



Legal Pathways to Inclusive Enterprise: Examining Gender Protection and Empowerment in Ghana's Affirmative Action Framework

Joyce De Graft Acquah^a Janet Serwah Boateng^{b*}

^a Department of Peace Studies, University of Cape Coast, Ghana

^b Department of Environment, Governance and Sustainable Development, University of Cape Coast, Ghana

DOI: <https://doi.org/10.47963/jobed.v13i.2034>

*Corresponding Author: jboateng@ucc.edu.gh

To cite this Paper: Boateng, J., & De-Graft Acquah, J. (2025). Legal pathways to inclusive enterprise: Examining Gender Protection and Empowerment in Ghana's Affirmative Action Framework. *Journal of Business and Enterprise Development (JOBED)*, 13(4). <https://doi.org/10.47963/jobed.v13i.2034>

Article Information

Keywords:

Affirmative Action Act Gender equality and equity Development Feminist legal theory Social protection theory Entrepreneurship Ghana

Received: 14th November 2025

Accepted: 27th December 2025

Published: 31st December 2025

Editor: Anthony Adu-Asare Idun

Copyright (c) 2025 Janet Boateng, Joyce De-Graft Acquah



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

Abstract

This study analyses the Affirmative Action (Gender Equity) Act, 2024 (Act 1121) in Ghana. The Act is a groundbreaking basis for legal and policy intervention aimed at rectifying enduring gender disparities in governance, business, and social protection. Since Ghana transitioned to a republic, historical events show that affirmative action strategies have been used to improve women's social, economic, and political rights. The Affirmative Action (Gender Equity) Act 2024 (Act 1121), passed in 2024, is the most comprehensive government initiative to ensure gender equity and equality in Ghana. The phases of the affirmative action movement span three generations, from the 1960s to the 2020s. This study is underpinned by two theories: feminist legal theory examines how laws perpetuate gender power dynamics and hierarchical frameworks. The social protection theory underscores the redistribution of justice and the enforcement of gender-responsive policies. This study examines the Act's capacity for transformation and its constraints. The study employed qualitative thematic analysis of the Act's principal provisions, specifically Sections 3, 17, and 24, together with Schedule 4. Fifteen people participated in the data collection through in-depth interviews. They were gender advocates, students, senior and junior staff at the University of Cape Coast, and a lawyer. The study's findings indicate numerous advantages of the Affirmative Action Act, including its requirement for both public and private organisations to provide an annual report on gender equality. The Act encourages companies to avail themselves of tax relief preferences and obtain procurement certificates. Other incentives include built-in protections for workers in the informal economy and defined procedures for handling complaints. The study found that enforcing the Act's provisions was difficult because few people knew about it, and there were cultural barriers to women. Another problem is the usual limits on women's ability to earn money through economic activities. The limitations comprised inadequate funding, scarcity of material resources, and ineffective enforcement procedures of the Act. The empirical review and comparative literature indicate the challenges of elite dominance, delays in bureaucratic processes, and biases that may compromise the enforcement of the Act. The Act is an excellent step in the law, but it needs strong institutional enforcement mechanisms, public awareness, strong political will, and adequate financial resources to make its implementation effective.

Introduction

In the 21st century, gender equity and equality have been significant in the governance and development processes and discourse. Entrepreneurship is a crucial catalyst for women's empowerment and the attainment of the Sustainable Development Goals (SDGs), especially

goal eight (decent work and economic growth) (Boateng et al., 2024). The study is situated within African discourses of affirmative action strategies, gender equity, and equality in development. Legal frameworks are essential for advancing women's rights and strengthening social protection. The impact is pronounced, especially in communities where the marginalised encounter prejudice or discrimination. Article 17 of the 1992 Ghanaian Constitution assures that everyone is treated equally under the law and that there is no discrimination. Article 35 further says that the government must take steps and make changes to ensure that everyone has equal rights.

Even if Ghana's laws indicate that there should be no discrimination, there are still groups, political parties, cultural norms, male-dominated patriarchal structures, and ineffective law enforcement procedures and institutions that make it challenging. Without enforced affirmative action policies, women in Ghana cannot fully engage in social, political, and economic opportunities. Women make up more than half of the population in Ghana, yet they account for less than 15% of the legislature (Tsikata, 2009; Boateng, 2025). Ghana has used legal frameworks to advance gender equality, but enforcing these rules, policies, and laws has been challenging (Boateng, 2017; Tsikata, 2009). The National Gender Policy (2015) is another example of a framework that does not require quotas, leaving a policy void that the Act can fill.

