

AFFIRMATIVE ACTION (GENDER EQUALITY) BILL, 2024

ARRANGEMENT OF SECTIONS

Section

Principles of Gender Equality and Equity

1. Object of the Act
2. Redressing gender imbalance
3. Directive principles
4. International obligations

Gender Equality Committee

5. Establishment of Gender Equality Committee
6. Functions of the Committee
7. Tenure of office of members of the Committee
8. Meetings of the Committee
9. Disclosure of interest
10. Establishment of sub-committees
11. Allowances
12. Ministerial directives
13. Secretariat of the Committee
14. Gender Equality Compliance Certificates

Role of Independent Constitutional Bodies in Promoting Gender Equality and Equity

15. Independent Constitutional Bodies

Affirmative Action and Gender Equality and Equity in Governance Institutions

16. Governance and decision-making in the Public Service
17. Gender equality in the Public Service
18. Gender equality in the Security Services
19. Gender equality in the Judiciary
20. Gender equality in Parliament

Gender Responsive Budgeting in Sectors of Government

21. Gender responsive budgeting

Political Parties and Gender Equality and Equity

22. Political parties and the representation of women

AFFIRMATIVE ACTION (GENDER EQUALITY) BILL, 2024

Gender Equity in Trade Unions

23. Trade unions

Private Employment

24. Private sector

25. Gender equality report

26. Compliance

27. Incentive for the private sector

Miscellaneous Provisions

28. Grievance resolution procedure

29. Co-operation with public and private institutions

30. Data collection

31. Offences

32. Regulations

33. Implementation of Act

34. Interpretation

SCHEDULES

FIRST SCHEDULE

Process for Measuring Progressive Compliance with Targets

SECOND SCHEDULE

International Conventions

THIRD SCHEDULE

*Specific Functions of Independent
Constitutional Bodies in relation to Gender
Equality*

FOURTH SCHEDULE

*Guidelines and Strategies for Gender Equality in relation to the Public
Service*

FIFTH SCHEDULE

Strategies for Gender Equality in relation to the Judiciary

SIXTH SCHEDULE

Strategies for Gender Equality in relation to Political Parties

Affirmative Action (Gender Equality) Bill, 2024

A
BILL
ENTITLED

AFFIRMATIVE ACTION (GENDER EQUALITY) ACT, 2024

AN ACT to provide for affirmative action for gender equality in the public and private sectors and for related purposes.

PASSED by Parliament and assented to by the President:

Principles of Gender Equality and Equity

Object of the Act

1. (1) The object of this Act is to ensure the achievement of gender equality in the political, social, economic, educational and cultural spheres of the society.

(2) The implementation of this Act and the achievement of the targets shall be progressive and subject to evaluation in accordance with the First Schedule.

Redressing gender imbalance

2. The Government shall promote policies and programmes to redress the political, social, economic and educational gender imbalance in the public and private sectors.

Affirmative Action (Gender Equality) Bill, 2024

Directive principles

3. (1) The Government shall set progressive targets for the achievement of gender equality

- (a) in accordance with international conventions and regional agreements to which Ghana is signatory; and
- (b) for purposes of appointments to positions of authority and decision-making in the Public Service.

(2) The Government shall take appropriate measures in the public and private sectors for the full integration of women into all spheres of development.

(3) A person may apply to the Minister for exemption from the requirements in this Act, if it is established that a specified gender is a *bona fide* occupational qualification requirement for the position in question.

International obligations

4. International obligations on gender equality and equity as set out in the first column of the Second Schedule are enforceable to the extent that they are applicable to the Republic and consistent with the Constitution.

Gender Equality Committee

Establishment of Gender Equality Committee

5. (1) There is established by this Act, the Gender Equality Committee consisting of

- (a) a chairperson who is the Minister or the representative of the Minister;
- (b) one representative each of
 - (i) the Ministry of Local Government and Rural Development not below the rank of a Deputy Director nominated by the Minister responsible for Local Government and Rural Development;
 - (ii) the Office of the Attorney-General not below the rank of Principal State Attorney nominated by the Attorney-General;
 - (iii) the Public Services Commission not below the rank of a Deputy Director nominated by the Chairperson of the Commission;

Affirmative Action (Gender Equality) Bill, 2024

- (iv) the Commission on Human Rights and Administrative Justice not below the rank of a Deputy Commissioner nominated by the Commissioner for Human Rights and Administrative Justice;
 - (v) the National Council for Persons with Disability nominated by the National Council;
 - (vi) the Trades Union Congress nominated by the Secretary General of the Congress;
 - (vii) the Ghana Employers Association nominated by the Association;
 - (viii) a private sector organisation which focuses on gender issues nominated by the Minister; and
 - (ix) civil society organisations nominated by a civil society network which focuses on gender issues;
- (c) the Director of the Department of Gender as the secretary;
- (d) one expert in gender issues nominated by the Minister; and
- (e) one expert in policy, planning, monitoring and evaluation, nominated by the National Development Planning Commission.

