mechanisms and justice services for migrant workers.

Leverage social dialogue and advocate for fair recruitment legislation and policy implementation, through:

- Developing sufficient capacity to be effective in their participation in social dialogue processes and negotiations.
- Expanding pre-departure education and rights awareness activities led by unions in collaboration with state institutions,

focusing on employment contracts, complaint procedures, and gender-based violence prevention measures.

- Conducting community-based outreach and national campaigns to raise awareness about fair recruitment, ethical employment, and migrant protection standards.
- Incorporating migrant worker challenges, including regularization, working conditions, and access to justice, into collective bargaining agendas.

Build collaboration.

Trade unions, especially the TUC Ghana and its affiliates, need to explore and increase collaboration or networking at various levels to support migrant workers to access effective justice. At the national level, trade unions must build strong collaboration with CSOs to raise greater awareness of rights, as well as campaign for the ratification of relevant ILO conventions. Unions should also partner with state institutions in the areas of joint monitoring and pre-departure orientation and processes so that workers can be linked to them. Further, unions need to explore and build cross-border or transitional union-to-union collaboration to be able to respond to migrant worker's needs. Unions must leverage, innovate, and promote fair labour migration governance by:

- Advocating for the ratification and implementation of relevant ILO conventions, particularly those advocating for fair recruitment (e.g., C181), migrant workers (e.g., C143), and domestic workers (e.g., C189).
- Advocating for involvement in the negotiation and adoption of bilateral labour migration agreements, as they can provide mechanisms that protect migrant workers' rights, including access to justice. Unions should also push to be part of labour inspection, monitoring and multilateral consultations on labour migration governance, and contribute to efforts to monitor, renegotiate, and implement fair bilateral labour migration agreements.

5.2.3 Employers and Recruiters

Recruiters and employers must commit to due diligence at the recruitment stage to ensure preventive measures are in place to prevent abuses from occurring. These should include:

- ▶ Private Employment Agencies (PEAs) and their intermediaries in Ghana adopting and operationalizing the ILO General Principles and Operational Guidelines to promote fair recruitment, including charging no recruitment fees and ensuring transparent contracts with dispute resolution provisions.
- ▶ PEAs ensuring that adequate training and orientation are carried out for migrant workers prior to departure. Again, while national legislation and international instruments exist to protect migrant workers, PEAs and employers in Ghana need to put in place self-regulation or voluntary measures such as an industry code of conduct on recruitment to guide their operations, sanction charlatans and clean up the sector to safeguard migrants' rights, especially during employment.

- ▶ PEAs ensuring that exploitation does not occur or is minimal in destination countries, by setting up follow-up mechanisms with employers abroad to monitor and ensure compliance by employers to the contractual agreements.

5.2.4 Civil Society Organizations (CSOs)

The involvement of CSOs in promoting access to justice for migrant workers should focus on collaboration and CSOs-led support services. CSOs in Ghana can be effective if they collaborate with stakeholders such as trade unions, the media, and diaspora networks to raise awareness of migrant workers' rights and the legal and institutional measures available to facilitate access to justice. It will also build momentum for advocacy, lobbying, and campaigns to support the ratification of migration-related conventions. CSOs support centres, alongside government efforts, can provide guidance on redress mechanisms, legal assistance, and pre-migration information.

► Annexes

Annex 1: Ghanaian Migrant Workers (MWs) Employment Destination and Sector of Work

► Annex 1a: Overseas Employment Destinations (Gulf States) of Ghanaian MWs, 2015-2017

Destination	2015			2016			2017*		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Saudi Arabia	746	221	967	345	1,261	1,606	262	883	1,145
United Arab Emirate	219	126	345	265	0	265	117	0	117
Qatar	392	0	392	441	15	456	307	0	307
Kuwait	0	51	51	18	2	20	-	-	-
Jordan	-	-	-	0	25	25	0	20	20
Total	1,357	398	1,755	1,069	1,303	2,372	686	903	1,589

Source: Labour Department, 2017.

Note: 2017 figures cover January–May only, due to the subsequent ban imposed in June.

► Annex 1b: Overseas Sectors of Employment of Ghanaian MWs in Gulf States, 2017

Occupation	DESTINATION					SEX	
	UAE (Dubai)	Jordan	Qatar	Saudi Arabia	Total	Female	Male
Aluminium Furnace Man	5	0	0	0	5	0	5
Carpenter	2	0	47	0	49	0	49
Cook	0	0	1	0	1	0	1
Domestic Worker	0	20	0	871	891	891	0
Electrician	9	0	0	1	10	0	10
Factory Hand	0	0	0	10	10	0	10
Farmer	0	0	0	1	1	0	1
General Attendant	0	0	10	0	10	0	10
Helper	3	0	19	43	65	10	55
Industrial Cleaner	0	0	7	0	7	0	7

