Human resource management in Ghana: prescriptions and issues raised by the Fourth Republican Constitution

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Abstract Human resource management in the public sector does not take place in a vacuum. It is carried out within a regulatory framework of laws, rules and regulations. Recent times have witnessed commendable efforts by many African countries to embrace democratic governance with its trappings of constitutionalism, which requires that the behaviour of politicians, public officials, public institutions and citizens should conform to the strictures of the Constitution of the land. This study examines the Fourth Republican Constitution of Ghana and identifies constitutional provisions or prescriptions which have some relevance for human resource management in the Ghanaian public sector. Constitutional provisions identified in this regard deal with the following issues: human resource management policy, laws, rules and regulations, recruitment and selection, equal employment opportunity, employee rights and welfare, compensation and benefits, state of the economy, human resource development, work environment, Commission for Human Rights and Administrative Justice (CHRAJ), decentralisation and ethical issues. The paper discusses the relevance and implications of issues raised and concludes that the Fourth Republican Constitution contains important provisions which make for sound human resource management in the Ghanaian public sector.

Introduction
One of the most significant developments witnessed on the African continent of late is the move towards constitutional rule. The role of constitutions in providing the necessary regulatory framework and environment for the orderly conduct of affairs in a political system cannot be over-emphasized. As Bradley and Ewing (1993, p. 4) have put it succinctly, constitutions help “to make life more tolerable and less brutish than it might otherwise be”.

The Fourth Republic of Ghana, which came into force on 7 January, 1993, has thus far witnessed some determination on the part of key players in the Ghanaian political system to abide by constitutional rule. The observation by Justice Emile Short (1998), Commissioner for Human Rights and Administrative Justice (CHRAJ), that “we live in a constitutional era and the rule of law not the rule of men should be our guiding principle”, says it all.

As the supreme law of the land, the Fourth Republican Constitution has put across a number of prescriptions which directly and indirectly touch on human resource management practice in Ghana. The objective of this paper is to discuss these prescriptions and related issues and their relevance for human resource management in the Ghanaian public sector.
According to Heneman et al. (1983) labour union, labour market, laws and regulations act as important external influences on human resource management. As a critical external influence, the prescriptions of the Fourth Republican Constitution and the lessons derived from it should be of interest to both students and practitioners of human resource management.

The prescriptions and issues raised have brought to the fore an important point that is sometimes ignored, or at best lackadaisically approached by Ghanaian managers, namely the need for a humane approach to managing people which, among other things, borders on recognition of employee rights and welfare. A humane approach in managing people in organizations certainly rings a bell. It is at the heart of the concerns and preoccupations of the human relations movement and the philosophy of industrial humanism which sought to sensitise managers to the need to factor employee needs and welfare into the managerial equation.

The Constitution of the Fourth Republic of Ghana

The term “constitution” has been variously defined in the literature. Wheare (1951) has explained both the narrow and broad meaning of constitutions. Whereas the narrower meaning refers to a document which spells out the main functions of government and how they operate, the wider meaning refers to “the whole system of government of a country, the collection of rules which establish and regulate or govern the government”. Contemporary discourse on constitutions is mainly based on the narrower meaning. In the words of Kumado (1995, p. 313), by this narrower meaning “constitutions assumed the character of baptismal certificate for independent African states”.

As pointed out above, the Fourth Republican Constitution of Ghana came into force on 7 January 1993. The Constitution was drawn up by a consultative Assembly instituted by the Provisional National Defence Council (PNDC), which assumed the reign of government following a military take-over of the constitutionally-elected government of the People’s National Party (PNP) on 31 December 1981.

The Assembly was required by law to be guided in its work by earlier constitutions of Ghana, namely those of 1957, 1960, 1969 and 1979. The Assembly was also guided by the report and draft proposals submitted by the nine-member Committee of Experts appointed by the PNDC as well as the over 1,000 memoranda it received even though the extent of the influence of the latter is not known (Afari-Gyan, 1995).

The Constitution, which provides the necessary framework for democratic governance, contains some elements of both Parliamentary and Presidential systems of government. It also provides for executive, legislative and judicial organs of state. The executive presidency provided by the Constitution is a modified version of the American system. The modifications are that, unlike the American system, a majority of the ministers must be members of
parliament. Also, unlike the American system, Parliament can pass a vote of censure against ministers and may thus be dismissed by the President (Folson, 1991).

Ghanaian governments in the Fourth Republic are not only obliged to rule according to the dictates of the Constitution, but administrative structures, public policy and behaviour of government officials should be in conformity with it. This obviously is intended to impose some limit on the extent to which the government and public officials can exercise power and authority. After all, as Wheare (1951, p. 10) emphatically observes, “Constitutions spring from a belief in limited government”. In other words, constitutionalism imposes some limitations on governmental powers and behaviours which in effect means that the government will be accountable for its deeds such as manifest themselves through the policies it pursues.

The role of the Constitution as the ultimate point of reference for citizen, official, managerial and governmental behaviour with respect to the concerns expressed above has been well articulated by Kumado (1993) in his observation that “Ultimately what we eat, drink and wear as well as how we commit our public resources must conform to the strictures of the constitution. Thus the constitution is greater than any power wielder or aspirant or a combination of these two”.