(2) A person is qualified for appointment as a member of the Committee if that person has at least ten years' experience in matters relating to any of the following disciplines:

- (a) law;
- (b) public administration;
- (c) economics;
- (d) gender and social development;
- (e) human rights;
- (f) management; or
- (g) social sciences.

(3) Membership of the Committee shall be in accordance with the equality requirement under section 1.

(4) Members of the Committee shall be appointed by the Minister.

Functions of the Committee

6. (1) The Committee shall
 - (a) ensure and monitor compliance with this Act;
 - (b) receive and analyse annual reports on gender equality from organisations and institutions and issue certificates of compliance;
 - (c) receive complaints of non-compliance with this Act and mediate on the complaints;
 - (d) develop a national plan of action to address, monitor and report on the progress of implementation of this Act;
 - (e) liaise with Government agencies and organisations and private institutions to promote affirmative action on gender equality in the country;
 - (f) advise the Minister on policy matters and any other matter relevant to the implementation of this Act;
 - (g) receive and investigate complaints about gender discrimination and make appropriate recommendations for redress where gender discrimination is established;
 - (h) provide information to any party in a gender dispute on the rights of the party, remedies available to that party and obligations of the party; and
 - (i) coordinate, advice and promote public education programmes for the creation of a culture of respect for gender equality.
- (2) The Committee shall submit an annual report on gender equality including gender disaggregated data in all sectors to the Minister.
- (3) The Minister shall, within thirty days of receipt of the report, submit the report to Parliament with a statement that the Minister considers necessary.

Tenure of office of members

7. (1) A member of the Committee shall hold office for a period of four years and is eligible for re-appointment for another term only.
- (2) A member of the Committee may at any time resign from office in writing addressed to the Minister.

Affirmative Action (Gender Equality) Bill, 2024

(3) A member of the Committee who is absent from three consecutive meetings without sufficient cause ceases to be a member of the Committee.

(4) The Minister may by a letter addressed to a member revoke the appointment of that member.

(5) Where a member of the Committee is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subsection (2), (3) or (4) or subsection (2) of section 9,

(b) as a result of a declaration under subsection (5), or

(c) by reason of the death of a member

the Minister shall appoint a person to fill the vacancy.

Meetings of the Committee

8. (1) The Committee shall meet at least once every three months for the despatch of business at a time and place determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Committee convene an extraordinary meeting of the Committee at a time and place determined by the chairperson.

(3) The quorum at a meeting of the Committee is six members.

(4) The chairperson shall preside at meetings of the Committee and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall preside.

(5) Matters before the Committee shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Committee may co-opt a person to attend a Committee meeting but that person shall not vote on a matter for decision at the meeting.

(7) The validity of the proceedings of the Committee shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

Affirmative Action (Gender Equality) Bill, 2024

(8) Subject to the provisions of this section, the Committee may determine and regulate the procedure for the meetings of the Committee.

Disclosure of interest

9. (1) A member of the Committee who has an interest in a matter for consideration

(a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Committee in respect of the matter.

(2) A member ceases to be a member of the Committee, if that member has an interest in a matter before the Committee and

(a) fails to disclose that interest; or

(b) participates in the deliberations on the matter.

Establishment of sub-committees

10. (1) The Committee may establish sub-committees consisting of members of the Committee and non-members to perform a function of the Committee.

(2) A sub-committee consisting of members and non-members shall be chaired by a member of the Committee.

(3) Section 9 applies to members of a sub-committee.

Allowances

11. Members of the Committee and members of a sub-committee shall be paid allowances approved by the Minister, in consultation with the Minister responsible for Finance.

Ministerial directives

12. The Minister may give directives in writing to the Committee on matters of policy and the Committee shall comply.

Secretariat of the Committee

13. The Ministry shall establish a Secretariat for the discharge of the functions of the Committee.

Affirmative Action (Gender Equality) Bill, 2024

Gender Equality Compliance Certificates

14. The Minister shall, on an annual basis, issue Gender Equality Compliance Certificates to deserving organisations.

Role of Independent Constitutional Bodies in Promoting Gender Equality and Equity

Independent Constitutional Bodies

15. (1) Independent Constitutional Bodies shall, in accordance with their respective roles and functions

- (a) promote respect for, protection for and the attainment of gender equality in public and private institutions;
- (b) facilitate the implementation of this Act and other gender equality policies and programmes;
- (c) establish mechanisms to progressively realise gender equity and equality; and
- (d) create and sustain the education and awareness of the principles of gender equity and equality and non-discrimination in political, social, cultural, economic, educational and all other spheres of life.