Occupation	DESTINATION					SEX	
	UAE (Dubai)	Jordan	Qatar	Saudi Arabia	Total	Female	Male
Labourer	0	0	77	114	191	0	191
Driver (long haul, taxi etc)	2	0	2	22	26	1	25
Machine Operator	0	0	0	9	9	0	9
Mason	23	0	48	0	71	0	71
Operator	27	0	0	0	27	0	27
Salesman	0	0	7	53	60	0	60
Scaffolder	0	0	24	0	24	0	24
Security/Guard	38	0	0	2	40	0	40
Service Crew	0	0	0	8	8	0	8
Steel Fixer	8	0	62	0	70	0	70
Technician	0	0	0	7	7	0	7
Tiler	0	0	3	0	3	0	3
Waiter/Waitress	0	0	0	3	3	2	1
Warehouse Operative	0	0	0	2	2	0	2
Total	117	20	307	1,145	1,589	903	686

Source: Labour Department, 2017.

Annex 2: Institutions that Responded to the Key Informant Interviews

List of Institutions	Number interviewed
Commission on Human Right and Administrative Justice	1
National Labour Commission	1
Legal Aid Commission	1
Labour Department	1
Ministry of Labour, Jobs and Employment	3
Ministry of Foreign Affairs	1
Ministry of Interior	1
Trades Union Congress (Ghana)	1
SEWA Foundation (Migration Network)-CSO	1

List of Institutions	Number interviewed
Migration Solution Limited (PEAs)	1
Zanithi & Associates (PEAs)	1
Migrant Labour General Workers Union International (MLGWUI)	1
Embassy of Ghana, Kuwait City	1
Right To Be Free/Africa	1
Research & Counselling Foundation for African Migrants (RECFAM)	1
Total	17

Annex 3: Key Legal Frameworks Protecting Migrant Workers' Access to Justice

International Legal and Policy Framework	Key Related Provisions
Convention on Forced Labour, 1930 (No. 29)	<p>The Convention on Forced Labour, 1930 (No. 29) requires states to eliminate forced labour, criminalize exploitation, and extend equal protection to all workers, including migrants, across all jurisdictions. The key provisions are:</p> <p>Article 1 requires all ratifying states to abolish forced or compulsory labour in all its forms as quickly as possible, ensuring migrant workers are not subjected to exploitation, coercion, or abuse.</p> <p>Article 2 defines <i>forced labour</i> and protects migrants from practices such as debt bondage, confiscation of passports, threats of deportation, or restricted movement.</p> <p>Article 25 makes forced labour a criminal offence and mandates strict penalties for offenders, including abusive employers and recruiters. It reinforces states' duties to ensure labour inspection, prosecution, and access to justice for victims, including migrants.</p> <p>Article 26 obliges states to apply the Convention in all territories under their control, ensuring equal protection for migrant workers employed abroad or in foreign-administered areas.</p>
Equal Remuneration Convention, 1951 (No. 100)	<p>The Equal Remuneration Convention, 1951 (No. 100) is an ILO treaty that requires member countries to ensure equal pay for men and women performing work of equal value, without discrimination based on sex. The Convention safeguards migrant workers from wage discrimination, ensuring equal pay, objective job valuation, and collective enforcement of fair remuneration across all forms of employment. The key provisions are:</p> <p>Article 1 ensures migrant workers - regardless of gender or nationality - receive fair and equal wages for equivalent work.</p> <p>Article 2 guarantees that migrant and national workers are treated equally under the same wage systems.</p> <p>Article 3 prevents discriminatory job grading or pay scales that undervalue migrant workers' contributions.</p> <p>Article 4 encourages collaboration between governments, employers, and trade unions to implement and monitor equal pay principles.</p>
Abolition of Forced Labour Convention, 1957 (No. 105)	<p>Article 1 prohibits any practice where migrants are forced into labour through coercion, discrimination, or threats, including exploitative recruitment or restrictions on freedom of association - common vulnerabilities for foreign workers.</p> <p>Article 2 requires ratifying countries to take immediate and effective measures to abolish all forms of forced or compulsory labour.</p>