In these circumstances, the Affirmative Action (Gender Equity) Bill was passed with the hard work of gender advocates, women's movements, coalition groupings, civil society groups, and international actors. The Affirmative Action (Gender Equity) Act, 2024 (Act 1121) is a historic law and policy change that aims to fix long-standing gender inequities in Ghana. The Act is a vital legislative tool that safeguards women's rights. It stops unfair hiring and pay practices in the workplace and ensures that everyone has equal access to education. Healthcare, job opportunities, and strong decision-making positions in government are other valued resources.

The Act aligns with both national and international goals and legal tools for addressing systemic inequities. It also aligns with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 and which made quotas a permanent part of the system. The Act also fits with the 1995 Beijing Platform for Action and the 2003 Maputo Protocol.

This study examines the Affirmative Action (Gender Equity) Act, 2024 (Act 1121), to analyse its support for women's and men's employment, its strengthening of social protection, and its promotion of gender equity. The study also looks at how the Act could change things and how far Ghana has come in enforcing it.

Historical antecedents of the Affirmative Action framework

The discussion has centred on gender and development, whereas affirmative action has traditionally served as a pivotal mechanism for advancing women's rights in Ghana. The affirmative action framework advocacy in Ghana have changed across three generations, from the 1960s to the 2020s. They come in three stages of development to embed gender equality into the Ghanaian system. The first generation, which lasted from the 1960s to the 1970s, saw the first efforts to include women in economic development and modernisation, such as the Women in Development (WID) approach. The WID approach originated in the 1950s to 1970s, predicated on the notion that women's marginalisation from development resulted from their restricted engagement in the contemporary economic sector. To substantiate this claim experimentally, Uganda's gender-inclusive cash transfer programmes facilitate women merchants' reinvestment in their enterprises, thereby fostering economic growth and enhancing their empowerment (Sabates-Wheeler & Devereux, 2008). WID and modernisation theory share the same ideas about women's roles and aspirations in economic development (Rathgeber, 1989).

The 1980s and 1990s saw the start of the second generation of Gender and Development (GAD), which fought for social justice. GAD theories assert that legal reforms necessitate accompanying societal transformation to attain substantive equality (Fraser, 2009). The Provisional National Defence Council (PNDC) government in Ghana signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1986. It established administrative structures to ensure that affirmative action policies worked together. Also, all methods for affirmative action and empowerment conform with Articles 4 and 7 of CEDAW.

The third generation advocating for gender equality began in the 1990s and continued into the 21st century. One significant event in the early years of Ghana's fourth republic was the establishment of the Female' Education Unit in 1997 to encourage more girls to attend school. Ghana government set up the Ministry of Women and Children's Affairs in 2002. It was then renamed the Ministry of Gender, Children, and Social Protection. These changes to the law and policy came after years of campaigning by women's rights groups and civil society coalitions for reforms that would advance gender equality and equity across all areas of Ghanaian society. The advocacy work was in line with the Millennium Development Goals (Goal 3), which aimed to promote gender equality and empower women between 2000 and 2015. However, Ghana did not achieve this goal by 2015 (Boateng, 2017). Then, Ghana's Parliament enacted the Affirmative Action (Gender Equity) Bill on July 30, 2024, and the president of Ghana assented to it on September 19, 2024. The Act shows that Ghana's efforts to promote gender equality have come a long way. The country's progress will depend on the strength of enforcement institutions, political will, and cultural change. The Act's provisions have been scrutinised, and the possible constraints have been contextualised within the affirmative action discourse in Africa. The study analysed the practical functioning of the legislative framework, programmes, and policies. It also examined the qualities that could help social protection move forward and identified its weaknesses. The study has suggested ways to improve the Act's effectiveness in protecting women's rights in enterprises and entrepreneurship.

The most essential idea of the study is highlighting equality and equity across business, entrepreneurship, and social protection in diverse ways. It also analysed how well national laws support women's economic rights. An empirical analysis of Rwanda and Uganda demonstrated that implementing quotas increased the number of women in positions, thereby influencing gender-sensitive policymaking. [The Affirmative Action \(Gender Equity\) Act, 2024 \(Act 1121\)](#), has been a big step for Ghana in its goal of achieving gender equality and meeting the Sustainable Development Goals (SDGs), Goal Five-Gender Equality, and Goal Eight-Decent Work and Economic Growth.

Review of Literature

Affirmative action is perceived as a strategy to combat enduring discrimination (Krook & Norris, 2014). Rwanda and Uganda have demonstrated the impact of gender quotas on women's representation in governance. The Chamber of Deputies in Rwanda has had more than 60% female members (Burnet, 2011; Boateng, 2025). The Employment Equity Act in South Africa also works to fix problems in the job market (Albertyn, 2018). Similarly, South Africa's Commission for Gender Equality has helped investigate discrimination and make the workplace fairer (Gouws, 2008).