**Approach and methodology**

This study was approached through a critical analysis of the 26 chapters and the 299 articles of the Constitution. Human resource management issues raised through the constitutional provisions in the various articles and chapters were identified. These were categorised and placed under broader headings reflecting human resource management activities and concerns in the Ghanaian public sector. Based on this approach, the following human resource management activities and concerns were identified:

- laws and regulations;
- human resource management policy;
- recruitment and selection;
- equal employment opportunity (EEO);
- employee rights and welfare;
- compensation and benefits;
- state of the economy;
- human resource development;
- work environment;
- Commission for Human Rights and Administrative Justice (CHRAJ);
- decentralisation; and
- ethical issues.
Admittedly, while the above have captured most of the relevant issues, the list is by no means exhaustive. Also, the scope of this paper imposes a limitation in that the above human resource management activities and concerns as well as issues raised by them can hardly be treated exhaustively.

The discussions nevertheless give a clear and vivid picture of human resource management issues raised by the Fourth Republican Constitution. Even though the constitutional provisions and prescriptions are generic in nature, they were specifically analyzed for their relevance to the Ghanaian public sector.

The discussions are further supported by the tables in which the various human resource management activities and concerns, as well as issues raised through constitutional provisions and the respective articles, are presented.

**Prescriptions and issues raised by the Fourth Republican Constitution**

**Human resource management policy**

Human resource is the most valuable asset of every organisation. This point of view is well articulated by Eddy (1981) who observes that “without the meanings that are provided by the human mind organizations are only piles of stone and metal and blobs of ink on pieces of paper”. The need, therefore, for organizations to put in place such policies as would create the kind of environment which would motivate employees to give of their best cannot be over-emphasized. Unfortunately, however, Ghanaian organisations, both public and private, do not give the necessary attention to human resource management issues. The result has been a lack of systematic policies to guide activities in this regard. Predictably, this situation has more often than not led to disastrous consequences.

The Fourth Republican Constitution contains a number of provisions which, taken as a whole, provide a basis for sound human resource management policies in Ghanaian public organisations. It certainly is good reasoning to postulate that the work environment of the Ghanaian public sector would be greatly enhanced if organisational behaviour were informed by these constitutional prescriptions. This is the thesis of this paper.

For instance the Directive Principle of State Policy (DPSP), covered in chapter six of the Constitution, enjoins citizens, Parliament, the President, the Judiciary, the cabinet, etc., to implement policy decisions in such a way as to create a just and free society. The need for a fair and just system at the workplace cannot be over-emphasized, as it is a necessary ingredient for healthy industrial relations. This point of view has been forcefully brought home by the observation of the Institute of Personnel Management: “Personnel management aims to achieve both efficiency and justice, neither of which can be pursued successfully without the other”. The Directive Principles of State Policy also touches on other relevant issues such as the need to uphold the dignity of the human person and the need to avoid discriminatory practices.
It is relevant to point out that discrimination in all forms has existed in human societies from time immemorial. For instance, a principle embodied in a law which was passed in the USA in 1810 required that one should be a free white in order to work for the government. However, the appointment of Solomon J. Johnson in 1867 as the first recorded black Civil Servant to work with the federal government reversed the application of this principle (Rosenbloom, 1977, p. 52).

Employees sometimes complain about discriminatory practices in Ghanaian public organisations even if, admittedly, this is more subtle than open. Where it exists discrimination is more likely to be based on gender, ethnic and regional background than anything else. The point, though, is that discrimination, in whatever form, if consistently applied, whether advertently or inadvertently, could spell disaster for the political system. Where this is based on ethnic or regional background in a multi-ethnic society such as Ghana, it could breed suspicion, hatred and tension to the detriment of national integration and development. The role of public administration in stemming the tide of such negative and destructive tendencies through purposeful and constructive policies cannot be over-emphasized. Viewed from this direction, the provision of the Directive Principles of State Policy, which stipulates that the State shall actively promote the integration of the peoples of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs (article 35(5)), is instructive. This and related provisions should be at the basis of human resource management policy in Ghanaian organisations.

**Laws and regulations**

Our concern here is to discuss some of the implications of the status of the Constitution as the supreme law of the land. The question put across by Finer (1940) on the supremacy of constitutions is relevant to our discussion. He asks “if one element in the fundamentality of the Constitution is its paramountcy as a regulator of political behaviour, how is this secured?” In addressing this question, Finer takes a firm position that a constitution would cease to be a fundamental document unless its basic principles are impressed upon the legislature, the executive and the judiciary. This point of view is to all intents and purposes relevant to the orderly conduct of Ghanaian public administration.

As the supreme law of the land, the Fourth Republican Constitution serves as the ultimate point of reference or yardstick for determining the appropriateness or otherwise of official conduct, government policies, existing laws, rules and regulations, etc. With regard to existing laws, the Constitution clearly states that laws that are inconsistent with its provisions “shall to the extent of the inconsistency, be void” (Article 1 (2)). The implication is that when existing laws, parliamentary acts, government legislations, rules and regulations run counter to the letter and spirit of the Constitution, human
resource management activities and policies based on them could, to the extent of the inconsistency, be regarded as void.

A number of issues obviously arise from the status of the Fourth Republican Constitution described above. Foremost among them is whether existing laws and regulations including those dealing with human resource management in the Ghanaian public sector are consistent with the Constitution. The point is that some of the laws and regulations of the country could be traced to as far back as the colonial period. The *Daily Graphic* editorial (13 April 1999) on the state of some of the country’s laws is very apt. Accordingly, some of the laws have “become not merely obsolete, but are also anachronistic encumbrances on our steady march in democracy and development.”

