

AFFIRMATIVE ACTION (GENDER EQUITY) ACT, 2024, ACT 1121

Frequently Asked Questions.

Q1

What is the Affirmative Action Act, 2024?

- Ghana's Affirmative Action (Gender Equity) Act 2024, is a law to promote women's participation in all areas of society, including politics, economy, education, and social life, while simultaneously addressing gender inequality. The law received Presidential assent on 11 September 2024 and came into force on the same day.



Q2

Who does the Act apply to?

- The law is applicable to all business entities, institutions and bodies in both the public and private sectors. It mandates gender equity in appointments and decision-making positions.

Q3

Who is responsible for the implementation of the Act?

- The Ministry of Gender, Children and Social Protection, through the Department of Gender, is responsible for the implementation of this law.

Q4

What mechanisms are in place to monitor and enforce compliance?

- An Affirmative Action Monitoring Committee is created by the law with the responsibility of supervising implementation, obtaining compliance reports, and suggesting enforcement actions for non-compliance.
- Where the Committee determines that an employer has failed to comply with a gender equity policy, the Committee shall require a written undertaking from the employer to comply within six months.
- The Committee may also use an alternative dispute resolution mechanism such as negotiation, mediation, or arbitration to address issues of non-compliance.
- Additionally, the Committee will carry out audits every four years to ensure compliance with the Affirmative Act law.

Q5

Are there any immediate compliance responsibilities required by the Act?

- Yes. All State and private institutions and entities must have a gender equity policy or plan. The deadline for all companies and public institutions to comply with the requirement to have gender equity policy and plan is within 12 months of the law coming into force. The gender equity policy and plan must be submitted to the Gender Equity Committee of the Ministry for Gender, Children and Social Protection. The gender policy and plan are essentially to address the targets set out in **Question 6** below. A gender policy and plan of an organisation must be evaluated and reviewed every four years. Persons of an organisation must be consulted when drafting the gender policy and plan.

Q6

What are the milestones against which gender equity progress will be measured?

- Organisations must work towards achieving the minimum percentage of gender representation and inclusivity within the specified timeframes set out below:

Year	Target Gender Equity Percentage
2024 – 2026	30%
2027 – 2028	35%
2029 – 2034	50%

- These are mandatory targets and organisations do not have exclusions to do otherwise.

Q7

What are the guidelines and strategies for gender equity in relation to the public service?

- Where a specific number of members is required for appointment to a body, a designated portion of the seats must be reserved for women.
- Appointments to managerial or decision-making positions must be gender balanced. In cases where an odd number of positions makes equal representation impracticable, gender equity shall be ensured in the selection process.
- The Public Services Commission shall issue guidelines to all public institutions to promote gender equity in human resource management.
- The Public Services Commission shall implement measures to equip women for promotion to managerial positions in the Public Service and to prevent and address workplace discrimination in accordance with existing laws.

Q8

Is the president of Ghana guided by any quotas in making appointments?

- Yes. The President of Ghana is to be guided by the gender equity targets set for 2024 to 2034 in making appointments to ministerial positions, the Council of State, the independent constitutional bodies, governing bodies of State institutions, the Public Service, District Assemblies, and any other office.
- The President is also to track and monitor the experiences of women appointed into public offices, governance, and decision-making positions.

Q9

What is the role of the Government in ensuring equity at the executive level?

- The Government is to incorporate gender perspectives into policy formulation, implementation, monitoring, and evaluation to promote gender equality and combat discrimination.
- The Government is to conduct gender-inclusive training for Government appointees in order to promote gender equity and increase understanding of gender issues.
- The Government must promote leadership development programs and initiatives aimed at increasing the number of women in leadership positions within the Government.

Q10

What are the responsibilities of private sector organizations under the Act?

- Private sector organizations are required to develop a gender equity policy outlining their approach to achieving the target milestones set by the Act. This policy must be formulated in consultation with staff members and integrated into the organization's strategic plans to implement affirmative action, particularly in leadership and management roles within the specified timelines.
- The gender equity policy must be reviewed periodically, at least every four (4) years.

Q11

What is an employer's routine compliance requirement under the Act?

- Employers are required to submit an annual report on gender equity in their organisation, to the Gender Equity Committee.
- The Committee may summon an official to clarify issues in the report, make appropriate recommendations, and issue compliance certificates.

Q12

Are there any incentives for private sector organizations that comply with the Act?

- Yes, private entities that comply with the law regarding female employment are eligible for tax incentives.
- An employer who complies with the progressive timelines within or after the first twelve months of the coming into force of the Act may apply to the Minister responsible for Finance for a tax incentive.
- An organisation that complies with the Affirmative Action law will be issued with a Gender Equity Compliance Certificate.
- Priority in the awarding of Government contracts will be given to organisations with Gender Equity Compliance Certificate.

Q13

What is gender-responsive budgeting?

- Gender-responsive budgeting is a strategy that considers the different needs of every gender to ensure a fair distribution of resources.

Q14

What does the Act say about gender-responsive budgeting?