Women hold the roles of President, Vice President, Speaker, and Secretary-General of the Ruling Party in Namibia. Also, women hold 57% of the cabinet positions in Namibia. They oversee Ministries including International Relations, Health, Finance, Education, and Trade (Kaputu, 2024). Seventy-four percent of public universities in Kenya have adopted the practice of collecting and using sex-disaggregated data. Sixty-seven state firms and

businesses have adopted the practice of breaking down planning and budgeting. The Kenyan Ministries (61%) also work to make sure that men and women are treated equally.

The choices made by Ministries, Institutions, and Corporations have made it easier to monitor women's involvement in politics and the economy (National Gender and Equality Commission [NGECK], 2022). The *Mmusi and Others v. Ramantele* case in Botswana demonstrated how the law can combat the unfair treatment of women. The processes protected women's rights as victims of landed property, hence establishing the foundation for gender equality (Masengu, 2016). In Ghana, Section 30 of the Act requires planning, budgeting, and monitoring to be carried out with gender equality in mind. The provisions of the Affirmative Action Act establish a framework for legal accountability and demonstrate equity in company activities.

Theoretical framework

This study is based on two theories: feminist legal theory (FLT) and social protection theory. Utilising feminist legal theory and social protection theory, this study underscores the importance of redistributive justice and gender-responsive policy for women's empowerment in enterprise and entrepreneurship.

Feminist legal theory (FLT) analyses how law creates, sustains, or contests gendered power structures. Feminist legal philosophy is a response to legal positivism, arguing that law is impartial and globally applicable. MacKinnon (1987), Smart (1989), and Rhode (1991) are also feminist theorists who contested the premises of conventional legal positivism. The scholars contend that the law embodies a patriarchal framework that privileges men's roles, obligations, and experiences. For example, Smart's (1989) research demonstrates that the law functions as a social institution that portrays women as passive individuals instead of active rights-holders. So, FLT supports policies that stop systematic inequities and promote fairness and equality (Fredman, 2011; Htun & Weldon, 2010). It makes sense because equality has four parts that are all connected: acknowledging differences, redistributing resources, correcting past prejudice, and being involved in decision-making (Fredman, 2011). FLT does not want to limit the reform to a ban on discrimination. Instead, it wants to create a transformative equality that changes the social and institutional norms that sustain inequality.

Feminist legal theorists claim that class, race, and sexuality significantly influence women's relationships with the law. Crenshaw's (1991) idea of intersectionality holds that the law makes it difficult for people to discriminate against groups that are already at a disadvantage. Intersectionality shows how rural women, traders, and women in the informal economy experience forms of exclusion different from those experienced by elites and professional women (Cornwall & Edwards, 2010; Kabeer, 2015). African feminist jurisprudence enhances feminist legal discourse within pluralistic legal frameworks. Scholars such as Obiora (2021) and Aniema (2023) underscore that African women operate inside both legal and customary law, which obstructs legal reform. They support methods that view gender justice as culturally specific rather than universal. In Ghana, Tsikata (2009) and Ofei-Aboagye (2011) indicate that laws promoting gender equality would not work if patriarchal norms and inadequate institutions persist. The enactment of the FLT in Ghana's Affirmative Action (Gender Equity) Act 2024 (Act 1121) for a more profound examination of whether the legislation genuinely alters prevailing gender hierarchies or formalises symbolic equality. When used with the Act, FLT helps determine how strict the rules are on leadership quotas and gender equality in the workplace, including the informal sector, and how to ensure women are represented.

Feminist legal theory posits that achieving equality necessitates scrutiny of legal interpretation, application, and quotidian experiences. FLT presents the law as a mechanism for legal change and for reorganising the overarching social order. It guarantees women's involvement in the economy and politics. This study integrates feminist legal theory with

social protection theory (SPT), which emphasises the objectives of justice. The SPT also examines how social and economic policies make people less vulnerable and support those in difficult situations.

From a gender perspective, social protection theory examines the systemic disadvantages women face in the labour market, the caregiving sector, and the care economy, as well as their restricted access to essential resources. [Holzmann and Jørgensen \(2001\)](#) define social protection as a mechanism that empowers individuals, especially women in vulnerable situations, to navigate risks and avert poverty. [Holmes and Jones \(2013\)](#) and [Sabates-Wheeler and Devereux \(2008\)](#) contend that transformative social protection programmes and policies require an essential commitment to tackling systemic power dynamics and safeguarding against poverty. Feminist economists, such as [Kabeer \(2015\)](#) and [Razavi \(2011\)](#), regard social protection as a crucial element of gender justice. The academics advocate, recognising the unpaid, productive, and reproductive roles of women in society.