It can thus be said in conclusion that it is prudent in managing people in the Ghanaian public sector to ensure that decisions, activities, policies and practices are in consonance with the letter and spirit of the Constitution.

**Recruitment and selection**
The role of effective recruitment and selection to sound human resource management has been stressed in the literature. This point of view has been forcefully brought home by Wriston (cited in Foulkes and Livernash, 1982, p. 43): “I believe the only game in town is the personnel game. My theory is that, if you have the right person in the right place, you don’t have to do anything else. If you have the wrong person in the job, there’s not a management system known to man that can save you.”

The merit system by which qualified employees are appointed or promoted to job openings provides organisations with the opportunity to place the right person in the right place. It is in line with this notion that the 1993 Civil Service Law stipulates that “No person shall be appointed to a Civil Service post unless he possesses the qualifications approved for entry to that post.”

It must be pointed out, however, that the application of the merit system described above is not as simple as it appears. Corruption, nepotism and other forms of unethical practices invariably conspire against the application of this system in developing countries. This unfortunate situation is borne out by a survey of developing countries in this regard in which the authors (Gould and Amaro-Reyes, 1983, p. 28) concluded that “patronage and nepotism tend to fill the ranks of the Civil Service with inept and incompetent individuals, thereby lowering the productivity of public bureaucracies.” This sums up the major problem facing the Ghanaian public sector today with regard to recruitment and selection of employees.

Recruitment and selection in the public sector also takes into consideration the issue of social representation, otherwise referred to as representative bureaucracy – a term first used by J.D. Kingsley (1944) in his study of the UK. Simply put, representative bureaucracy refers to a situation where the social background of public officials is more or less a replica of what obtains in society. The rationale for representative bureaucracy as advanced by Long (1962, p. 71) is worth noting. He points out that; “given the seemingly inevitable
growth in the power of the bureaucracy through administrative discretion and administrative law, it is of critical importance that bureaucracy be both representative and democratic in composition and ethos.”

Viewed from this direction, one would greatly appreciate the standpoint of the Constitution which advocates that recruitment and selection into the Ghanaian public sector should take into consideration the need for regional and gender balance as well as the situation of the handicapped.

However, laudable as they are, the Ghanaian situation clearly indicates that these constitutional prescriptions can only be effectively applied through an affirmative action, a redistributive policy which can bring about equity in the personnel system. For instance, a certain percentage of appointments could be reserved for women, the handicapped and even regional groupings, especially the disadvantaged, through an affirmative action.

**Women and equal employment**

Equal employment opportunity (EEO) refers generally to the right of all people to seek and work in an environment that allows them to advance in their career on the basis of merit, ability and potential unhindered (Byars and Rue, 1991). In the USA the Equal Employment Opportunity Commission (EEOC) works to ensure that organisations abide by the rules and regulations or equal employment opportunity. It investigates cases of discrimination based on race, colour, religion, sex, national origin, and handicap as well as equal pay violations. Similarly in the UK, the Equal Opportunities Commission works towards the elimination of discrimination and promotion of equal opportunity for both men and women.

Discrimination against women generally conspires against their career development. This problem is generally recognised and its implications for development have made gender issues assume greater importance in recent times. The focus of gender issues in Ghana today is to create the necessary environment for women to be in the mainstream and play a more vigorous role in the socio-economic activities in the country, especially in top decision making. This point has not escaped the attention of the framers of the Fourth Republican Constitution. The Constitution not only frowns on discriminatory tendencies but also calls for the development of social, political and economic opportunities for all citizens, including the disabled. In line with this spirit, women are to be fully integrated into the mainstream of economic activities to enable them to contribute effectively towards national development (article 36 (6)).

Issues raised by the Constitution in this regard which will enhance the lot of women in their career development include the following:

- equal right to training and development;
- gender balance in recruitment;
- gender balance in appointment; and
- the needs of working mothers.
These are legitimate concerns which should be brought to bear on human resource management practice in the Ghanaian public sector.

Human resource management activities and related provisions and articles discussed above are presented in Table I.

**Employee rights and welfare**

The Constitution has addressed a number of issues with regard to employee rights and welfare, an inclination which is very much in accord with the concern of the human relation theorists who stress the need to treat workers with consideration. Various experiments and experiences have consistently confirmed that attention to employee needs and welfare invariably leads to a productive work environment. This being the case, the tendency to treat employee rights and welfare with careless abandon, as is usually the case in Ghanaian public organisations, is, to say the least, a recipe for non-performance.

A right, according to Mathis and Jackson (1991, p. 447) is “that which belongs to a person by law, nature or tradition.” As the supreme law of the land, the Fourth Republican Constitution provides, among other things, for equality before the law, freedom from discrimination, the right to work under satisfactory conditions, the right to receive equal pay for equal work, the right to join or form a trade union, the right to leisure, the right of the aggrieved to

