



Protecting employees right in COVID-19: the role of unions in private-sector organizations in Ghana

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Abstract

Purpose

The study aims to examine the role of private-sector unions in protecting the employment rights of employees during the period of COVID-19 with particular reference to Ghana.

Design/methodology/approach

The study methodology was based on a survey with a sample of 160 participants with a target population of 9,125 private-sector workers conveniently drawn from four organizations within the sector.

Findings

Employees in private-sector organizations had some role expectations their unions were supposed to play during the period of COVID-19 and unions performed these roles to the satisfaction of members. The study found out that, the right for employees to enjoy safe and healthy working environment, equal treatment and opportunities for all, providing employees with relevant information as well as championing members concerns at the workplace were not ignored by unions during the period of COVID-19 in Ghana.

Practical implications

Union activities should not be concentrated mainly in the public-sector of Ghana as the government cannot develop the private-sector if private-sector workers are not well represented in their respective organizations to champion their concerns. Unfair labour practices exhibited by some private-sector employers particularly SMEs during pandemics could be mitigated if there is a mouthpiece to champion the concerns of employees to the relevant labour regulatory authorities.

Originality/value

The originality of the study lies in the novelty of recent COVID-19 which affected a lot of employees in Ghana yet no research has been conducted to examine the role of unions in protecting the employment rights of private-sector workers during the pandemic period. This study set the pace by establishing that private-sector workers were satisfied with the roles played by their unions in protecting employees right as established under Section 10 of the Ghana's Labour ACT 2003, ACT 651 during the COVID-19 period.

Keywords: Unions, employment rights, COVID-19, pandemics, Ghana, private-sector, employees

Paper type: Research paper

1. Introduction

The presence of unions has significant implications for the structure of any organization and the management of the organization's human resources. For organizations that have unions, human resource procedures and policies are largely shaped by a written agreement between the management and the union. This means that a labour relations officer's job in a unionized firm will be markedly different from that same job in a non-unionized firm (Visser 2002). In a non-unionized firm, human resource procedures and policies are largely determined by management without employees' involvement. From the words of Baskin (2001), a trade union is seen as association of individual workers that represent themselves as a unit in negotiating with their employer. To the writer, unions are formed mainly to advance and protect the interest of their members. This description actually raises so many questions as to the existence of unions and their benefit to organizations especially during the period of COVID-19 pandemic.

According to the International Labour Organization (ILO) in July 2020, there are about 164 million migrant workers over the world but their faith is in limbo as unions have failed to protect them in terms of gaining access to wage subsidies, unemployment benefits, social securities and protection which are extended to host country nationals. Blakely & Davies (2020) commenting on the contribution of unions to employees right at the workplace during the COVID-19 asserted that, in many countries such as Britain, Wales, Norway and Republic of Ireland, unions have successfully negotiated with governments to pay 80% of employees remuneration and provided sick pay for even those on zero contract hours. The negotiation also extends to getting workers to walkout from the workplace over safety concerns as employers fail to implement social-distancing and measures for employees to observe COVID-19 safety protocols.

In the United States of America (USA), Grant (2020) reported that the united trade union has made a firm statement that workers interest and rights should be observed by the employer and based on this the worker has every right to refuse the employer's request to return to work especially when the necessary safety COVID-19 protocols are missing within the employer's working environment. In addition, McNicholas et al (2020) reported that the COVID-19 pandemic had really underscored the importance of unions' existence in terms of protecting the rights of employees during this period. To them, unions in the United States of America, have helped unionized workers to secure enhanced safety measures, additional premium, sick pay and a say in work-share arrangements by the employer in order to save jobs.

Contrarily to the above literature, in other jurisdictions especially Ghana where this study was conducted, as reported by the Ghana Statistical Service in 2020 supported by the World Bank and the United Nations Development Programme, unions have not played major role in terms of protecting the rights of employees in terms of job security and insisting that employers honour their social contract by providing safe working environment that will build workers confidence

during this period of the COVID-19 pandemic. Their assertion was based on 25.7% of the total workforce in Ghana having their wages reduced and 42,000 employees laid off during the period of the pandemic.

Still in the context of Ghana, contrarily to the above information provided by these professional and international organizations, available information mostly from electronic media such as ghanaweb.com, myjoyonline.com and graphiconline.com showed that unions operating in the government or state institutions in Ghana had demonstrated the capability of challenging the government to do the needful by respecting the right of employees during the period of the COVID-19. Some of these rights include provision of Personal Protective Equipment (PPEs), job security and stability of tenure of office and right to be paid during the period of the pandemic. In terms of PPEs, state institutions have received nose masks, sanitizers and had their working places fumigated all in the effort to corroborate unions' position of employers providing safe working environment for workers especially in the public-sector.