[Holmes and Jones \(2013\)](#) assert that social protection policies are most efficient and effective when they incorporate women's empowerment and amplify their voices and agency. Moreover, social protection programmes are effective when they empower women to engage actively and challenge gender conventions. [Atkins, Kangas and Kling \(2022\)](#) caution against African social policy frameworks that prioritise cash transfers to women while overlooking structural disparities. For instance, in Ghana, the Livelihood Empowerment Against Poverty (LEAP) programme was established to provide disadvantaged families with a monthly payment without addressing their most significant challenges ([Debrah, 2013](#)).

Interventions aimed at mitigating gender gaps sometimes overlook women in the informal sector, especially under Ghana's social protection programmes ([Amoah, 2024](#)). In the same way, [Cookson, Holmes and Hagen-Zanker \(2024\)](#) found that programmes that combine financial support, childcare assistance, and social insurance lead to more lasting empowerment outcomes. Ghana's focus on fairness and quality, as reflected in its affirmative action laws and ratings, closely aligns with the requirements. The Act's provisions go beyond welfare, aiming to enhance women's economic engagement, empowerment, and resilience. Hence, social protection theory is a better way to ensure that the law can support women. It undermines women's empowerment and efforts to improve their lives.

Methodology

This study employs a qualitative methodology that integrates legal analysis, policy evaluation, and comparative research. The study incorporates qualitative thematic analysis of the principal Sections of the Act. The research analyses Sections 3, 17, and 24, as well as Schedule 4, of the Affirmative Action Act 2024 (Act 1121). The study utilised themes and cross-tabulation analyses of critical portions of the Act, notably Section 17, which addresses equal representation in decision-making. Section 24 of the Act lays out rules for gender equality in the private sector, for workers in the informal sector, and for helping women become economically independent.

The study's data collection methods were in-depth interviews. Most questions focused on participants' views and how the Act would advance gender equality in the economy. The study also analyses how different groups feel about the enforcement of the Affirmative Action Act. The Act's goals for gender equality, anti-discrimination, improved financial literacy, and workplace fairness and equality reflect a move towards more inclusive development in business and entrepreneurship.

The wording of Act 1121, the 1992 Constitution of Ghana, and international treaties like CEDAW and the Maputo Protocol are the primary sources of data. The research involved comprehensive interviews with 15 participants, comprising gender advocates, women's rights advocates, students, female traders, both senior and junior personnel, and a legal practitioner from the University of Cape Coast. This study employed acronyms to denote respondents'

designations in the analytical presentation. For instance, quotes from gender advocates are cited in the text as "GA," followed by the month and year of the interview. The survey also included students (ST), women traders (WT), senior and junior staff (SJS), and a legal practitioner (LP). Scholarly articles, reports, policy documents, parliamentary Hansards, publications, and government directives and policy pronouncements are all examples of secondary data sources. The analysis of the comparative studies from Namibia, Rwanda, Uganda, and South Africa situates Ghana's progress towards gender equality and equity within the African framework. The examination of the data was informed by feminist legal theory, which critiques the reproduction of laws within gendered power dynamics and hierarchies (Smart, 1989).

Additionally, the social protection theory underscores the principles of redistributive justice and gender-responsive policy (Holmes & Jones, 2013). The Affirmative Action Coalition said that affirmative action is meant to address gender disparities across the commercial and public sectors in culture, politics, the economy, and education. This is what Clause 4 of Article 17 of the 1992 Ghanaian Constitution says. The Affirmative Action (Gender Equity) Act 2024 (Act 1121) is a statute that helps ensure that everyone is treated equally under the law. Section 3 of the Act is on the Directive Principles: A Legal Vision for Integration. The Section also speaks about how well the Act would work to make men and women equal. It urges the government and businesses to set incremental objectives for gender equality to achieve international goals. The goal is to include women in all areas of economic growth fully. The provisions obligate the government to take temporary, targeted steps to address gender imbalances, such as setting quotas, providing subsidies, or allocating budgets that are more sensitive to women's needs. However, the directives are possible without any legal challenges.