<table>
<thead>
<tr>
<th>HRM activities and issues</th>
<th>Issues raised through constitutional provisions</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws and regulations</td>
<td>Supremacy of the Constitution</td>
<td>1(2)</td>
</tr>
<tr>
<td></td>
<td>Enactments made by Parliament</td>
<td>11(1b)</td>
</tr>
<tr>
<td></td>
<td>Enactments made under authority of Parliament</td>
<td>11(1b)</td>
</tr>
<tr>
<td></td>
<td>Rules and regulations</td>
<td>11(1c)</td>
</tr>
<tr>
<td></td>
<td>Existing laws</td>
<td>11(1d)</td>
</tr>
<tr>
<td></td>
<td>Common law</td>
<td>11(e)</td>
</tr>
<tr>
<td>HRD policy</td>
<td>Respect for human rights</td>
<td>35(4)</td>
</tr>
<tr>
<td></td>
<td>Prohibition of discrimination and prejudice</td>
<td>35(5)</td>
</tr>
<tr>
<td></td>
<td>Gender balance in appointments</td>
<td>36(6b)</td>
</tr>
<tr>
<td></td>
<td>Regional balance in appointments</td>
<td>35(6b)</td>
</tr>
<tr>
<td></td>
<td>Eradicate corrupt practices and abuse of power</td>
<td>35(8)</td>
</tr>
<tr>
<td></td>
<td>Fair and realistic remuneration</td>
<td>36(2a)</td>
</tr>
<tr>
<td></td>
<td>Retirement age at 60</td>
<td>199(1)</td>
</tr>
<tr>
<td>Recruitment and selection</td>
<td>No discrimination based on origin, gender, religion, etc.</td>
<td>35(5)</td>
</tr>
<tr>
<td></td>
<td>No discrimination against the disabled</td>
<td>29(4)</td>
</tr>
<tr>
<td></td>
<td>Regional balance in appointments</td>
<td>35(6b)</td>
</tr>
<tr>
<td></td>
<td>Gender balance in appointments</td>
<td>35(6b)</td>
</tr>
<tr>
<td></td>
<td>Equal access to recruitment</td>
<td>218(b)</td>
</tr>
<tr>
<td>Women and equal employment opportunity and related articles</td>
<td>Equal rights to training for women</td>
<td>27(3)</td>
</tr>
<tr>
<td></td>
<td>Gender balance in recruitment and appointments</td>
<td>35(6b)</td>
</tr>
<tr>
<td></td>
<td>Welfare of working mothers</td>
<td>27(1)</td>
</tr>
<tr>
<td></td>
<td>Facilities for children below school-going age</td>
<td>27(2)</td>
</tr>
</tbody>
</table>

**Table I.**

Laws and regulations, HRM policy, recruitment and selection, equal employment opportunity and related articles
seek redress, and the right to assemble and take part in processions and demonstrations.

That these have to a great extent influenced the nature and tempo of industrial relations in the Fourth Republic is a fact that cannot be denied. For instance, the main thrust of the government’s salary rationalisation policy, as carried out under the Price Waterhouse Report, is to put in place the principle of equal pay for equal work. Similarly, employees in the Fourth Republic freely assemble and embark on industrial actions such as are characterised by frequent demonstrations without having to look behind their shoulders. Also, the formation of a new labour group, the Ghana Federation of Labour (GFL) on 28 April 1999, is a testimony to the determination of employees to exercise their right to join or form a trade union as enshrined in the Constitution.

The point to note here is that the more liberalised political system in the fourth Republic has inevitably been accompanied by a more liberalised labour front whose stock-in-trade is a system of rights which human resource managers in Ghanaian organisations can ill afford to ignore.

**Compensation and benefits**

The Fourth Republican Constitution has raised important issues which are extremely relevant to compensation management in Ghana. Compensation is generally viewed as consisting of three main forms, namely pay, incentives, and benefits. Pay refers to the wages and salaries received by employees. Incentives refer to other additional forms of reward such as bonus, e.g., commissions and profit sharing. Indirect compensation, which comes in the form of paid leave or vacation, health and other forms of insurance, free medical care and retirement income is referred to as benefits.

That compensation issues are, generally speaking, the most sensitive among the human resource management activities is a fact that cannot be denied. In the view of Dresang (1984, p. 267) “politics is involved in compensation more than in any other dimension of public personnel management”. This point of view is well exemplified by the Ghanaian situation where compensation is easily the most vexing human resource management issue. And indeed there is hardly any Ghanaian government, civilian or military, which has not had its resolve and ability to govern seriously tested by industrial disputes which more often than not are propelled by compensation issues.

Given the frequency with which they are ferociously drawn into its vortex, compensation in the Ghanaian public sector may be aptly described as the human resource manager’s nightmare. The truth of the matter is that compensation management in the Ghanaian public sector has been in a complete mess for some time now. This can partly be attributed to lack of concrete and systematic policies and guidelines as well as the tendency to apply *ad hoc* measures and solutions to chronic compensation problems. The net effect has been the inability of the Ghanaian public sector to operate effectively within the principles of public compensation.
In the view of Dresang (1984), compensation in the public sector should be guided by four key principles. First, the level of compensation must be such that it can attract good employees. Second, the system must be perceived or be seen by employees to be equitable. Third, it must operate in such a way as to motivate employees to give their best. Lastly, compensation must take into consideration the employer’s ability to pay.

Measured against these principles, compensation management in the Ghanaian public sector, as pointed out above, leaves much to be desired. The fact is that not only has the system failed to attract qualified employees but those who are already in the system tend to drift to the private sector and non-governmental organisations (NGOs), or even leave the country altogether for greener pastures elsewhere. The system is also fraught with inequities which have predictably fuelled numerous industrial disputes, including the nine-month old strike embarked upon by the University Teachers’ Association of Ghana (UTAG) from April to December 1995.

All these factors and others operating together have created a work environment which hardly motivates employees in the Ghanaian public sector to give their best – interestingly, though the government would unfailingly wave its red flag of “ability to pay,” so to speak, or a trump card if you will; predictably of course, much to the chagrin of employees.