While unions' presence has been felt in government institutions or public-sector, the opposite is the case where many unions operating in the private-sector failed to protect the rights of their members particularly unions engaging private-sector employers to provide safe working environment, job security and measures for workers to observe COVID-19 safety protocols. In terms of job security, the Ghana Statistical Service in their business tracker survey 2020 reported that about 3.5% of workers in the private-sector had been laid off during the period of the pandemic without their respective unions negotiating favourably on behalf of the unionized workers. This actually raises a question as to whether unions operating in private-sector organizations had played a major role in terms of protecting and advancing the interest of their members during the period of the pandemic as compared to those in state or government institutions. In addressing this question and also establishing the fact which has not been done through research, this study aims at investigating the roles of unions in protecting the rights of employees in private-sector organizations during the period of the COVID-19 pandemic.

2.0 Methodology of the study

The main objective underlying the study is to assess the role of unions in protecting employees' right in private-sector organizations during the COVID-19 pandemic. In achieving this objective, the eighteen (18) national unions in Ghana within the umbrella of the Trade Union Congress (TUC) were considered as the target population but only four (4) were conveniently sampled. The choice of convenience sampling was based on the fact that not all the national unions within the TUC operate in private-sector organizations. The four private-sector operated unions were Construction and Building Workers' Union, Timber and Wood Workers Union, Communications Workers Union and the Union of Industry, Commerce and Finance. These conveniently selected unions operate mainly in private or multinational companies rather than state institutions. The sampled national unions were put under different clusters and various codes using the numbers 1 to 4 were assigned to them as follows:

Construction and Building Workers' Union:

Code 1

Timber and Wood Workers Union:	Code 2
Communications Workers Union:	Code 3
Union of Industry, Commerce and Finance	Code 4

The same non-probability sampling method was used to select an organization each belonging to these national unions. The four sampled organizations were Consar Construction Ghana Limited affiliated to Construction and Building Workers Union: Code 1; Logs and Lumber Limited affiliated to Timber and Wood Workers Union: Code 2; Vodafone Telecommunications Ghana Limited affiliated to Communications Workers Union: Code 3; and Standard Chartered Bank Ghana Limited affiliated to Union of Industry, Commerce and Finance; Code: 4. In getting respondents to be used for the study, the researcher used the snowball sampling method to select 40 respondents each from the four organizations. In doing this, the researcher identified one or two employees he knows very well in those sampled organizations, explained the objective of the study and the need to assist the researcher to get other respondents to participate in the research including them. In total, 160 employees were used for the study with 40 sampled employees drawn from each organization.

According to Glen (2015), the snowball sampling method is adopted when it is difficult to get participants for the study and hence you seek assistance from one or two participants to refer others of the same characteristics to participate in the study. The literature provided by the author fits perfectly in this context of the study where the researcher was finding it difficult to get employees from the selected organizations because of COVID-19 where many private organizations were operating under strict conditions.

The data collection instrument used for the study was questionnaires directed to the sampled employees using google forms which is an application used for online surveys. In doing this, participants who were considered as the sample for the study were asked to provide their emails and a google survey link containing questions created by the researcher was sent to all the participants to complete. After submission, the researcher pulled their responses for analyses to be done. The questions were closed ended that solicited information on why they joined their respective unions and in their opinion what constitutes employees right under the contract of service they had with their respective employers. In addition, dichotomy questions were also set by the researcher which enabled the participants to choose between 'yes or no' if their respective unions had protected their rights during the period of the COVID-19. The responses given by the respondents from the four organizations were consolidated based on their similarities after which a 2 X 2 contingency chi square (χ^2) was calculated to compare the two variables which were 'unions existence and protection of employees right' during COVID-19 to determine if the two categorical variables were independent.

To assist respondents in their selection of the dichotomy questions (yes or no), the researcher from the Ghana's Labour ACT 2003, ACT 651, Section 10 defined employees right to include right to work under safe and healthy environment, receive information relevant to the employees work, employees to be trained and retained, equal pay for equal work done and reasonable limitation on working hours and period of holidays with pay. Guided by a sample size of 160

respondents used for the study with a targeted population of 9,125 workers of the four selected organizations, a hypothesis with 95% confidence level was set in order to enable the researcher make informed decision based on the responses that were provided by the respondents as follows:

Ho: Unions in private-sector organizations do not serve as antidote for protecting employees' right in the period of COVID-19 in Ghana

H₁: Unions in private-sector organizations serve as antidote for protecting employees' right in the period of COVID-19 in Ghana.