- All Governmental bodies, including ministries, departments, agencies, and district assemblies must engage in gender-responsive budgeting in all sectors, thus ensuring that financial allocations address gender-specific issues.
- The Ministry of Finance is responsible for ensuring sufficient resources are allocated to ensure the implementation of key gender equity policies, programs, and projects.
- Additionally, Parliament shall oversee the allocation of adequate funding and hold entities accountable for the effective use of these resources.

Q15

What complaint mechanisms are made available to a person under the Act?

- A complainant may submit a gender inequity complaint to either the Gender Equity Committee or the Commission on Human Rights and Administrative Justice (CHRAJ). This complaint may be submitted orally or in writing.

Q16

Who is considered to have committed an offence under the Act?

- A person or institution is deemed to have committed an offence under the Act if they:
 - a. victimise, obstruct, or unduly influence another person in an attempt to defeat the object of this Act;
 - b. subject an employee to gender-specific verbal attack, stereotyping, hate speech, or harsh rhetoric;
 - c. discriminate against, intimidate or seeks to disqualify a candidate based on gender;
 - d. fail to provide information as required under the Act; and
 - e. knowingly provide false information contrary to the requirements of the Act.

Q17

What are the consequences of non-compliance with the Act?

- Non-compliance with the law may result in imprisonment for a minimum term of six months to a maximum of twelve months. Pecuniary fine may be imposed which could range from Five Hundred penalty units (GHS 6,000) to One Thousand penalty units (GHS 12,000). It is also possible for a person to imposed with both a fine and a term of imprisonment for not complying with the law.

Q18

How are public and private institutions expected to cooperate with the Ministry of Gender, Children, and Social Protection?

- Public and private institutions must collaborate with the Ministry by providing requested information on gender equity. The designated officer within each institution is required to assist the Ministry in gathering and compiling this information.

Key Observations and Take Aways

- » The Affirmative Action (Gender Equity) Act, 2024 signifies a strong commitment to gender equality in Ghana.
- » The law does not advocate for real-time tracking of gender representation and compliance utilising innovative technological methods.
- » The law emphasises numerical quotas, but it does not require institutions to measure the effects of its policies on women and marginalised groups through Gender Impact Assessments (GIAs).
- » Carrying out audits every four years may not be an effective means of ensuring compliance since non-compliance may go unnoticed for years.
- » The law lacks strict penalties for institutions that fail to submit accurate reports on gender representation and falsify compliance data.
- » The law does not specifically address how gender intersects with other characteristics such as disability, rural deprivation, and economic position, although it acknowledges marginalized populations. Women with disabilities or those living in rural areas could experience extra forms of discrimination that are not addressed by a broad affirmative action strategy.
- » Successful implementation of the law is dependent on the cooperation of various stakeholders, including government agencies, private sector organizations, civil society, and individuals.

If you have any questions on the matters referred to in this Alert, do not hesitate to contact the author below.

This publication has been prepared for general guidance on matters of interest only and does not constitute professional advice. You should not act upon the information contained in this publication without obtaining specific professional advice. No representation or warranty (express or implied) is given as to the accuracy or completeness of the information contained in this publication, and, to the extent permitted by law, WTS Nobisfields, its members, employees and agents do not accept or assume any liability, responsibility or duty of care for any consequences of you or anyone else acting, or refraining to act, in reliance on the information contained in this publication or for any decision based on it.

©2025 WTS Nobisfields. All rights reserved. WTS Nobisfields refers to the Ghana member firm. Each member firm is a separate legal entity. Please see www.wtsnobisfields.com for further details.

ABOUT WTS Nobisfields

WTS Nobisfields is a full services law firm in Accra, Ghana. We are regulated and authorised by the General Legal Council to provide legal services. We provide high-end legal and tax advice to a large number of most dynamic and successful organizations.

We are one of the leading business law firms, undertaking work for the leading companies and organizations doing business in Ghana.

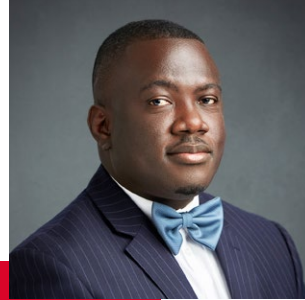
At the heart of our strategy is looking after our clients. We advise on a wide range of commercial transactions and issues, and have the expertise to understand clients' concerns and needs, no matter what field they operate in.

We provide the highest quality of services to our clients. We have a formidable and unique combination of expertise and culture, and we rely on outstanding individuals to shape the firm for the future and the success of our clients.

Follow us



Contacts



Theophilus Tawiah

Managing Partner

M: +233 24 491 7803

T: +233 30 250 0107/+233 50 864 6424

E: theophilus.tawiah@wtsnobisfields.com



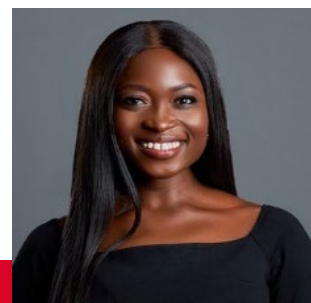
Wilhelmina Joana Buckman

Associate Director

M: +233 50 864 6424

T: +233 302 500107

E: Wilhelmina.buckman@wtsnobisfields.com



Rosemary Anakwa Boadu

Senior Associate

M: +233 50 864 6424

T: +233 302 500107

E: rosemary.boadu@wtsnobisfields.com