(2) The specific responsibilities of the respective Independent Constitutional Bodies are as set out in the Third Schedule.

Affirmative Action and Gender Equality and Equity in Governance Institutions

Governance and decision-making in the Public Service

16. (1) The Government shall ensure progressive equitable representation of women in public office, governance and decision-making positions.

(2) The President shall ensure the progressive achievement of the gender equality targets set out in the First Schedule in making appointments to the following:

- (a) ministerial positions;
- (b) the Council of State;
- (c) the independent constitutional bodies;
- (d) governing bodies of State institutions;
- (e) the Public Service;
- (f) District Assemblies; and
- (g) any other office to which the President makes an appointment.

Affirmative Action (Gender Equality) Bill, 2024

(3) Appointments under subsection (2) shall be in accordance with guidelines set out in the Fourth Schedule

(4) A public institution shall include in the annual report of the public institution to the Public Services Commission information on gender equity and equality in accordance with guidelines prepared by the Public Services Commission as set out in the Fourth Schedule.

(5) The Committee may apply to the Public Services Commission for a copy of a report if required.

Gender equality in the Public Service

17. (1) The governing body of a public service institution shall in filling vacancies for positions of authority and decision-making, have regard to provisions of this Act to ensure gender equality in appointments.

(2) The strategies for gender equality in the respective Ministries and governance institutions in the Public Service shall be as set out in the Fourth Schedule.

(3) A person who is interviewed for recruitment into the Public Service may lodge a complaint with the Committee if that person reasonably believes that the person has suffered gender-based discrimination in the process of recruitment.

Gender equality in the Security Services

18. (1) The governing councils of the respective Security Services shall, in recruiting and filling vacancies for positions at all levels, have regard to the provisions of this Act to ensure gender equality within the respective Security Services at any point in time.

(2) A Security Service may apply to the Minister to be exempted from the requirement in subsection (1) if it is established that a specific gender is a requirement for the position.

(3) A woman shall not be subjected to discrimination on the basis of gender in the Security Services and shall have equal opportunity to

- (a) receive training to enable that woman rise to a leadership position in the respective Security Service; and
- (b) head a Security Service.

Affirmative Action (Gender Equality) Bill, 2024

(4) Each respective Security Service shall ensure that provisions on gender equality and equity are provided in the standard operating procedures of the Service in accordance with this Act.

(5) The governing councils of the respective Security Services shall monitor recruitment into the respective Security Services.

(6) The Minister responsible for the respective Security Services shall, within one month after the end of the immediately preceding year, submit to the Committee the list of the number of women recruited.

Gender equality in the Judiciary

19. (1) Subject to the provisions of Article 153 of the Constitution, there shall be equal representation of women and men on the Judicial Council.

(2) The Judicial Council shall ensure the progressive achievement of the gender equality targets set out in the First Schedule in the appointment of Judges to the Superior and Lower Courts and in the appointment of other judicial officers.

(3) The Judicial Council or a sub-committee of the Judicial Council shall be responsible for monitoring the implementation of gender equality in the Judiciary.

(4) The strategies for gender equality in the Judiciary shall be as set out in the Fifth Schedule.

Gender equality in Parliament

20. (1) The Speaker and Leadership of Parliament shall ensure the progressive achievement of the gender equality targets set out in the First Schedule in appointments to leadership positions and Committees of Parliament.

(2) Parliament shall require accountability from Ministries, Departments and Agencies of Government by ensuring that

- (a) sector policies and plans integrate gender equality objectives and targets; and
- (b) steps are taken for the domestic ratification of all international Conventions and regional Agreements on gender equity, which Ghana has signed and ratified.

Affirmative Action (Gender Equality) Bill, 2024

Gender Responsive Budgeting in Sectors of Government

Gender responsive budgeting

21. (1) The Government shall take steps to promote gender responsive budgeting in all sectors.

(2) Without limiting subsection (1), Ministries, Departments, and Agencies of Government and District Assemblies shall include a budget line to deal with gender specific and gender sensitive issues identified in the plans of those Ministries, Departments and Agencies and District Assemblies.

(3) The Ministry of Finance shall ensure the provision of adequate resources for the implementation of prioritised gender equality policies, programmes and projects relating to women empowerment.

(4) Parliament shall ensure the allocation of adequate resources for funding and demand accountability for the utilisation of the resources.

(5) The District Assemblies Common Fund Administrator shall integrate a gender component into the sharing of funds accruing to the District Assemblies from the District Assemblies Common Fund.