International Legal and Policy Framework	Key Related Provisions
The ILO Decent Work Agenda and the 2008 ILO Declaration on Social Justice for a Fair Globalization	<p>The 2008 ILO Declaration strengthens the protection of migrant workers by embedding their rights within the Decent Work framework, ensuring equal access to employment, social security, and justice. It transforms the notion of labour migration from a purely economic movement into a human-centered process, grounded in dignity, equality, and fairness. In essence, it reinforces the right of migrant workers to decent work, equal treatment, and social protection, while obliging states and employers to uphold fairness, justice, and safety in a globalized economy.</p>
The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	<p>The CEDAW framework advances a comprehensive gender equality approach that directly benefits migrant women by addressing the intersecting discrimination they face on grounds of sex, nationality, and migration status. Articles 2 and 3 establish a legal and policy obligation for States to eliminate gender-based discrimination and promote women's advancement in all spheres. For migrants, this means governments must embed non-discriminatory laws, equal access to justice, and inclusion in employment and social programmes, regardless of citizenship. Article 6 tackles the core vulnerabilities of female migration - trafficking, sexual exploitation, and forced labour - by obligating States to prevent, prosecute, and protect. Article 11 guarantees equal employment rights, it anchors labour justice: equal pay, maternity protection, and safe workplaces for women in low-wage or informal sectors such as domestic service and caregiving. Articles 12 and 13 expand protection beyond the workplace, ensuring equal access to health care, social security, and economic participation, which helps migrant women achieve independence and resilience. Articles 14 through 16 deepen this protection by addressing structural and social barriers. Article 14 brings rural and agricultural migrant women into development policy, while articles 15 and 16 ensure legal capacity, freedom of movement, and family autonomy, safeguarding migrants from coercive marriages, dependency, and property discrimination. Collectively, these provisions transform migrant women from being viewed as vulnerable dependents to rights-bearing economic actors entitled to dignity, equality, and justice under both national and international law.</p>
The International Covenant on Civil and Political Rights (ICCPR), 1976	<p>The ICCPR provides a robust legal foundation safeguarding migrant workers' human dignity, equality, and due process irrespective of nationality or legal status. Article 2 establishes the core principle of non-discrimination, obliging States to extend all civil and political rights to everyone under their jurisdiction, including non-nationals. This universal scope anchors the protection of migrants within the broader framework of human rights, rather than state-granted privileges. Articles 6-9 secure the most fundamental rights: the right to life, freedom from torture, prohibition of slavery and forced labour, and protection from arbitrary detention. For migrant workers, these provisions translate into protection from exploitative recruitment, unsafe working environments, and abusive immigration enforcement practices. Together they require States to ensure that workplaces, detention centers, and migration control systems meet international standards of safety and humanity. Articles 12 and 13 are pivotal in regulating mobility and expulsion. They guarantee lawful movement within a country and protect migrants from arbitrary deportation, requiring due legal process and the opportunity to challenge expulsion orders. These are essential safeguards against forced removals and family separation. Articles 14, 16, 17, and 23 further reinforce equality before courts, recognition as a person before the law, respect for privacy and family life, and the protection of family unity - key issues in cross-border labour contexts. Articles 22, 26, and 27 extend the Covenant's egalitarian vision by ensuring freedom of association, equal treatment before the law, and protection of cultural identity. These guarantee that migrant workers can join trade unions, seek legal redress without discrimination, and maintain their linguistic or religious practices within host societies.</p>

International Legal and Policy Framework	Key Related Provisions
<u>The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990</u>	<p>The ICRMW establishes a comprehensive international legal framework for protecting migrant workers' rights by embedding them within universal human rights principles. Article 7 anchors the entire Convention in non-discrimination, ensuring equal protection for all migrants - regular or irregular - regardless of origin or status. Articles 8-11 reaffirm core human rights - life, liberty, and freedom from torture, slavery, and forced labour - ensuring that migration governance and employment systems uphold human dignity. In practice, these provisions protect migrants from trafficking, debt bondage, and hazardous working conditions. Articles 16 and 18 strengthen legal safeguards by guaranteeing due process, freedom from arbitrary detention, and access to justice, which are essential protections against abuse and wrongful deportation. Articles 21-27 bridge the gap between civil and labour rights by outlawing the confiscation of documents, prohibiting collective expulsion, and mandating equality in wages, safety, and working conditions. Articles 28-30 extend humanitarian and social protections - emergency health care, education, and family welfare - irrespective of status, ensuring that migration management respects basic human needs. Articles 43-47 and 64-71 promote systemic fairness through state cooperation, access to services, family unity, and the free transfer of earnings. They elevate migration governance from a border-control issue to a shared global responsibility rooted in justice, equity, and development.</p>
<u>The Universal Declaration of Human Rights (UDHR), 1948</u>	<p>The UDHR affirms the right to work, to just and favorable conditions of employment, to protection against unemployment, to equal pay for equal work, and to form and join trade unions for the protection of one's interests. These rights apply to all persons, regardless of nationality, migration status, or other distinctions. The key provisions are:</p> <p>Equality before the law and non-discrimination (Arts. 2, 7) Freedom of movement and right to work (Arts. 13, 23) Protection against abuse and exploitation (Arts. 4, 5) Access to justice and remedies (Art. 8) Right to decent living standards (Art. 25)</p> <p>While the UDHR laid the groundwork for universal human rights, its general and non-binding nature limits its effectiveness for migrant workers. Modern frameworks such as the ICRMW (1990), ILO Conventions C97 and C143, and the Global Compact for Safe, Orderly and Regular Migration (2018) were developed to bridge these gaps, emphasizing enforceable rights, fair recruitment, and access to justice for migrants across all statuses.</p>
Sustainable Development Goals (SDGs) and 2030 Agenda for Sustainable Development	<p>The 2030 Agenda for Sustainable Development integrates migrant worker protection across multiple goals, emphasizing decent work, equality, justice, and safe migration. It marks a global commitment to ensuring that migration is safe, orderly, and beneficial for both migrants and societies, aligning closely with the ILO fair recruitment principles and the Global Compact for Migration. The key and related goals and targets are:</p> <p>Goal 8: Decent Work and Economic Growth</p> <p>Target 8.8: "Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment."</p> <p>Target 8.7: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking."</p> <p>Goal 5: Gender Equality</p> <p>Target 5.2: "Eliminate all forms of violence against women and girls, including trafficking and sexual exploitation."</p> <p>Target 5.4: "Recognize and value unpaid care and domestic work."</p>