Legal requirements and representation in the economy

In a study of the legal mandates and representation in women's economic lives, Krook (2010) found that gender quotas and equitable policies boost women's political engagement. It also strengthens their roles in decision-making arenas across several industries, including the economy. The Affirmative Action (Gender Equity) Act, 2024 (Act 1121) in Ghana provides a broad legal and policy framework for businesses that want to be inclusive. The Act brought gender equity and equality into private companies, even the informal sector, and into government. The Act also encourages access to money, workplace safety, and affirmative hiring. It encourages businesses that value diversity and equality and ensures that public institutions are held accountable so that women can participate in the economy. The Act empowers women-owned businesses and makes Ghana's economy fairer, more open, and a longer-lasting engine of growth. The Act protects pregnant women at work and in the workplace, as well as in social security, support for informal workers, and financial literacy and training activities to help them become more capable.

The detailed Schedule 4 makes sure that the Act's goals are both symbolic and built into the way the sector is set up. Section 17 states that the public sector and its institutions must do more to ensure that men and women are treated equally during hiring and promotion. The Section also aligns with Schedule 4 of the Act, which aims to ensure that everyone has the same opportunities in positions of power and decision-making. The Section goes on to explain how to divide up the remedy. If someone thinks they have been unfairly treated at work, they can file a complaint with the Gender Equality Committee at the Ministry of Gender, Children, and Social Protection.

Employers' Responsibilities

Section 24 of Act 1121 mandates private companies to use measures that promote gender equality and fairness. Section 27 also affects tax breaks and benefits for government contracts, making it easier for firms to comply with the rules. The Private Sector's incentives are both a

duty and a right to work within the law to encourage inclusive business growth. The incentives also enable companies to hire a diverse workforce, ensuring that everyone is treated fairly and equally in the workplace. The employers' efforts would support women's own businesses. For instance, under the Exemptions Act, 2022 (Act 1083), private-sector companies that follow gender equality rules would receive tax breaks and be given priority in public procurement if they hold Gender Equality Compliance Certificates. Ghana's gender equality policies align with best practices worldwide. For example, in Rwanda, economic inclusion policies are linked to women's political representation (Burnet, 2008).

The informal sector

Schedule 4 of the Act presents how to support women in the informal sector to become financially independent. The support includes teaching them financial literacy, protecting them during pregnancy, and including them in social security. The Ministry of Employment and Labour Relations must encourage financial literacy, social safety, and social security for informal workers (particularly women) as part of Schedule 4. Significantly, more than 80% of women labour is in the informal sector (Ghana Statistical Service, 2022).

Part C of Schedule 4 and Section 30 are essential parts of the law that help expand the entrepreneurial ecosystem by including market women, domestic workers, artisanal traders, and others who are often left out of economic policy. The portions are meant to safeguard domestic workers and encourage women and migrants to work in the home and care. Also, the sections aim to help low-income families become more financially independent, thereby breaking the cycle of intergenerational poverty.

Schedule 4 discusses enforcement plans and techniques, including the development and maintenance of a national list of eligible women to support public appointments and placements. The policies and standards for hiring also aim to ensure that men and women are treated equally. Women in leadership roles must undergo required training and mentorship programmes. The law also aims to safeguard pregnant women and other professionals who need maternity care to ensure their safety. Section 24 legally requires private companies to develop a gender-equality policy aligned with affirmative action goals. The policy must also ensure progressive gender balance in hiring, leadership, and promotions, and must be sent to the Gender Equality Committee for assessment. To make things fairer for women entrepreneurs, executives, and employees, private enterprises need to make inclusive recruiting and promotion procedures a regular part of their business.

Workplace Equity

The Affirmative Action Act establishes processes to ensure that people are protected at work, especially in the public and private sectors, so that everyone is treated fairly and equally, and to eliminate workplace discrimination. The strategies established to stop discrimination are intended to help achieve Sustainable Development Goals 5 (Gender Equality) and 8 (Decent Work and Economic Growth). It also helps address weaknesses in the employment market. A review of studies on South Africans indicates the significance of legislative protections within an effective monitoring structure.

Holmes and Jones (2013) reiterate the need to tackle gender disparity through social protection. For example, the Act's provisions improve women's ability to engage in economic endeavours and productive pursuits. Notably, acknowledging their hard work helps them secure loans as they become financially independent. Schedule 4 lists the strategies for each sector, which are based on the rules in Section 17. One of these responsibilities is to ensure that any curriculum changes are fair to both men and women. Another is to teach students about reproductive health issues. These rules align with best practices worldwide and set the stage for inclusive business and gender-responsive governance. Charmes and Wieringa (2003) argue that quotas supported by oversight entities enhance women's participation in formal-sector governance and promote the adoption of equitable business policies. Sections 25 and 28

of the Act address gender disparity and provide a mechanism for people to complain about it. The provisions also show that the people who wrote them believe accountability mechanisms are necessary to monitor how well the policy works (Htun & Weldon, 2010). Section 25, for example, compels sectors to report annually on gender equality to ensure that employers record their progress. The Gender Equality Committee is responsible for enforcing the law. Section 28 of the grievance redress systems in the Act allows those who are being discriminated against because of their financial status to register complaints.