It is in this vein that one would greatly appreciate compensation-related issues and prescriptions of the Fourth Republican Constitution. Certainly such issues as fair and realistic compensation, equal work for equal pay, tax exemption on retirement benefits, paid public holidays, paid maternity leave, etc., which have been provided for in the Fourth Republican Constitution, are in consonance with the principles of public compensation.

State of the economy
The state of the economy of a country and the policies pursued by the government in this regard have some implications for human resource management. The case of the USA, where the prevailing economic conditions in the 1930s gave rise to some of the major employment laws in the country, is a relevant example.

The link between the state of the economy and employee welfare can be gleaned from the following economic objectives of Ghana, as contained in the Directive Principles of State Policy in the Fourth Republican Constitution:

The state shall take all necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy (article 36(1)).

The state of the economy in the Fourth Republic has to be understood from the point of view of World Bank and IMF-backed Structural Adjustment Programme (SAP) which was introduced in 1984. This programme greatly influenced policies during the PNDC era and continues to do so in the Fourth Republic. Among other areas, the programme has affected policies on public
expenditure pattern, investment, imports and exports, privatization, wages and salary levels. Needless to say, these policies not only have direct and indirect implications for human resource management in the Ghanaian public sector but, as Sawyer (1990) rightly points out, such policies, imposed from outside, tend to limit policy options of African countries. In other words, what is implemented or ignored, per policy instructions imposed from outside, may have implications for human resource management.

The fact of the matter is that, whether imposed from outside or not, the government of the day takes full responsibility for the policies it pursues. In that sense a quick glance at some of the economic policies pursued by the ruling NDC government and their implications for human resource management are germane to our discussion.

The main economic objective of the NDC government since coming to power has been to stabilise the macro-economic environment to ensure economic growth. This laudable objective has, however, not been realised due to incessant inflation and low national output which have led to the fall of the value of the cedi. With rising prices, and consequently a reduction in their earnings, the trend naturally has been for workers to demand increased salaries.

Events following the withdrawal of the value added tax (VAT) regime which the government had planned to introduce in 1995 clearly demonstrate the link between the state of the economy and human resource management. The government had anticipated that the introduction of VAT would yield some revenue which could improve its ability to meet the demands of workers for salary increases. But as it turned out, the withdrawal of VAT became necessary as a result of major deficiencies in the planning and implementation of the programme, especially in the area of public education.

This, however, was not without cost. It further weakened the capacity of the government to meet its obligations. President J.J. Rawlings pointed out the dilemma of the government in this regard in his sessional address to parliament on 12 January 1996, when he observed that “we have paid a heavy price for this. Anticipated revenue fell far short of expectation, limiting the government’s ability to absorb the demands of its employees.”

Also even a cursory glance at the Structural Adjustment Programme (SAP) and some of the policies carried out under it would reveal its impact on HRM generally, especially in the area of employee welfare. Considering its impact such as the removal of subsidies, unemployment, child labour, housing problems and the difficulty which employees and Ghanaians in general go through to meet education, health and utility bills, the TUC has concluded that the SAP is a failure.

The position of the TUC in this regard is summed up by the Secretary-General, Mr C. Appiah Adjei, in an address he delivered on the occasion of the May Day celebration on 1 May 1999: “We note with regret that the current social and economic situation in Ghana is a grim record of failure or inability of the structural adjustment policies to succeed” (Free Press, 7 May 1999, p. 5).
This brief survey has clearly established the fact that human resource management is inextricably linked up with the fortunes of the state of the economy. Therefore, the issues raised by the Fourth Republican Constitution, including the welfare, freedom and happiness of citizens, suitable employment, adequate means of livelihood, fair and realistic compensation, increased role of the private sector and opportunities for foreign investment, are not only relevant but instructive.

**Human resource development**

Human resource management in public organisations does not take place in a vacuum. It is influenced by several factors, some of which have been discussed above. One critical area which will determine whether the government, and for that matter public organisations, will be in a position to recruit and retain competent workforce borders on the nature, type and quality of educational programmes we develop. The concern here, viewed in a holistic sense, is that of human resource development which has been defined by Harbisson and Myers (1964, p. 2) as “the process of increasing the knowledge, the skills and the capacities of all people in the society”.

Prescriptions and issues on human resource development raised by the Constitution include the following: provision of educational facilities at all levels, free and compulsory universal basic education (FCUBE), development of free vocational training, equal access to pre-university and opportunity for lifelong learning.

It is relevant to point out that human resource development in Ghana has been facing two major problems since the mid-1960s. First is the lack of skilled personnel in certain critical areas of the Ghanaian economy. This is mainly due to lack of funds to provide the necessary training at home or abroad. Second is the over-emphasis on liberal education which has ironically created a surplus in certain categories of skills. This problem is compounded by insufficient labour market information as well as lack of collaboration between educational and training institutions responsible for skill development and Ghanaian organisations in need of such skills. This unfortunate situation has inevitably impacted on both quantitative and qualitative human resource development in Ghana. The net result, as pointed out by Gamey (1994), is that most of the estimated 230,000 school leavers who enter the labour market each year from our educational and training institutions lack the requisite skills.