Political Parties and Gender Equality and Equity

Political parties and the representation of women

22. (1) A political party shall ensure the progressive achievement of the gender equality targets set out in the First Schedule in participation and representation in party politics.

(2) In furtherance of subsection (1), a political party shall adopt effective measures including the provision of

(a) information, and

(b) financial resources

to support gender equality in the full participation and representation in party politics.

(3) A political party shall ensure the progressive achievement of the gender equality targets set out in the First Schedule is factored into

(a) the nomination of candidates for election; and

(b) the appointment or election of persons to serve as party officials.

Affirmative Action (Gender Equality) Bill, 2024

(4) The Electoral Commission shall ensure that a political party in respect of

- (a) positions at the national, regional and district levels of the party,
- (b) the membership of sub-committees of a political party, and
- (c) election as parliamentary candidates of the party progressively attains gender equality in assignments to available positions as specified in the First Schedule.

(5) The progressive achievement of the gender equality targets set out in the First Schedule in contesting for elections in respect of a safe constituency seat shall be included in the manifesto and constitution of a political party.

(6) The Electoral Commission shall use the organs of the Commission to

- (a) ensure that political parties comply with the provisions of this Act;
- (b) ensure that political parties develop requisite codes of conduct; and
- (c) monitor and publicise the quota compliance for the representation of women in all registered political parties.

(7) Each political party registered with the Electoral Commission shall submit to the Electoral Commission an annual report on gender equality in the party and the Electoral Commission shall publish the report in the *Gazette*.

(8) A political party that meets the requirements of a public election but fails to comply with these provisions on gender equality shall not

- (a) receive support in kind provided by the Electoral Commission with funds from the Government; and
- (b) receive courtesies provided by State Protocol.

(9) The strategies for gender equality in relation to political parties shall be as set out in the Sixth Schedule.

(10) For the purpose of this section, “safe constituency seat” means a parliamentary seat in a constituency which a political party perceives to be its stronghold and which seat the political party has confidence in retaining.

Affirmative Action (Gender Equality) Bill, 2024

Gender Equality in Trade Unions

Trade unions

- 23.** (1) A trade union shall ensure that
- (a) the principle of gender equality is reflected in the constitution of the trade union and that workers are made aware of gender equality in the public and private sectors; and
 - (b) that trade union progressively attains gender-balanced representation on the executive board of the trade union.
- (2) A trade union that fails to comply with this section without any reasonable justification shall not be registered by the Chief Labour Officer, or if previously registered, shall have the registration revoked.

Private Employment

Private sector

- 24.** (1) Subject to subsection (3) of section 3, an employer in the private sector shall take measures to ensure progressive gender equality of employees within the period specified in the First Schedule.
- (2) The employer shall have a gender equality policy with provisions for the maintenance of the quota in subsection (1) which shall be reviewed periodically, at least every four years.
- (3) The gender equality policy required under subsection (2) shall be
- (a) made in consultation with employees of the establishment;
 - (b) part of the strategic plan of the establishment; and
 - (c) submitted to the Committee for review.

Gender resolution equality report

- 25.** (1) An employer shall submit an annual report on gender equality to the Committee.
- (2) A leader of a trade union within an organisation shall include information on gender equality in the annual report submitted to the Trades Union Congress.

Compliance

- 26.** (1) The Committee shall, in collaboration with the Labour Department and the Registrar of Companies, monitor compliance with this Act by an employer.

Affirmative Action (Gender Equality) Bill, 2024

(2) Where the Committee has reasonable grounds to believe that an employer has failed to comply with a gender equality undertaking, the Committee shall require a written obligation from the employer to comply within six months.

(3) The Committee may use alternative dispute resolution mechanisms to address issues of non-compliance with this Act.

Incentive for the private sector

27. (1) The Minister responsible for Finance shall, in consultation with the Minister and the Ghana Revenue Authority, develop guidelines for granting tax incentives to employers within the private sector, who comply with the provisions of this Act.

(2) An employer who complies with the quota provisions of this Act

(a) within the first twelve months of the coming into force of this Act; or

(b) after the first twelve months of the coming into force of this Act

may apply to the Minister responsible for Finance for a tax incentive.

(3) The Minister responsible for Finance may, in accordance with the Exemptions Act, 2022 (Act 1083), grant a tax incentive to an employer under subsection (2).

(4) In furtherance of paragraph (a) of section 59 of the Public Procurement Act, 2003 (Act 663), a procurement entity shall, in the award of a Government contract, give preference to an employer in the private sector who has been issued with a Gender Equality Compliance Certificate.

Miscellaneous Provisions

Grievance resolution procedure

28. (1) A person may submit a complaint in writing about gender inequality or gender inequity to the Committee.