It was assumed that roles played by the selected unions constituted the overall role played by private-sector unions in respect of protecting employees' right during the period of COVID-19.

3.0 Data Presentation and Discussion

The main objective underlying the study is to assess the role of unions in protecting employees' right in private-sector organizations during the COVID-19 pandemic with particular reference to Ghana. The objective of the study was partly achieved through questionnaires distributed to union members to solicit information on their rights and the extent to which their unions had protected those rights under the current contract of service with their employers during the period of COVID-19. The responses from the participants based on the questionnaires retrieved could be tabulated below:

Table 1: Employees view on their employment rights

Employment rights	Organizations					
	1	2	3	4	Total	Ranking
Safe and healthy working environment	12	8	10	8	38	2 nd
Protection or stability of tenure of work	10	14	10	12	46	1 st
Equal treatment and opportunities for all	4	8	8	6	26	3 rd
Outlet for advancement and training	4	4	4	6	18	5 th
Avoiding information asymmetry relevant to the job	4	2	2	4	12	6 th
Employees voice to be heard	6	4	6	4	20	4 th
Total	40	40	40	40	160	

Source: Authors field work, 2020

The above data shows that employees expect their employers' to accord them with certain rights and in their opinion, unions played vital role through constant engagement with private-sector employers, Ghana Employers Association, established COVID-19 agencies and institutions and facilitating the adjudication of cases for their members against unfair labour practices by employers.

Though 21.7% of the respondents believed that protection of their rights were achieved through the sole effort of their unions, many of the respondents (78.3%) believed that the privilege of enjoying the rights outlined in table 1 was achieved not only by the effort of their unions, but the government also played important role through education, financial and material assistance as

well as enforcement of relevant policies to ensure that the woes of private-sector workers were not worsened during the COVID-19 period. One of such policies enforcement was how the Government of Ghana instructed private-sector employers to come out with different measures on how to protect the lives of their employees as they continue to offer their services to them at the workplace during the COVID-19.

The COVID-19 had witnessed the need and call from different stakeholders including Civil Society Organizations (CSOs) for employers to respect the right of employees to work in safe, hygienic and risk free environment. Employees in Ghana cherished this right and ranked it second as can be witnessed in Table 1 and hence the need for private-sector unions to play a critical role in protecting this right. In other jurisdictions such as the USA, private-sector unions have played important role by ensuring that accident free environment is provided by the employer during the period of COVID-19. Literature by Gibson (2020) showed that many unions particularly in the private-sector invoked relevant legislations to force employers to pay huge fines and compensation to employees as a result of failure to adhere to health and safety protocols during the period of COVID-19 pandemic.

The right of employees at the workplace can also be extended to employers providing stability of tenure of work as can be seen from Table 1. This employment right was ranked the top right employees envisaged their respective unions to guard against employers violating them. However, this right per the literature of Lexmall and Associates (2020) is not entrenched within the labour laws of many countries particularly Ghana and cannot be a mandatory duty unions owe their members, as reported in the case of Barclays Bank (Ghana) Ltd v Sakari, [1997-98] 1 GLR 746. This case as ruled by the Ghana's Apex Court gives the employer right to terminate the employees' contract of service in situations where it could be judged that the contract between the two parties has become frustrating and hence very difficult for each party to honour their obligations. In a similar literature as reported by Ayitey (2020) on myjoyonline.com, the decision of Coca Cola Ghana Limited to embark on redundancy to reduce the number of its workforce because of COVID-19 was welcomed by the National Labour Commission which is the adjudicator of labour disputes in Ghana. This judgement shows that many employers in Ghana did not infringe on employees right of discontinuing their services under the COVID-19 pandemic as unions have no jurisdiction at all cost to protect this right.

Again Table 1 as per the respondents, ranked employers providing all the necessary information needed by the employee as the least right employers should accord their workers. This means in the opinion of the respondents, employees are supposed to have the necessary information, skills and knowledge to perform their jobs and not necessarily the responsibility of the employer to provide them. Though this right was ranked least from the point of view of the respondents, the importance of it cannot be underestimated during the period of the COVID-19 as many unions especially the Ghana Trades Union Congress asked employers to respect the right of their employees by providing all the needed COVID-19 information that will enable workers to operate in a safe and conducive working environment. In Ghana, many seminars and workshops were held to provide the needed information on the dynamics and operations of the virus and

individual's responsibility on preventing the virus from spreading. For instance, literature available from Global Partnership for Education (2020) showed that Ghana received US\$15 million from the World Bank to provide information and education on COVID-19 through developing learning modules, distributing teaching and learning materials, in-service teacher training and establishing hand-washing and latrines facilities to mitigate the spread of the virus.