International Legal and Policy Framework	Key Related Provisions
<p>The ILO's General Principles and Operational Guidelines (GPOG) for Fair Recruitment and Definition of Recruitment Fees and Related Costs, 2019</p>	<p>These non-binding GPOGs inform and advise governments and social partners on specific measures to promote and ensure fair recruitment of workers, including migrant workers. The Principles and Operational Guidelines (OGs) that assign specific responsibilities to actors involved in facilitating access to justice are:</p> <p>Principle 10 indicates that workers (migrant workers) should have access to free, comprehensive and accurate information regarding their rights and conditions in the recruitment process and employment.</p> <p>Principle 13 demands that migrant workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.</p> <p>OG 2.1 notes that governments should protect migrant workers against human rights abuses in the recruitment process, and requires that appropriate steps are taken to prevent, investigate, punish and redress such abuses through effective policies, legislation, regulations and adjudication, and exercising and mandating due diligence to ensure that human rights are respected</p> <p>OG 3 states that governments should adopt, review and, where necessary, strengthen national laws and regulations, and should consider establishing, regularly reviewing and evaluating national fair recruitment commitments and policies, with the participation of employers' and workers' organizations.</p> <p>OG 4 indicates that governments should ensure that relevant legislation and regulations cover all aspects of the recruitment process, and that they apply to all workers, especially those in a vulnerable situation.</p> <p>OG 5 states that governments should effectively enforce relevant laws and regulations, by demanding compliance from relevant actors, and take steps to ensure that there is an effective and sufficiently resourced and empowered labour inspectorate to investigate and intervene at all stages of the recruitment process as well as set systems to ensure that employers and recruiters are held accountable, individually or jointly, for the respect of workers' rights in the recruitment process.</p> <p>OG 8 notes that governments should take steps to ensure that migrant workers have access to grievance and other dispute resolution mechanisms, to address alleged abuses by eliminating barriers to effective access and ensuring the availability and operation of grievance and other dispute resolution mechanisms that are accessible in practice, rapid and affordable with appropriate and effective remedies.</p> <p>OG 27 states that employers should provide or facilitate effective access to grievance and other dispute resolution mechanisms in cases of alleged abuses in the recruitment process, and to effective access to appropriate remedies either judicial or non-judicial.</p>

International Legal and Policy Framework	Key Related Provisions
<p>The Global Compact for Safe, Orderly and Regular Migration (GCM), 2018</p>	<p>This non-legally binding cooperation framework covers all aspects of international migration and aims at addressing migration in all its dimensions through 23 objectives. Several of these objectives are related to creating avenues for access to justice for migrant workers.</p> <p>Objective 1 relies on the collection and disaggregation of data to support evidence-based policy formulation and effective monitoring of implementation.</p> <p>Objective 3 seeks to provide accurate, comprehensive, and timely information at all stages of migration, including appropriate protection and assistance options; legal guidance on migrants' rights and obligations, including compliance with national and local laws; obtaining work and residence permits; registration with authorities; access to justice mechanisms for filing complaints about rights violations; and access to basic services.</p> <p>Objective 4 aims to ensure that all migrants have proof of legal identity and adequate documentation.</p> <p>Objective 6 aims to facilitate fair and ethical recruitment and safeguard conditions that ensure decent work. Key commitments include establishing partnerships with all relevant stakeholders, including employers, migrant workers' organizations, and trade unions; ensuring that migrant workers are aware of how to access effective complaint and redress mechanisms in a language they understand; ensuring migrants working in the informal economy have safe access to effective reporting, complaint, and redress mechanisms in cases of exploitation, abuse, or violations of their rights in the workplace; and adopting specific measures to prevent, report, address, and provide effective remedies for all forms of exploitation and abuse.</p> <p>Objective 7 aims to address and reduce vulnerabilities in migration by ensuring migrants have access to public or affordable independent legal assistance and representation in legal proceedings that affect them, including during judicial or administrative hearings, in order to ensure that all migrants, everywhere, are recognized as persons before the law and that the delivery of justice is impartial and non-discriminatory.</p> <p>Objective 10 seeks to prevent, combat and eradicate trafficking in persons in the context of international migration by committing to take legislative or other measures, including strengthening capacities and international cooperation to investigate, prosecute and penalize trafficking in persons, and addressing other forms of exploitation and abuse, including by facilitating access to justice and the safe reporting of violations without fear of detention, deportation or penalty, focusing on prevention, identification, appropriate protection and assistance, and addressing specific forms of abuse and exploitation.</p> <p>Objective 13 requires the use of immigration detention only as a measure of last resort, and work towards alternatives, with a commitment to ensure that any detention follows due process, is non-arbitrary and based on law, through informing those in detention of the reasons and in a language they understand, as well as providing access to justice for all migrants in countries of transit and destination who are or may be subject to detention, including by facilitating access to free or affordable legal advice and assistance of a qualified and independent lawyer, as well as access to information and the right to regular review of a detention order.</p> <p>Objective 15 commits to providing access to basic services for migrants, with a commitment to establish or mandate independent human rights institutions at the national or local level, to receive, investigate and monitor complaints about situations in which migrants' access to basic services is systematically denied or hindered, facilitate access to redress, and work towards a change in practice.</p> <p>Objective 17 seeks to eliminate all forms of discrimination, and, among others, promote evidence-based public discourse to shape perceptions of migrants, as well as provide migrants, especially migrant women, with access to national and regional complaint and redress mechanisms with a view to promoting accountability and addressing government actions related to discriminatory acts and manifestations carried out against migrants and their families.</p>