(2) Despite subsection (1), a person may submit a complaint in writing about gender inequality or gender inequity to the Commission on Human Rights and Administrative Justice.

(3) Despite subsections (1) and (2), a person may submit a complaint orally where the person cannot submit a written complaint.

Affirmative Action (Gender Equality) Bill, 2024

(4) Where a complaint is submitted orally, the complaint shall be recorded by the person to whom the complaint is submitted and the complainant shall thumb print a copy of the recorded complaint.

(5) The National Labour Commission shall investigate a labour related complaint on gender inequality or gender inequity upon referral by the Committee or the Commission on Human Rights and Administrative Justice.

(6) A complaint shall be settled by mediation within six months of receipt of the complaint.

(7) Where a complaint is settled by the National Labour Commission or the Commission on Human Rights and Administrative Justice, a copy of the settlement shall be submitted to the Committee.

(8) Where

(a) a person is dissatisfied with the settlement made by the National Labour Commission, the Commission on Human Rights and Administrative Justice or the Committee, or

(b) the six month period indicated under subsection (6) has expired and the complaint has not been settled by the National Labour Commission, the Commission on Human Rights and Administrative Justice or the Committee, the aggrieved person may submit the complaint to the Human Rights Division of the High Court and notify the Committee of the complaint submitted.

Co-operation with public and private institutions

29. (1) The Ministry may seek information on gender equality from a public or private institution and the responsible officer in the institution shall cooperate with the Ministry to collate the information.

(2) An officer who fails without reasonable cause to cooperate with the Ministry in the collation of information, commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than three months and not more than twelve months or to both.

Data collection

30. The Minister may require an institution or a body to provide sex disaggregated statistics.

Offences

31. (1) A person

- (a) who victimises, obstructs or exerts undue influence on a person in an attempt to defeat the object of this Act;
- (b) who subjects an employee to gender specific verbal attack, stereotyping, hate speech or harsh rhetoric,
- (c) who discriminates against, intimidates or seeks to disqualify a candidate on grounds of gender;
- (d) who fails to provide information as required under this Act;
- or
- (e) who knowingly provides false information contrary to the requirements of this Act,

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(2) An employer in the private sector who fails to comply with this Act commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

Regulations

32. The Minister may, by legislative instrument, make Regulations

- (a) on specific measures related to gender equality and gender equity;
- (b) for the specific measures related to the prohibition of discrimination;
- (c) to prescribe for matters relating to administrative decision-making and recruitment;
- (d) to provide for services and programmes on gender equality and gender equity;

Affirmative Action (Gender Equality) Bill, 2024

- (e) to provide for filing of complaints;
- (f) for forms and certificates required under this Act;
- (g) on training of institutions;
- (h) on data collection;
- (i) on the gender equality policy to be submitted by a designated employer;
- (j) on codes of practice;
- (k) to prescribe for the procedure for collaboration with public institutions;
- (l) to prescribe for the forms to be used under this Act;
- (m) to amend a provision of the Schedules to this Act; and
- (n) generally, to provide for the effective implementation of this Act.

Implementation of Act

33. The Ministry, through the Department of Gender, is responsible for the implementation of this Act.

Interpretation

34. In this Act, unless the context otherwise requires,

“affirmative action” means a set of measures adopted by the Government, public and private institutions to address a history of systemic discrimination and exclusion of women and to encourage their efforts towards addressing political, social, cultural, economic and educational gender imbalance in the public and private sectors in accordance with clause (4) of article 17 of the Constitution;

“body” means an institution in the private or public sector;

“*bona fide* occupational qualification” refers to the standard which proves that a particular sex is more probable than and reasonably necessary for the effective operations of a particular enterprise;

“candidate” means a person who stands or is presented by others to be elected to an office;

“Committee” means the Gender Equality Committee established under section 5;

Affirmative Action (Gender Equality) Bill, 2024

- “court” means a court of competent jurisdiction;
- “courtesies provided by State Protocol” include invitations to Government functions, privileges and other special advantages given to certain persons;
- “discrimination against women” means any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing the recognition, enjoyment or exercise by women of human rights and fundamental freedoms in the political, economic, social, cultural or any other field;
- “District Assembly” includes a Metropolitan and a Municipal Assembly;
- “employers’ organisation” means an association of employers established by the employers to represent and promote the interests of the employers and regulation of relations between employers and workers registered under the Labour Act, 2003 (Act 651);
- “equality” means the concept of equal status or functional equivalence;
- “gender” means the social difference between women and men that is learned, changeable over time and has wide variations within and between cultures that is a socio-economic variable for a role, responsibility, constraint and opportunity;
- “gender balance” means the ratio of women to men in any given situation that is achieved when there is an approximately equal number of women to men present or participating;
- “gender equality” means a situation where women and men are given equal social value, equal rights and equal responsibilities and have equal access to the means to exercise them;
- “gender equity” means the process of being fair to women and men in a way that leads to gender equality;
- “gender responsive budgeting” means a strategy that considers and analyses the unique and diverse needs of every gender to ensure a fair distribution of resources;