Results and Discussion

The study's results show that the Act has significant strengths, including requiring public and private entities to comply with gender equality rules. The protections for informal-sector workers, as well as established processes for reporting problems and getting them fixed, help women working in public areas and in government get employment opportunities and advance in their careers.

The study's results also affect how policies are created and implemented. The law supports gender advocates and development practitioners by promoting gender equality and equity in Africa and beyond. The Act repairs structural problems and encourages gender equality and inclusion (Darity & Mason, 1998). The Act may be effective, as demonstrated by its efficient enforcement, yet its revolutionary potential would still be subject to limitations during enforcement.

Challenges and limitations

The study analysed the challenges that could prevent the full implementation of the procedures needed to improve the Act's protections for women's economic rights. Women entrepreneurs in Ghana have obstacles in obtaining financing, accessing markets, and receiving training (Overå, 2010). The Act's provisions on gender equality in business and entrepreneurship aim to dismantle dominant structures. The Act could make it easier for women to take part in economic activities that boost growth and reduce poverty. For enforcement to work, the government, financial institutions, and civil society groups (CSOs) must work together. For successful enforcement of the Act, there must be strong political will, greater advocacy to raise awareness, powerful and efficient institutions, and the ability of those institutions to improve gender equality.

Significantly, the Act could work well in both public and private institutions. Still, suggestively, imminent challenges are sure to emerge, such as bureaucracy and gaps in enforcement, partial arrangements and favouritism for the elite, limited funding, and a patriarchal system that reinforces gender stereotypes. Tsikata (2009) observes the disparity between legislation and practice in the examination of women's organising in Ghana.

Legal mandates must align with budgets and strong political intent, or they may lead to laws that do not change anything. Inclusive enterprise and entrepreneurship warn against elite manipulation, particularly where there is potential for support to advantage persons connected to authorities or elite women (Cornwall & Edwards, 2010). Ghana's Act could help formal businesses more than informal ones if rural outreach and measures for the informal sector receive greater attention. There are Affirmative Action programmes to help people learn about finance, but they still face challenges before they can get credit and enter the market. Doss (2011) and Siba (2019) found that women-owned firms cannot access credit because they lack the collateral and social capital required, even though regulations are clear and intended to avoid discrimination. Socially created frameworks, conventions, and expectations about gender may impede reforms aimed at achieving equity and equality within society. Policies and laws that seek gender equality encounter obstacles until initiatives are designed to dismantle gendered norms (Kabeer & Natali, 2013).

Moreover, other respondents in this study said that enforcing the Affirmative Action (Gender Equity) Act, 2024 (Act 1121), would face multiple significant hurdles. An essential finding of this survey was that many people were unaware of the Act. Hence, people have limited knowledge about the sections and requirements, which makes it challenging to implement them. A participant saw the gap, stating, "Many individuals in Ghana were not well-informed about the Affirmative Action Act" (GA, March 2024). Another participant said, "There is limited knowledge of the Act, as many are unaware of how the Act protects the rights of women" (WT, March 2024).

A participant stressed the importance of a focused strategy to raising awareness, saying, "I think awareness is growing, but it is still pretty low, and I believe we should come up with new ways to get the word out to women" (SJS, March 2024). The new information shows that many individuals weren't interested in the Affirmative Action (Gender Equity) Bill before it became an Act. Enforcement of the Act may not occur if there are not much public education and awareness at the community level. One person who answered said that

The Act gives people tools, although they may not be very useful or strictly enforced. The Act may not be fully implemented due to insufficient political will and funding (LP, March 2024). It is confirmed that the Act is meant to protect people who do not know much about it. One respondent said, "I have not seen any of the sections in the Act that can change my situation and destiny now" (WT, March 2024). Sensitisation and awareness creation could play significant roles in its enforcement.

Conclusion

The Affirmative Action Act is a legal framework that promotes gender equality, equity, and social justice. This study examined gender equality and equity within feminist legal thought. The social protection theory also supported this study and was employed to investigate women's experiences in Ghana. This study offers a theoretical examination and empirical evaluation of legal reforms aimed at promoting inclusive entrepreneurship and enterprise.

The Act's sections and schedules address the power dynamics built into businesses and entrepreneurship. The study revealed that laws safeguarding people's rights would strengthen women's rights and policies. The Act aims to increase the number of women in government and make it easier for them to start and run their own businesses.