These lapses are among the concerns which gave rise to the educational reforms in Ghana since 1987. The objectives of the reforms, as stated by the Ministry of Education in the guidelines on secondary education among others, are “to provide an increasing number of basic education leavers with the opportunity for education at a higher level to such an extent that the variety of relevant occupational skills they would be equipped with will have a definitive impact on national manpower requirements”.
This brief survey of human resource development in Ghana clearly points to the relevance of the following prescriptions by the Fourth Republican constitution:

- provision of educational facilities at all levels;
- free compulsory universal basic education (FCUBE);
- development of vocational training;
- equal access to pre-university and university education;
- opportunity for life-long learning.

Human resource management activities and related provisions and articles discussed above are presented in Table II.

**Work environment**

The relationship between the work environment and productivity has been amply dealt with in management and organisational behaviour literature. An environment can be described as that milieu in which an organisation exists and operates, and to which it responds (Mintzberg, 1979, 1983). Our concern about the nature of the work environment arises from the fact that productivity or employee output largely depends on it. A productive work environment is that which motivates employees to show commitment and give their very best towards the realisation of organisational goals.

<table>
<thead>
<tr>
<th>HRM activities and issues</th>
<th>Issues raised through constitutional provisions</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee rights and welfare</td>
<td>Right to work under satisfactory conditions</td>
<td>24(1)</td>
</tr>
<tr>
<td></td>
<td>Right to receive equal pay for equal work</td>
<td>24(1)</td>
</tr>
<tr>
<td></td>
<td>Right to join or form trade union</td>
<td>24(3)</td>
</tr>
<tr>
<td></td>
<td>Right of the aggrieved to seek redress</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Right to rest and leisure</td>
<td>24(2)</td>
</tr>
<tr>
<td></td>
<td>Right to work for limited hours</td>
<td>24(2)</td>
</tr>
<tr>
<td></td>
<td>Role of CHRAJ</td>
<td>218</td>
</tr>
<tr>
<td>Compensation and benefits</td>
<td>Fair and realistic compensation</td>
<td>26(2a)</td>
</tr>
<tr>
<td></td>
<td>Equal pay for equal work</td>
<td>24(1)</td>
</tr>
<tr>
<td></td>
<td>Tax exemption on pension earnings</td>
<td>199(3)</td>
</tr>
<tr>
<td></td>
<td>Paid public holidays</td>
<td>24(2)</td>
</tr>
<tr>
<td></td>
<td>Paid leave to women before and after childbirth</td>
<td>27(1)</td>
</tr>
<tr>
<td>State of the economy</td>
<td>Welfare, freedom and happiness of citizens</td>
<td>36(1)</td>
</tr>
<tr>
<td></td>
<td>Suitable employment</td>
<td>36(1)</td>
</tr>
<tr>
<td></td>
<td>Adequate means of livelihood</td>
<td>36(1)</td>
</tr>
<tr>
<td></td>
<td>Fair and realistic compensation</td>
<td>36(2a)</td>
</tr>
<tr>
<td></td>
<td>Increased role of the private sector</td>
<td>36(2b)</td>
</tr>
<tr>
<td></td>
<td>Opportunities for foreign investment</td>
<td>36(4)</td>
</tr>
<tr>
<td>Human resource development</td>
<td>Educational facilities at all levels</td>
<td>38(1)</td>
</tr>
<tr>
<td></td>
<td>Free and compulsory universal basic education</td>
<td>38(2)</td>
</tr>
<tr>
<td></td>
<td>Development of free vocational training</td>
<td>38(3b)</td>
</tr>
<tr>
<td></td>
<td>Equal access to pre-university/university education</td>
<td>38(3a)</td>
</tr>
<tr>
<td></td>
<td>Opportunity for life-long learning</td>
<td>38(3c)</td>
</tr>
</tbody>
</table>

**Table II.** Employee rights and welfare, compensation and benefits, state of the economy, human resource development and related articles
Guy (1992) has identified two types of work environment, namely distal and proximal. The distal environment is external to the organisation and consists of political, economic, legal and social influences which tend to affect employees’ sense of pride as members of the organisation. The distal environment includes media coverage, political campaign rhetoric and the opinion held by the public with regard to the mission of the organisation. The proximal environment, on the other hand, refers to the general atmosphere existing at the workplace such as the nature and quality of communication, level of trust and frankness, norms that guide employee behaviour, nature of the relationship existing between the organisation and its clients or customers, infrastructure, etc.

Productivity is generally looked at from three levels, namely, the individual, the organisation, and the state (Mathis and Jackson, 1991). The difference between the productivity of employees in the industrialised nations marked by high productivity and that of employees from developing nations marked by low productivity has long been recognised. Like the situation in many developing countries, productivity in Ghana at the individual, organisational and state levels leaves much to be desired. While this can be attributed to a number of factors, it is all too clear that the work environment in Ghanaian public organisations is generally inimical to employee productivity.

The Ghanaian situation also exemplifies the generally held notion that the private sector possesses a more conducive environment for increased productivity than the public sector (Ammons, 1992). As a matter of fact, the inclination towards privatisation in Ghana today is mainly fuelled by this belief.

Successive Ghanaian governments have understandably shown concern over issues that border on employee productivity. The ruling NDC government has, for instance, come out with Vision 2020, a programme of action aimed at making Ghana attain a middle income status by the year 2020. However, from all indications, the attainment of this objective depends on effective resource mobilization which very much depends on employee productivity (Abdulai, 1998).

Prescriptions and issues raised by the Fourth Republican Constitution, and specifically provisions on effective management of the economy, fair compensation as a means to induce productivity, an environment for higher productivity, enabling an environment for the private sector and participation of workers in decision making (see Table III), are very relevant to the development of a productive environment in Ghanaian organisations.