Affirmative Action (Gender Equality) Bill, 2024

- “in kind” in relation to assistance to a political party includes the provision of resources;
- “measure” includes a mechanism and a series of actions to achieve a set target;
- “mainstreaming” includes a strategy for making the concerns and experiences of women and men an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated;
- “media” means the main form of mass communication, print and electronic media including social media;
- “Minister” means the Minister responsible for Gender, Children and Social Protection;
- “Ministry” means the Ministry of Gender, Children and Social Protection;
- “organ” means a multi-party body recognised by the Electoral Commission to deal with matters connected with public elections;
- “parity” means relative equality in terms of numbers and proportion, in terms of women and men, girls and boys, and often calculated as a ratio of female to male;
- “policy” means a statement of intent or course of action designed to influence and determine a decision, event and other matters;
- “private sector” means that part of the economy which is run by a private individual or a group as a means of enterprise for profit or otherwise that is not controlled by the Government and entities that the Government has a share in;
- “public office” includes an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament;
- “public officer” means a person who holds a public office;

Affirmative Action (Gender Equality) Bill, 2024

- “public sector” means a Ministry, Department or Agency financed by the Government;
- “Public Service” includes a service in any civil office of Government, or other employment the emoluments of which are paid directly from the Consolidated Fund or directly out of moneys approved by Parliament;
- “quota” means a system put in place to promote a trend considered to be appropriate or reduce a trend considered to be inappropriate;
- “sector” means a distinct part or branch of the economy;
- “Security Services” include the Ghana Armed Forces, Police Service, Prisons Service, National Fire Service, Customs Division of the Ghana Revenue Authority, the Immigration Service and the National Intelligence Bureau;
- “services” means the Public Service and the Security Services;
- “stereotyping” means the expectation of a predictable form of behaviour or action that is not considered positive;
- “trade union” includes an association of workers to promote and protect economic and social interests of workers that is registered under the Labour Act, 2003 (Act 651) and a federation of trade unions registered under that Act;
- “women” includes women with disability; and
- “worker” means a person employed under a contract of employment whether on continuous, part-time, temporary or casual basis.

Affirmative Action (Gender Equality) Bill, 2024

FIRST SCHEDULE

(sections 1(2), 16(2), 19(2), 20(1), 22(1), 22(3), 22(4), 22(5) and 24(1))

Process for Measuring Progressive Compliance with Targets

1. Compliance shall be through the submission of gender policies and plans to the Committee for the progressive achievement of targets from 2020 to 2030 within twelve months of the coming into force of this Act; with an evaluation every four years including:
 - (a) Baseline information in 2018 to be provided by all organisations and institutions listed in the Act.

(b) Progressive Achievements from 2024 to 2030		
FROM	TO	PERCENTAGE
2024	2026	30
2027	2028	35
2029	2030	50

2. Annual reports shall be submitted by institutions and organisations indicating compliance with their policies or plans and the Committee may summon an official to clarify issues in the report and make appropriate recommendations and issue compliance certificates.
3. Audits shall be undertaken every four years, with the first evaluation to be undertaken by the Committee and the intermediary institution within the first four years of the coming into force of this Act.

Affirmative Action (Gender Equality) Bill, 2024

SECOND SCHEDULE

(section 4)

INTERNATIONAL CONVENTIONS

Instrument	Provisions	Target	Date Ratified	Comments
SDGS	17 universal goals and 168 targets in the areas of poverty, hunger, good health, quality education, gender parity, clean water and sanitation, renewable energy, good jobs and economic growth, innovation and infrastructure, reduced inequalities, sustainable cities and communities, responsible consumption, climate action, life below water, life on land, peace, justice and strong institutions and partnerships.	Gender parity by 2030	Signed in January 2016	Integrated into national development policy frameworks, sector and district plans and tracked bi-annually.
Regional Instruments				
African Charter on Democracy, Elections and Governance, 30 th January, 2007	State parties take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels including legislature.	Gender equality	Signed by Ghana on 15/01/2008	