International Legal and Policy Framework	Key Related Provisions
<u>African Common Position (ACP) on Migration and Development, 2006</u>	<p>The ACP, adopted in 2006, recognizes that migratory flows are occurring, but in an African context migration is still marked by the inadequacy of institutional capacity in some African countries to address these problems individually and collectively. The ACP stresses comprehensive and balanced migration management consisting of a set of recommendations for action at national and continental levels and beyond, around eleven priority policy areas and four cross-cutting issues, including the protection of migrants' human rights and migrant women's rights, who are vulnerable to abuses, as well as access to social services as a cross-cutting issue.</p> <p>As part of the national recommendations that can create a window to access justice, the framework requires collecting data, implementing awareness and sensitization campaigns, and enhancing mechanisms to prevent and combat trafficking.</p>
<u>The African Union (AU) revised Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030)</u>	<p>The AU revised MPFA and its Plan of Action (2018-2030) is a revised edition of the 2006 MPFA. The revised framework reflects especially on current migration realities and context in Africa and makes policy guidelines around eight priority areas and eleven cross-cutting issues for action by national governments of AU member states and Regional Economic Commissions (RECs).</p> <p>MPFA's principal objective is migration governance with the aim to facilitate safe, orderly and dignified migration. It also advocates for the socio-economic well-being of migrants and society through adherence to international standards and laws. Specific recommended strategies on priority issues such as migration governance, labour migration and education, and irregular migration as well as related cross-cutting issues of human rights and migration, and migration data represent approaches to address abuses of migrants' human and labour rights and promote decent work.</p> <p>On migration governance, especially to comply with international standards and laws and secure migrants' rights, the framework seeks to provide all migrants with access to justice and redress.</p> <p>Concerning labour migration and education, it seeks to provide access to accurate information on labour migration at pre-departure and post-arrival stages, including terms and conditions of work, remedies, and access to legal advice in the event of violations. It also aims to establish effective complaint mechanisms and ensure that migrants, especially migrant women, have recourse to enforce their rights and access timely and affordable remedies. Regarding irregular migration, a key strategy is to take appropriate measures to provide protection to smuggled migrants and trafficked persons to guarantee their safety and well-being, including through legislation, referral systems, legal assistance, access to remedies, and consular services. Other strategies include enhancing the collection and analysis of migration data and safeguarding all migrants' human rights, especially from abuses, by ensuring that migrants have access to the courts, lawyers, judicial system, and relevant government agencies, including the opportunity to contest repatriation or expulsion procedures in a manner consistent with international law, standards and norms.</p>
<u>ECOWAS Common Approach on Migration, 2008</u>	<p>The ECOWAS Common Approach on Migration seeks to operationalize the principle of free movement of persons within the ECOWAS zone, which is a fundamental priority for the integration of ECOWAS Member States and in line with the Protocol on Free Movement of Persons, the Right of Residence and Establishment. It was adopted in Ouagadougou in 2008 at the 33rd Ordinary Session of the Heads of State and Governments.</p> <p>The common approach is anchored in six principles, including the free movement of persons, combating human trafficking and protection of the rights of migrants. Key actions outlined to achieve the principles are: (1) Organizing awareness-building and educational campaigns on the rights and obligations of the citizens of the Community among officials in charge of migration and populations; (2) Removing all forms of harassment along migration routes; (3) Information and awareness campaigns for potential migrants on the dangers of irregular migration and smuggling networks; (4) Enhancing migration management by setting up shared digitized databases; as well as (5) Building cooperation in the judicial and police sectors against human trafficking, particularly of women and children.</p>