For the researcher to complete achieving the objective of the study as captured in the methodology, dichotomy question was asked to solicit information from the respondents whether in their opinion the existence of unions in their respective organizations helped in protecting their employment rights during the COVID-19 period. The responses which took the form of 'yes or no' were consolidated after which a chi square test statistic was used to establish relationships between the two categorical variables as can be seen in the table below:

Table 2: Unions existence and employees right protection

Union existence	Employees right protection during COVID-19			
		Yes	No	Total
	Yes	71 (48.00) (11.02)	9 (32.00) (16.53)	80
	No	25 (48.00) [11.02]	55 (32.00) (16.53)	80
	Total	96	64	160

From the above table, the chi-square statistic is 55.1042 and the result is significant at $p < .05$. Judging from the test, we reject H_0 and accept H_1 since the calculated χ^2 is more than the critical value of 3.841 for alpha (0.05). This means that protecting employees' right in private-sector organizations during COVID-19 pandemic largely depends on the existence of unions in those organizations.

This result is consistent with the findings of Nkechi et al (2020) who in their work 'union facilitation effect and access to non-wage benefits in the Ghanaian labour market' concluded that unions play important role in improving employees' awareness of their statutory entitlements. In Ghana the private-sector employs the greater part of the country's workforce and yet has few companies operating under this sector having their employees unionized. Non-unionized private-sector workers experience greater part of employment rights violation by their employers as compared to those that are unionized. For instance literature by Lexmall (2020) showed that many private-sector organizations failed to honour their obligations to employees during COVID-19 since they believe fulfilling these obligations is a cost to them. For example, the writer concluded that providing a safe working environment during the pandemic was seen by Small and Medium Enterprises (SMEs) who normally have non-unionized workforce as leading to increase in unforeseen operational cost which they were not prepared to incur. This means that looking at the calculated χ^2 buttressed by the literature of Nkechi et al (2020) and Lexmall (2020), unions operating in private-sector organizations play a beneficial role in ensuring that their members' employment rights are not violated by employers during the period of pandemics.

4.0 Conclusion

The study sought to examine the role of unions in protecting the employment rights of employees in private-sector organizations during the period of COVID-19. From the study, it could be concluded that employees in private-sector organizations had some role expectations which they expected their unions to play during the period of COVID-19 and unions performed these roles to the satisfaction of employees they represent. Private-sector unions have played a significant role by liaising with their respective employers to augment the Government of Ghana's effort to intensify education on measures to mitigate the spread of the virus and also ensured the provision of safe working environment during the pandemic period. It therefore follows that, the right for employees to enjoy safe and healthy working environment, equal treatment and opportunities for all, providing employees with relevant information as well as championing employees concerns at the workplace were not ignored by private-sector employee representatives during the period of COVID-19.

5.0 Limitation and recommendations for future research

The originality of the study lies on the novelty of recent COVID-19 which affected lot of employees in Ghana yet no research has been conducted to examine the roles played by employee representatives in protecting the employment rights of private-sector workers during the pandemic period. The closest literature to this study is the one by Nkechi et al (2020), but their study touched on 'union facilitation effect and access to non-wage benefits in the Ghanaian labour market which was not positively correlated to this study.

Despite the originality of this study, there are some limitations as the study only focused on private-sector firms and the role unions played in protecting the rights of their members without extending it to unions in public-sector organizations in the COVID-19 period. From this limitation, it is recommended that future researchers should look at the public-sector during the COVID-19 period and the role public-sector unions played in protecting the employment rights of public-sector workers in order to enable us make informed decision about unions in Ghana and their roles in protecting the rights of employees during the pandemic period. The limitation of this study could also be extended to the strength of the number of private-sector organizations used in the study to generalize the results. The researcher only used four private-sector organizations in the study since most organizations were either partially or not operating during the COVID-19 period which was the time the study was conducted. On this limitation, it is recommended that future researchers should scale up the number of organizations and the role private-sector unions played in protecting the employment rights of workers during the period.

Last, this study has created a research gap as it was conducted only in Ghana yet COVID-19 is a worldwide pandemic. In this situation, the study should have covered different countries particularly those that unions are vibrant such as the United Kingdom and their roles in protecting the interest of their members during the COVID period. Future researchers should consider this limitation and focus their study in this area to cover other countries so that there will be available literature to assess on how COVID-19 affected the employment rights of workers worldwide and the role unions played in protecting these rights.

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