Affirmative Action (Gender Equality) Bill, 2024

Instrument	Provisions	Target	Date Ratified	Comments
The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa African Charter (Optional Protocol) 2005	Article 9(1): States to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections.	9(1)(b): Women are represented equally at all levels with men in all electoral processes;		
AU Agenda 2063	Promoting gender parity and women's empowerment with a target of full gender parity in all spheres of life.	2063		
Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1981	Article 4(1): Adoption of temporary special measures to accelerate de facto Equality. Article 7: State parties to take all appropriate measures to eliminate discrimination against women in political and public life. (a)... shall ensure women's eligibility for election on equal terms with men, the right to vote....and to be eligible for election to publicly elected office.	7(a)... shall ensure on equal terms with men, the right to vote...and to be eligible for election to publicly elected office.	02 / 01 / 1986	

Affirmative Action (Gender Equality) Bill, 2024

	Article 8: State Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.	Article 8: State Parties shall ensure on equal terms with men the opportunity to represent Governments at the international level.		
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------	--	--

THIRD SCHEDULE

(section 15 (2))

**SPECIFIC FUNCTIONS OF INDEPENDENT
CONSTITUTIONAL BODIES IN RELATION TO GENDER
EQUALITY**

***A. COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE
JUSTICE***

The Commission on Human Rights and Administrative Justice shall

1. investigate instances of gender discrimination to enhance the implementation of this Act and make recommendations to improve the functioning of State institutions in this regard; and
2. provide information to any party in a gender dispute on their rights, remedies and obligations.

B. NATIONAL COMMISSION FOR CIVIC EDUCATION

The National Commission for Civic Education shall

1. in consultation with the Ministry, develop programmes at the national, regional and district levels to educate the public on gender equality and equity; and
2. enlist the services of traditional authorities, religious authorities and non—governmental organisations to disseminate information and facilitate the conduct of any other activities concerned with gender equality and equity.

Affirmative Action (Gender Equality) Bill, 2024

C. NATIONAL MEDIA COMMISSION

The National Media Commission shall take appropriate measures to ensure that

- i. programmes carried out by media houses are gender-sensitive;
- ii. within one year of the coming into force of this Act, all media houses introduce gender equality policies and submit the policies to the National Media Commission and the Committee for consideration;
- iii. women are portrayed positively in the media and that stereotyping of women is avoided; and
- iv. reporting and analysis on the rights of women and gender equality issues are scaled up.

D. ELECTORAL COMMISSION

The Electoral Commission shall

- i. ensure compliance with the provisions of this Act by political parties; and
- ii. put in place measures to increase participation of women in the electoral process as candidates and voters.

FOURTH SCHEDULE
(sections 16 (3), 16(4) and 17 (2))

**GUIDELINES AND STRATEGIES FOR GENDER EQUALITY IN
RELATION TO THE PUBLIC SERVICE**

1. Where a specific number of members is required for appointment to a body, a specified number of the seats shall be reserved for women.
2. Appointments to managerial or decision-making positions shall be gender balanced or where impracticable as a result of the positions being an odd number, gender equity shall be ensured in the appointments.
3. The Public Service shall maintain a directory of qualified women from which appointments into the Service shall be made and the directory shall be updated periodically.
4. The Public Services Commission shall provide guidelines to all public institutions to ensure the promotion of gender equality in human resource management.
5. The Public Services Commission shall take measures set out in this Schedule to equip women for promotion to management positions in the Public Service and prevent and address the discrimination in the workplace in accordance with existing laws.

A. STRATEGIES IN RELATION TO EDUCATION

1. Strategies for Education Generally

The Ministry of Education shall take steps to

- (a) ensure that there is gender balance in access and opportunity to education at all levels;

Affirmative Action (Gender Equality) Bill, 2024

- (b) strengthen non-formal education units to address illiteracy among school children and link school children and young persons up with the formal system;
- (c) review curricula of basic schools up to the tertiary level to include courses on gender equality;
- (d) establish programmes at the basic and secondary school levels to enable students know about governance issues;
- (e) provide appropriate interventions and incentives in deprived districts;
- (f) eliminate gender stereotyping in the educational curriculum;
- (g) continually sensitize communities and schools on gender roles and the rights of women;
- (h) address harmful and negative religious, cultural and traditional practices that affect the education of girls;
- (i) strengthen guidance and counselling for girls in educational establishments;
- (j) promote parental care for children until they reach adulthood and avoid early weaning by adolescent girls;
- (k) promote the writing of textbooks in all local languages for children to promote learning;
- (l) promote the enforcement of laws that protect the welfare of children;

Affirmative Action (Gender Equality) Bill, 2024

- (m) include leadership training for women in the curricula from basic schools to the tertiary level; and
- (n) improve infrastructural needs in schools by providing adequate toilet facilities as well as dormitories for use by girls.