This study showed that there are challenges with enforcing the Act that could make people less aware of it, patriarchal systems that still hold back women, preconceptions that make it harder for women to get employment, and not enough money to help those who are already in trouble. The analysis demonstrated that the Act possesses inadequate enforcement tactics and mechanisms.

The paper also highlighted the challenges posed by an elite-biased society, including delays in bureaucratic processes and bias in addressing problems, which make it difficult for women entrepreneurs and informal-sector businesses to comply with the law. The study concludes by discussing both the opportunities and the challenges the Act's transformative ambition will face.

Recommendations

Enforcing the Affirmative Action Act effectively will need strong political will and dedication. There needs to be adequate financial resources, community knowledge, activism, and good institutional ability. In addition, effective enforcement means closing the gap between the law and its application. The Act's provisions must lead to fundamental changes in women's ability to access resources, make decisions, and participate in the economy. People should understand the legal framework and the Act's Sections, as they help the government promote gender equality and equity, encourage entrepreneurship and business, and improve social protection. So, even if the Act is a big step forward for gender justice, it needs to be made

public for it to work. The language should be translated into the native dialects so that most Ghanaians can understand it. Women in the rural areas who are impoverished, vulnerable, and poor and those outside Ghana, must know if justice is ready to be served in Ghana. Lessons from other African contexts indicate the necessity of ongoing oversight, accountability, and citizen participation to ensure that the Act fulfils its commitments.

Declaration

We write to declare that we have no known competing interests or personal relationships that could have appeared to influence this article.

Funding Information

This research did not receive funding from any institution.

ORCID ID

Joyce De Graft Acquah: <https://orcid.org/0000-0003-1527-8577>

Janet Serwah Boateng: <https://orcid.org/0000-0002-7158-1282>

References

- Aniema, R. N. (2023). Feminist legal theory, human rights, and culture in Africa. *Journal of Legal Studies and Research*, 9(5), 45–59. <https://thelawbrigade.com/wp-content/uploads/2023/06/Aniema-Ralph-Naale-JLSR.pdf>
- Amoah, S. K. (2024). *Gender responsiveness and inclusivity in Ghana's national social protection policy: A critical assessment*. *Development Southern Africa*. <https://doi.org/10.1080/0376835X.2024.2436300>
- Atkins, M., Kangas, A., & Kling, S. (2022). *Gender and social protection in Africa: A scoping review*. University of Helsinki Global Development Studies Working Paper 4. https://www.unipid.fi/site/assets/files/4426/um_2022_4_africa_v4.pdf
- Boateng, J. S. (2025). Empowering women in local politics and community engagement: a pathway to inclusive governance in Ghana. *Ghana Journal of Development Studies*, 21(2), 46–67. <https://doi.org/10.4314/gjds.v21i2.3>
- Boateng, J. S., Benneh Mensah, M. S., Kosi, I., Appiah-Boateng, S., & Boakye Osei, M. (2024). Digitalisation of Business Operations and Empowerment of Female Entrepreneurs. In S. L. Boateng, R. Boateng & T. Anning-Dorson (Eds.), *Empowering Women in the Digital Economy* (pp.47–70). Routledge. <https://doi.org/10.4324/9781003302346-3>.
- Boateng, J. S. (2017). Women in District Assemblies in Ghana: Gender construction, resistance and empowerment. Retrieved from <http://ro.ecu.edu.au/theses/2048>
- Burnet, J. E. (2008). Gender balance and the meanings of women in governance in post-genocide Rwanda. *African Affairs*, 107(428), 361–386.
- Charmes, J., & Wieringa, S. (2003). Measuring women's empowerment: An assessment of the gender-related development index and gender empowerment measure. *Journal of Human Development*, 4(3), 419–435. <https://doi.org/10.1080/1464988032000125773>
- Cookson, T., Holmes, R., & Hagen-Zanker, J. (2024). Gender, power and design in social protection systems. *Global Social Policy*, 24(1), 3–27.
- Cornwall, A., & Edwards, J. (2010). Introduction: Negotiating empowerment. *IDS Bulletin*, 41(2), 1–9. <https://doi.org/10.1111/j.1759-5436.2010.00113.x>
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of colour. *Stanford Law Review*, 43(6), 1241–1299. <https://www.jstor.org/stable/1229039>
- Darity, W., & Mason, P. L. (1998). Evidence on discrimination in employment: Codes of colour, codes of gender. *Journal of Economic Perspectives*, 12(2), 63–90. <https://www.aeaweb.org/articles?id=10.1257/jep.12.2.63>