International Legal and Policy Framework	Key Related Provisions
ECOWAS Free Movement Protocol, 1979	<p>Ghana's adoption of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment in 1979 theoretically established important rights for regional migrants, including visa-free entry, employment opportunities, and the ability to establish businesses.</p> <p>Article 2 grants ECOWAS citizens the right to enter, reside, and establish in other Member States.</p> <p>Article 3 states that no visa is required for ECOWAS citizens for stays of up to 90 days.</p> <p>Article 4 protects migrants against discriminatory admission practices.</p> <p>Article 10 safeguards the rights of citizens already residing or working in another Member State.</p> <p>Article 11 establishes due process guarantees for expulsions.</p> <p>However, despite Supplementary Protocols adding protections against collective expulsions and guaranteeing appeal rights, implementation remains inconsistent, with migrants frequently encountering bureaucratic obstacles, documentation hurdles, and informal fees that undermine the Protocol's intended benefits. A critical weakness in the framework is the absence of precise provisions regarding access to justice and remedies. While Article 23 of the 1986 Supplementary Protocol, which includes procedural safeguards, guarantees equal treatment for basic services, migrants seeking justice for labour rights violations face significant challenges in accessing effective legal remedies across Member States, creating a substantial accountability gap.</p>
African Charter on Human and Peoples' Rights, 1981	<p>The African Charter on Human and Peoples' Rights is a legally binding instrument that promotes and protects human rights in Africa, including those of migrants. It was adopted in 1981 and ratified by Ghana in 1989. The Charter enshrines rights aimed at protecting vulnerable groups such as migrants.</p> <p>Article 2: Every individual is entitled to enjoy the rights and freedoms in the Charter without distinction of race, national or social origin, or other status, ensuring equal protection for migrants regardless of nationality.</p> <p>Article 3: All individuals are equal before the law and entitled to equal protection, a fundamental safeguard for migrants facing discrimination in host countries.</p> <p>Article 5 protects every individual's inherent dignity and prohibits all forms of exploitation, slavery, or inhuman treatment, which are crucial protections for migrant workers in vulnerable sectors such as domestic or informal work.</p> <p>Article 6: No one shall be arbitrarily arrested or detained, ensuring that migrant workers are protected from unlawful detention, often a risk for undocumented or exploited migrants.</p> <p>Article 7: Right to a fair trial and remedy, including the right to have one's cause heard, the right to appeal, legal defense, and a fair and impartial tribunal - essential for migrants seeking justice or redress for labour rights violations.</p> <p>Article 12: Guarantees freedom of movement and residence and prohibits mass expulsion of non-nationals, protecting migrant communities from collective deportations.</p> <p>However, the African Charter leaves important gaps regarding migrant workers. It does not address practical issues such as wage theft, recruitment fees, portability of social security benefits, or recognition of qualifications across countries. Enforcement is also weak because individuals must first exhaust national remedies before approaching the African Commission, a process that is costly and complex. For many migrants, particularly those in low-paying or irregular employment, this process is inaccessible. Fear of deportation or punishment further discourages migrants from seeking justice. Additionally, many migrants cannot access information in languages they understand, which limits their ability to use existing legal protections. Finally, the Charter does not provide practical tools such as labour inspections, complaint hotlines, or mechanisms for cross-border recovery of unpaid wages, leaving implementation largely dependent on national action.</p>

Annex 4: Effectiveness of Remediation and Redress Mechanisms

Institutions	Type of Redress	Mechanisms	Accessibility	Affordability	Timeliness
Commission on Human Right and Administration Justice (CHRAJ)	Government Formal	Mediation	CHRAJ services are accessible in approximately 180 out of Ghana's 216 districts, providing relatively wide geographical coverage.	CHRAJ services are provided free of charge, with no fees required.	CHRAJ aims to resolve cases within three months. However, some cases are resolved within hours or days, while delays may occur due to external dependencies.
Legal Aid Commission	Government Formal Legal	Mediation Court litigation	The Legal Aid Commission has district offices across all ten traditional Ghana's regions, with offices located in key areas, making its services geographically accessible.	Legal Aid services are quite affordable. The data revealed that a one-time filing fee of 5 Ghana cedis is required to apply. However, there are no additional costs for legal representation or mediation. If a case is already in court, the Commission can request an exemption from filing fees, ensuring that clients do not bear the financial burden of litigation.	The Legal Aid Commission aims to provide redress within a short period but delays often occur due to uncooperative employers. The timeliness of resolving an issue depends on the availability of mediators and the employers' responsiveness. If employers cooperate, cases can be resolved in two sittings, usually within one to two weeks.
National Labour Commission (NLC)	Government	Facilitation Mediation Arbitration	The services of the NLC are more limited in scope and accessibility compared to those of CHRAJ. Despite its critical role, the NLC has a limited regional presence, which makes access difficult for many workers. The Commission currently operates in only four regions: Greater Accra, Ashanti, Western, and Bono (Sunyani).	The NLC applies a cost-sharing system for both mediation and arbitration, under which expenses are divided equally between the employer and the employee. The cost of mediation or arbitration is GHS 1,850 per hearing, shared equally by both parties. In many cases, however, employers cover the full cost, ensuring that employees are not financially burdened.	The NLC aims to resolve disputes within two weeks; however, delays often occur due to uncooperative parties. These include employers ignoring notices or responding late, as well as employees failing to respond. In particular, employer responses may take over 28 days, instead of the required 14-day period.