2 . Strategies for Basic Level Education

- (a) The Girl-Child Education Unit of the Ghana Education Service shall be well resourced to address barriers to access to education for children of both genders in problematic areas that have been identified through research.
- (b) A percentage of the Ghana Education Trust Fund and the District Assembly Common Fund shall be allocated to promote girl child education in identified areas.
- (c) Existing policies on child education such as incentives in disadvantaged districts shall be maintained.
- (d) The Ghana Education Service shall establish girl clubs in schools to encourage retention of young girls in schools and to build the confidence of young girls for leadership.
- (e) The Ghana Education Service shall monitor progress of the girl child through secondary to tertiary levels.
- (f) The Girl-Child Education Unit of the Ghana Education Service shall encourage reproductive health and rights, including nutrition and education in schools.
- (g) Special policies on girl child education such as science and maths clinics should be sustained.

3. Strategies for Secondary Level Education

- (a) Brilliant but needy female students shall be supported with scholarships.
- (b) Special policies on girl child education such as science and maths clinics should be sustained.
- (c) Effective school and reproductive health units shall be established and promoted.
- (d) Transition education and enabling environments for re-integrating school drop-outs, especially victims of teenage pregnancies shall be promoted.

4. Strategies for Tertiary Level Education

- (a) A lower cut off point for female applicants and reservation of slots for women from deprived districts and schools shall be maintained.
- (b) Private institutions shall adopt policies to ensure an increase in female enrolment in their institutions including the award of scholarships.

B. STRATEGIES IN RELATION TO HEALTH

1. The Ministry of Health shall take steps to ensure
 - (a) the reduction of anaemia in adolescent girls and women in their reproductive ages; and
 - (b) reduction in maternal mortality.
2. The National Population Council shall take steps to
 - (a) provide reproductive health education for adolescent girls; and

Affirmative Action (Gender Equality) Bill, 2024

- (b) ensure a reduction in child marriage and teenage pregnancies.

C. STRATEGIES IN RELATION TO EMPLOYMENT

1. The Ministry of Employment and Labour Relations shall take steps to
 - (a) protect the employment of pregnant women;
 - (b) promote social protection for women in informal employment;
 - (c) promote financial literacy and social security for women in informal employment, household and care work; and
 - (d) protect domestic workers including migrants.
2. The Ministry of Gender, Children and Social Protection shall take steps to promote economic empowerment of vulnerable households with the view to breaking the intergenerational cycle of poverty.

D. STRATEGIES IN RELATION TO LOCAL GOVERNANCE

1. The President shall ensure gender equality in nominations for appointment as Chief Executives of District Assemblies.
2. The President shall ensure gender equality in nominations for appointment to District Assemblies.
3. The following strategies shall be adopted to promote the active participation of women in local governance:
 - (a) Separate budgetary allocations shall be given to women at the assembly level to run the affairs of women.

Affirmative Action (Gender Equality) Bill, 2024

- (b) The Ministry of Local Government and Rural Development, District Assemblies, the Ministry and other bodies and organisations are to provide training as trainers to successful female candidates to share their knowledge with aspiring female candidates.
- (c) A database of female aspirants for political positions shall be created at all levels of decision-making.
- (d) The progression of female members of District Assemblies shall be monitored.
- (e) A mentoring programme for aspiring, successful and unsuccessful female candidates shall be established.
- (f) Gender equality and women's empowerment shall be included as a criterion for accessing the District Assemblies' Common Fund.
- (g) A regime of sanctions and rewards for defaulting and compliant District Assemblies shall be instituted respectively.

FIFTH SCHEDULE

(section 19 (4))

**STRATEGIES FOR GENDER EQUALITY IN RELATION TO
THE JUDICIARY**

The Judicial Council shall

1. prepare or review a strategic plan that includes the objective of the gender policy of the Judicial Service;
2. subject to the Constitution, ensure balanced representation of women and men at the decision-making level;
3. take steps to ensure equal treatment in staff recruitment and employment procedures;
4. strengthen the Human Resources Directorate, Monitoring and Evaluation Directorate and the Judicial Reform Directorate to undertake research on gender issues; and
5. adopt gender mainstreaming in the Judicial Service.

SIXTH SCHEDULE

(section 22 (9))

**STRATEGIES FOR GENDER EQUALITY IN RELATION TO
POLITICAL PARTIES**

1. The Electoral Commission and other bodies and organisations shall provide training as trainers to successful female political candidates to share their knowledge with aspiring female candidates.
2. A database of female aspirants for political positions at all levels of decision-making shall be created.
3. The Office of Parliament shall track and monitor experiences of female members of Parliament.
4. A mentoring programme for aspiring, successful and unsuccessful female candidates shall be established.
5. Attempts should be made to negotiate and reserve safe seats for women.

Affirmative Action (Gender Equality) Bill, 2024

Date of *Gazette* notification: 14th June, 2024.