- Debrah, E. (2013). Alleviating poverty in Ghana: The case of livelihood empowerment against poverty (LEAP). *Africa Today*, 59(4), 41-67.
- Devereux, S., & Sabates-Wheeler, R. (2004). *Transformative social protection: The currency of social justice*. Institute of Development Studies (IDS). <https://alnap.org/help-library/resources/transformative-social-protection-the-currency-of-social-justice/>
- Doss, C. (2011). Intra-household bargaining and resource allocation in developing countries. *The World Bank Research Observer*, 26(1), 1-25.
<https://documents1.worldbank.org/curated/en/403211488363014596/pdf/112497-JRN-PUBLIC-WBRO-2013-28-1-Intrahousehold-Bargaining-and-Resource-Allocation-in-Developing-Countries.pdf>
- Fredman, S. (2011). *Discrimination law*. Oxford University Press.
- Ghana Statistical Service. (2022). *Women and men in Ghana: A statistical compendium*. Accra, Ghana: Ghana Statistical Service. <https://www.statsghana.gov.gh>
- Gouws, A. (2008). Obstacles for women in leadership positions: The case of South Africa. *Signs: Journal of Women in Culture and Society*, 34(1), 21-28.
<https://www.journals.uchicago.edu/doi/full/10.1086/588486>
- Holmes, R., & Jones, N. (2013). *Gender and social protection in the developing world: Beyond mothers and safety nets*. Zed Books.
- Holzmann, R., & Jørgensen, S. (2001). Social risk management: A new conceptual framework for social protection and beyond. *International Tax and Public Finance*, 8(4), 529-556
<https://link.springer.com/article/10.1023/A:1011247814590>
- Htun, M., & Weldon, S. L. (2010). When Do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy. *Perspectives on Politics*, 8(1), 207-216. doi:10.1017/S1537592709992787
- Kabeer, N. (2015). Gender, poverty, and inequality: A brief history of feminist contributions in the field of international development. *Gender & Development*, 23(2), 189-205.
- Kabeer, N., & Natali, L. (2013). Gender equality and economic growth: Is there a win-win? *IDS Working Paper 417*. <https://doi.org/10.1111/j.2040-0209.2013.00417.x>
- Kaputu, T. (2024). *Exploring Mechanisms to Improve Female Parliamentarians' Participation in Decision-Making: Case Study of Namibian National Assembly* (Doctoral Dissertation, University of Namibia).
- Krook, M. L. (2010). *Quotas for women in politics: Gender and candidate selection reform worldwide*. Oxford University Press.
- López, L. (2012). *Social protection in Africa: Where do we stand?* Friedrich-Ebert-Stiftung (FES). <https://library.fes.de/pdf-files/iez/08212-20120125.pdf>
- MacKinnon, C. A. (1987). *Feminism unmodified: Discourses on life and law*. Harvard University Press.
- Masengu, T. (2016). Customary Law Inheritance: Lessons Learnt from *Ramantele v. Mmusi and others*. *African Journal of International and Comparative Law*, 24(4), 582-603.
- Mmusi & Others v. Ramantele* (2012). *Court of Appeal of Botswana*, CACGB-104-11.
- National Gender & Equality Commission, Kenya (NGECK). (2022). *Gender mainstreaming report: Progress in public institutions*. Nairobi, Kenya: NGECK.
- Obiora, L.A. (2021). Feminist Legal Theory, Human Rights, and Culture in Africa. In: Yacob-Haliso, O., Falola, T. (eds) *The Palgrave Handbook of African Women's Studies*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-28099-4_131
- Ofei-Aboagye, E. (2011). Women's participation in local governance in Ghana: The case of Accra Metropolitan Assembly. *Ghana Social Science Journal*, 8(2), 45-66.
- Rathgeber, E. (1989). *WID, WAD, GAD: Trends in Research and Practice*. Ottawa: IDRC.
- Rhode, D. L. (1991). *Justice and gender: Sex discrimination and the law*. Harvard University Press.
- Sabates-Wheeler, R., & Devereux, S. (2010). Cash transfers and transformational change. *Development Policy Review*, 28(5), 529-556. <https://doi.org/10.1111/j.1759-5436.2010.00117.x>

- Siba, E. (2019). Empowering women entrepreneurs in developing countries: Why current programs fall short. *Brookings Institution Policy Brief*.
- Smart, C. (1989). *Feminism and the power of law*. Routledge.
- Tsikata, D. (2009). Women's organising in Ghana since the 1990s: From individual organisations to three coalitions. *Development*, 52(2), 185–192.
<https://sci-hub.st/10.1057/dev.2009.8>
- Tsikata, D. (2009). *Affirmative action and the prospects for gender equality in Ghanaian politics*. Abantu for Development & Friedrich Ebert Stiftung.