Institutions	Type of Redress	Mechanisms	Accessibility	Affordability	Timeliness
Labour Department	Government Formal	Pre-emptive measures Social dialogue Collaboration with Ghana's consular offices abroad Direct contact support	The Labour Department operates in zones all over the country. Currently, there are 86 zones, with each zone serving approximately three districts across the country. In addition, it operates a hotline system, which in principle makes its services accessible to the public at any time. The Department estimates the accessibility of the hotline system at approximately 70-80 per cent. However, several limitations affect access, including situations where workers' phones are switched off, hotline lines are busy, or call capacity is limited due to the small number of available lines. High complaint volumes further strain the system, and migrant workers, particularly those abroad, may lack airtime or the financial means to make international calls, which further restricts access.	In terms of affordability, no fees are charged to file a complaint with the Labour Department. However, the cost of calling the hotline, especially for migrant workers outside the country, can be high.	With regard to timeliness, the Labour Department does not operate under a specific timeline for providing redress. Nevertheless, it prioritizes the prompt and efficient handling of grievances brought before it.
Migrant Labour General Workers Union International (MLGWI)	Non-Government Formal	Labour courts Lawyer Representation Negotiations Repatriation efforts	The services of the MLGWI are accessible to migrant workers who seek its support and join its network. Although the Union is headquartered in Ghana, its services extend beyond Ghana's borders, particularly to Gulf States, which are among the primary destinations for Ghanaian migrant workers.	The services provided by the MLGWI are offered free of charge. However, many migrant workers face high legal costs when pursuing formal legal action and are often unable to afford private legal representation.	There are no specific timelines for case resolution. In practice, bureaucratic inefficiencies frequently result in delays, as complaints must pass through lengthy legal and administrative processes. As noted by an MLGWI staff member: "We report cases to the police, the Ministry of Foreign Affairs, and the Labour Department, but they do not respond."
Private Recruitment Agencies	Private Formal	Labour courts, Pre-emptive Police	Private Recruitment Agencies licensed by the Labour Department are accessible when contacted. However, their services are often limited.	Private Employment Agencies do not charge fees for their services. However, the pursuit of legal cases often involves additional costs, which many migrant workers are unable to afford.	The agencies prioritize prompt feedback. When a worker raises a concern, for example, receiving an unfair warning for poor performance, the agency immediately contacts the supervisor, gathers the relevant information, and relays feedback to the worker without delay.

Annex 5: Key Informant Interviews Guide

Introduction

Ghana has shaped the migration landscape and acts as both a destination and a country of origin for migrant workers. The major driver of migration in Ghana as country of destination and origin is the search of improved livelihoods and better working conditions. However, many Ghanaian migrant workers face exploitation, including non-payment of wages, excessive working hours, physical and psychological abuse, and restrictions on their freedom of movement, etc. These migrant workers frequently lack access to justice and redress mechanisms, leaving them vulnerable and without recourse in cases of abuse. It is important to note that access to justice is a fundamental human right enshrined in numerous international and national legal frameworks. In the context of Ghana, a country that both sends and receives migrant workers, the issue of access to justice is multifaceted and complex.

Hence, through the FAIR III project, ILO Ghana has engaged a consultant to conduct a rapid assessment on access to justice for migrants in Ghana. The assessment aims to provide an understanding of access to various forms of remedies through formal or informal justice institutions for grievances in compliance with human rights standards.

Consent

Your institution has been selected to participate in this assessment. All the information you provide will be treated with utmost confidentiality. None of the responses will be directly linked to you in the report. The information you provide will be used for the purpose of analysis of this assessment solely. The information will not be shared with any other person or be used for any other study or purpose other than this study and its publication. You may withdraw from the study at any time without a sanction/penalty. Do you consent to participate?

Thank you for accepting to participate in this study.