All said and done, the totality of the human resource management prescriptions and issues raised by the Fourth Republican constitution, as discussed in this paper, can significantly improve the work environment in Ghanaian organisations if adhered to or properly addressed.

Commission for Human Rights and Administrative Justice (CHRAJ)

The constitution provides for the establishment of the CHRAJ by Parliament. The CHRAJ is headed by a commissioner supported by two deputies. They are
Human resource management in Ghana

There are, in all, four departments in the commission, namely: legal, operations, administration, and finance. One deputy commissioner is responsible for the legal and operations department and the other for the finance and administration department. In addition to the national headquarters in Accra, CHRAJ has offices in all the capitals of the ten regions and in 32 out of the 110 districts in the country. The functions and powers of the Commission are derived mainly from the 1992 Constitution and the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

The functions of the Commission, as specified under article 218 of the 1992 constitution, include investigations into complaints on violations of fundamental human rights and freedoms, injustice, abuse of power, unfair treatment by public officials, unfair recruitment and selection practices, unfair behaviour and practices by persons, private organisations and other institutions.

The Commission is also empowered to investigate all cases of corruption and misappropriation of public funds by public officials and to take the necessary steps. In order to remedy such situations as described above, the Commission has been empowered to carry out negotiations for the purpose of reaching settlements, bringing proceedings in a competent court and reporting the conduct of offending officials or persons to their superior officers.

<table>
<thead>
<tr>
<th>HRM activities and issues</th>
<th>Issues raised through constitutional provisions</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work environment and productivity</td>
<td>Effective management of the economy</td>
<td>36(1)</td>
</tr>
<tr>
<td></td>
<td>Fair compensation to induce productivity</td>
<td>36(2)</td>
</tr>
<tr>
<td></td>
<td>Environment for higher productivity</td>
<td>36(2a)</td>
</tr>
<tr>
<td></td>
<td>Enabling environment for the private sector</td>
<td>36(2b)</td>
</tr>
<tr>
<td></td>
<td>Participation of workers in decision making</td>
<td>36(11)</td>
</tr>
<tr>
<td>The role of CHRAJ</td>
<td>Investigate complaints on human rights</td>
<td>218(a)</td>
</tr>
<tr>
<td></td>
<td>Complaints on abuse of power and unfair treatment</td>
<td>218(a)</td>
</tr>
<tr>
<td></td>
<td>Complaints on unfair recruitment process</td>
<td>218(b)</td>
</tr>
<tr>
<td></td>
<td>Allegations of corruption and embezzlement</td>
<td>218(e)</td>
</tr>
<tr>
<td></td>
<td>Independence of the Commission</td>
<td>225</td>
</tr>
<tr>
<td>Decentralisation</td>
<td>Transfer of power to local government</td>
<td>240(2a)</td>
</tr>
<tr>
<td></td>
<td>Means to manage and execute policies</td>
<td>240(2b)</td>
</tr>
<tr>
<td></td>
<td>Accountability of local government authorities</td>
<td>240(2e)</td>
</tr>
<tr>
<td></td>
<td>Effective control of local government employees</td>
<td>240(2d)</td>
</tr>
<tr>
<td>Ethical issues</td>
<td>Avoidance of conflict of interest</td>
<td>284</td>
</tr>
<tr>
<td></td>
<td>Declaration of assets and liabilities by public officials</td>
<td>286</td>
</tr>
<tr>
<td></td>
<td>Judicious use of discretionary power</td>
<td>296</td>
</tr>
<tr>
<td></td>
<td>Eradication of corrupt practice and abuse of power</td>
<td>35(8)</td>
</tr>
<tr>
<td></td>
<td>Investigations on unfair recruitment</td>
<td>218(b)</td>
</tr>
</tbody>
</table>

Table III. Work environment and productivity, the role of CHRAJ, decentralisation, ethical issues and related articles
The commission has also been mandated to organise workshops, seminars, lectures and symposia to make the general public aware of fundamental human rights and to create awareness on employee rights especially in job security. A notable example is the Integrity workshop organised by the Commission in Accra 20-21 October 1998.

A look at the functions of the Commission clearly indicates that it is very much concerned with human resource management in Ghanaian organisations. This explains why labour-related issues feature prominently in the complaints received by the Commission. For instance figures quoted in the 1996 Annual Report of the Commission indicate that, out of the 5,200 cases dealt with by the Commission that year, 2,209 (representing 42 per cent) were labour related. The cases covered varied issues, including dismissals, termination of appointments, retirements, non-payment of pensions, gratuities or end-of-service benefits, social security deductions, salary arrears, discrimination, suspension, interdictions, promotions, demotions, sexual harassment, etc.

It can be concluded from this brief survey of its functions and activities that the CHRAJ has, to a great extent, been well positioned to deal with human rights as well as labour-related issues which border on employee rights and welfare. That the commission is independent with its permanence guaranteed by the fact that it is among the “entrenched provisions” of the Constitution and can thus only be amended by cumbersome procedures including a referendum is edifying indeed. However, after a careful analysis of its operations and circumstances, one cannot but agree with the observation made by Oquaye (1995) that the Commission faces the danger of being overstretched and saddled by bureaucratic bottlenecks. Herein lies the challenge.

Decentralisation

Both governments and students of development administration have, since the early 1970s, advocated decentralisation as a means of improving the effectiveness of development programmes (Conyers, 1989).