Please contact Achakoma, Kennedy Atong (PhD) via apibiik@yahoo.com if you require any further clarification, or Kamil Abubakari/abubakari@ilo.org

1. What does access to justice mean to you?
2. Can you identify/describe existing mechanisms/processes (in Ghana or abroad) for remediation and mediation used by your institution? (enforcing rights and seeking redress)
3. Describe their basis in law and policy, and their operation in practice.
4. What institutional obstacles do migrant workers face when accessing formal and informal remedies and justice in Ghana? Or abroad?
5. What practical obstacles impede migrant workers' access to remedies, mediation, or other forms of justice? And what steps can be taken to guide migrants in their dispute resolution and asserting their legal rights?
6. Describe the quality of these remediation and mediation mechanisms in terms of accessibility, affordability, timeliness and their role in prevention, response, and deterrence.
7. What formal channels of access to the legal system are available to migrant workers in Ghana? Please describe procedures, timeframes, and associated costs in accessing these legal systems.
8. What reasons encourage or discourage migrant workers from choosing formal channels of access to the legal system?
9. How responsive are remediation, mediation and legal services to men and women, especially domestic workers? Are men treated differently by these mechanisms?
10. What are the challenges faced by female migrant workers, especially in sectors such as domestic work in accessing remediation, mediation and legal services?
11. What recommendations and actionable solutions can you propose to overcome institutional, legal, financial, and knowledge barriers when accessing formal channels to the legal system?

- 12.** How can trade unions and employers' associations help migrant workers access dispute resolution, redress, and legal mechanisms?
- 13.** What strategies can be integrated to make resolution, redress, and legal mechanisms more gender-responsive, especially meeting the specific realities of female migrant workers?
- 3.** How effective were these dispute resolution channels/mechanisms in terms of accessibility (procedure), affordability (cost), and time-efficiency (delivery of outcome)?
- 4.** Are there specific reasons that encourage or discourage migrant workers from choosing formal channels of access to the legal system (court procedure) over traditional systems, or vice versa?
- 5.** Are there specific gender barriers faced by female migrant workers in accessing dispute resolution channels/mechanisms? If so, discuss them.
- 6.** What barriers do female migrant workers in sectors such as domestic work especially face when accessing dispute resolution channels/mechanisms?
- 7.** What do you think can be done to improve access to formal and informal remedies and justice services for migrant workers in Ghana?

Annex 6: Focus Group Discussions Guide

- 1.** What challenges/barriers do migrant workers in Ghana, abroad, and returnees face when accessing formal and informal remedies and justice services?
- 2.** To what extent does lack of knowledge of rights, dispute resolution procedures, and financial barriers among migrant workers prevent access to formal dispute resolution mechanisms or justice?

Annex 7: Lived Experiences of Some Returnee Migrants

► Box 3. A female returnee's experience

Cilla (not her real name) is a mother of one who went to the Kurdistan region, Iraq from 2022 to 2024 to work as a domestic worker, using a Ghanaian friend as a broker and an Iraq-based recruitment agency. The main reason was to supplement the family income in Ghana, especially to pay for her daughter's education. In Iraq, she was kept in an **office (i.e., a centre that links workers to employers)** before she was connected to her employer (Madam) who she worked with for only two months and then left to work part-time in the office. At the Madam's house, she was responsible for baby care and other household activities, including cleaning and cooking. For the two months of work, she was paid only one month's salary, after significant delay. Her part-time work at the office after leaving the employer's home also involved mistreatment, including beatings. This continued until she fled the office and escaped into town to avoid further abuse.

She explained her ordeal: *"My phone was taken from me and wiped, and my passport was seized. The office had instructed my Madam employer to seize my phone and pay my salary through them, which I protested. I was also subjected to beatings while at the office. I went to the police station once to seek justice, but it was even worse. I slept outside the police station for a whole week. I finally escaped and wandered in Kurdistan without work for months until I met the UN. The UN took legal action against the office before rescuing me, returning my passport, and bringing me back to Ghana. I finally came back to Ghana in August 2024, very sick after falling from a multi-story building in my attempt to escape. Upon arrival at KIA in Accra, I shared my sufferings with GIS officials, but they could not help. One official who took my contact later wanted to have sex with me, but because I refused, he did not call me back. I even wanted to report my agent, but I had no money and did not know anyone to help me."*

► Box 4. A second female returnee's experience

Sana (not her real name) went to Iraq as a domestic worker in 2024. This was her second time migrating, after having previously worked in Saudi Arabia. In Iraq, her responsibilities included cooking, cleaning, and giving massages for her employer.

"When I arrived, my passport and mobile phone were taken from me. My salary was also kept by my employer. I fell sick but was refused medical attention. I was also harassed by both my male employer and his wife, while the man made several attempts to have an affair with me. I left to work for another employer, but the second house was worse and included beatings. I got assistance through the Migrant Labour General Workers Union International, which helped me obtain a lawyer and contact the police in Iraq. It was then that the UN came in, and the court system granted me permission to return to Ghana."

During the eight months she worked, Sana received only three months of pay.

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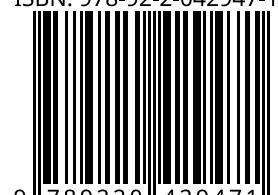
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