In Ghana, the potential of decentralisation as a system that can enhance the socio-economic development of the country has long been realised. As a matter of fact, efforts towards the development of a decentralised system of government go as far back as the colonial period when the British used this system through the native administration structure which was an integral part of a system of indirect rule in the then Gold Coast. Successive Ghanaian governments have attempted, with varying degrees of success, to implement decentralisation in Ghana.

Decentralisation in Ghana has, since the introduction of the Local Government Law 207 and other legal instruments including Chapter 20 of the 1992 constitution, the Local-Government Act 462 of 1993 (which replaced the Local Government Law 207 of 1988), received an added boost. Article 240 (1) of the 1992 Constitution, for instance, states that Ghana shall have a system of local government and administration which shall, as far as practicable, be
decentralised. As Ayee (1992) rightly observed, the position taken by the Constitution appears to be a refinement from that of the Second and Third Republican Constitutions in this regard.

It is relevant to point out that past efforts towards decentralisation in Ghana yielded little or no results due to a number of factors. We are, however, concerned with those which bordered on human resource management in this paper. A few examples will suffice to illustrate this point. For instance, even though the district councils were empowered to carry out some functions under NRCD 258, these were not accompanied by simultaneous transfer of competence, a situation which rendered their operations ineffective. Besides, personnel at the district councils became overstaffed as a result of the recruitment of relatives and friends who proved incompetent, resulting in administrative and financial indiscipline. In short, efforts towards providing district councils with their staffing needs proved woefully inadequate and this consequently affected their performance.

The current decentralisation programme is not without human resource management problems. Among others, it faces the problem of poor quality of staff at the district levels, refusal of qualified staff to accept postings to some of the districts, especially the deprived ones where they are needed most, negative attitude of personnel, and lack of incentives to attract qualified and skilled personnel. Besides these problems, the transfer of the powers of appointment, pay, promotion and disciplinary matters to the District Assemblies under the Civil Service Law 1993 (PNDC Law 327) has brought human resource management issues to the fore more than ever before.

One thus sees the relevance of the following prescriptions and issues raised by the Constitution:

- transfer of power to local government;
- means to manage and implement policies;
- accountability of local government authorities; and
- effective control of local government employees.

Ethical issues

There has been a renewed global interest in ethical issues in recent times. Consequently, unethical practices including corruption and fraud are being given much more attention these days than before. Unlike the situation in the past when interest in the subject focused mainly on the public sector, there appears to be equal interest these days in unethical practices in the private sector (Olowu and Rasheed, 1993).

Ethical issues are at the heart of public sector human resource management. They are mainly concerned with fairness, justice, thoughtfulness and social responsibility. For instance, public officials are regarded as the custodians of public trust and are therefore expected to exhibit the highest standard of ethics
and accountability. In other words, their conduct should be guided by such traits and characteristics as loyalty, discipline, integrity, honesty, confidentiality and impartiality.

Unfortunately, however, the experience of African countries clearly points to a serious degeneration of public ethics and accountability. Shellukindo and Baguma (1993) have attributed this unfortunate situation to a number of factors including political corruption, lack of effective leadership, nepotism, political patronage, harsh economic conditions, decline in the value of official earnings and incessant demands from the extended families of public officials. A study carried out by Woode (1994) has also confirmed that ethical violations in Ghanaian businesses and public administration can be attributed to these factors, among others.

The unfortunate circumstance of African countries described above has led to a situation where, instead of serving as agents of development, public officials have, in many instances, rather turned the clock of progress backwards through unethical practices. Shellukindo and Baguma (1993) have presented a vivid picture of the extent of degeneration of ethics among African professionals when they pointed out that the situation is such that chief accountants have become “thief accountants” and managing directors have become “damaging directors”.

The framers of the Fourth Republican Constitution were fully aware of the consequences of degeneration of ethics on the development of the country. They therefore included a number of articles dealing with ethical issues. As a matter of fact, there is a complete chapter (Chapter 24) which deals with the code of conduct for public officers.

Among the issues raised in this regard are conflict of interest, declaration of assets and liabilities, use of discretionary power, corruption, abuse of power and unfair recruitment. For instance, with regard to conflict of interest, which is one of the problems facing the Ghanaian public service, the Constitution states as follows:

A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office (article 284).

It can thus be concluded that not only are the issues raised by the Constitution germane to the development of ethics and accountability in the Ghanaian public service but the prescriptions put across can go a long way to bring about fairness, justice and social responsibility.

Human resource management activities and related provisions and articles discussed above are presented in Table III.

**Conclusion**

The role of human factors to the effective development of organisations has been stressed in the literature. The widely held notion in the world of management is that organizational success or failure can be traced mainly to the human factor.
It is all too clear that, in their effort to increase productivity and to improve the living conditions of their people, African countries need to create a conducive working environment under which employees can give their very best. Unfortunately, however, the way and manner in which human resource issues are generally handled on the continent leave much to be desired.

As far as the Ghanaian situation is concerned, even a cursory glance at human resource management practice would reveal serious lapses in both the public and private sectors, even though admittedly the situation in the former calls for more concern. There is clearly the need to recognise the social needs of workers and how they affect performance generally. These are issues which were at the centre of the famous Hawthorne studies and which gave birth to the human relations school.

Viewed from this direction, one would appreciate the prescriptions and issues raised by the Fourth Republican Constitution and their implications for human resource management as discussed in this paper. Besides serving as important guidelines for human resource management policy, the prescriptions have the potential to create a productive work environment.

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