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LEGAL OPINION & HR ADVISORY

TraffiTech-GH and the Company Driver



What Sections 69 and 70 of the Labour Act, 2003 (Act 651) mean for an employee who drives a company-registered vehicle

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1 Nov	14 days	s.69	7
TRAFFITECH-GH TOOK EFFECT, 2026	TO PAY OR CONTEST A NOTICE (ENV)	NO PECUNIARY PENALTIES ON WORKERS	LEGAL QUESTIONS ANSWERED

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TraffiTech-GH, Sections 69 & 70 of Act 651 and the company driver



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A formal legal opinion and HR policy advisory on what TraffiTech-GH means for employers whose vehicles are driven by employees.

At a glance

- TraffiTech-GH sends camera-generated notices to the **registered vehicle owner**, who is liable regardless of who was driving.
- Section 69(2)(a) bars employers from imposing **pecuniary penalties** on workers.
- Section 69(2)(b) bars **salary deductions** unless Section 70 or another law permits them.
- A traffic fine is **not automatically** a debt the employee owes the employer.

What employers can do

- Investigate who was driving and whether company policy was breached.
- Take proportionate disciplinary action: warnings, training, suspension or termination where lawful.
- Pay or contest the notice within 14 days as registered owner.
- Take legal advice before seeking any reimbursement from an employee.

PART A · FORMAL LEGAL OPINION

01 Introduction and background

The Ghana Police Service introduced TraffiTech-GH, an automated traffic enforcement system, with effect from 1 November 2026. Arguments made in support of the system include improving road safety and driver discipline on the road.

The implementation forms part of Ghana's revised road traffic regulatory framework, embodied in the following legislation:

- Road Traffic (Amendment) Act, 2025 (Act 1153)
- Road Traffic Regulations, 2026 (L.I. 2519)

The Ministry of Transport explains that the revised framework provides for automated enforcement, speed and red-light cameras, a driver demerit-point system, and increased penalties for certain offences.

The Ghana Police Service explains that TraffiTech-GH uses cameras, sensors and other enforcement devices to capture traffic violations. Electronic Notices of Violation (ENVs) are issued after police validation. An important feature of the system is that camera-generated notices are sent to the registered vehicle owner, who is liable under the applicable framework regardless of who was driving.

What happens within the employment space?

This creates a significant issue for employers whose vehicles are driven by employees. When a company vehicle is involved in a traffic violation, the company may receive the notice and incur the immediate statutory payment obligation, even though the alleged offence was committed by its employee. The question therefore arises whether the employer can transfer that financial burden to the employee.

02 Issues for determination

This opinion addresses seven principal questions:

1. Can an employer require an employee to pay a TraffiTech-GH fine?
2. Can the employer deduct the fine directly from the employee's salary?
3. Does Section 69 prohibit the employer from imposing additional monetary penalties?
4. Does Section 70 provide a lawful basis for recovering traffic fines?
5. Can an employer discipline an employee for traffic violations?
6. Does the position change where the employee acted negligently, recklessly or contrary to company instructions?
7. What policies and procedures should employers introduce to comply with the Labour Act?

03 The applicable legal framework

Legislation	Relevant provision	Subject
Labour Act, 2003	Section 8	Rights of employers
Labour Act, 2003	Section 9	Duties of employers
Labour Act, 2003	Section 11	Duties of workers
Labour Act, 2003	Sections 63–64	Termination and justification
Labour Act, 2003	Sections 67–70	Protection of remuneration and deductions
Road Traffic (Amendment) Act, 2025	Act 1153	Revised traffic enforcement framework
Road Traffic Regulations, 2026	L.I. 2519	Traffic enforcement procedures and penalties

A key caution: these statutory texts should be read together, rather than interpreting Section 69 in isolation.

04 What Section 69 of Act 651 says

> **Section 69(2) — An employer shall not:**
>
> *(a) impose a pecuniary penalty upon a worker for any cause whatsoever; or*
>
> *(b) deduct from remuneration due to a worker, any amount whatsoever, unless the deduction is permitted by section 70 or by any other law or is by way of repayment of an advance of remuneration lawfully made by the employer to the worker.*

This provision establishes two distinct legal protections.

No pecuniary penalties

An employer cannot impose a monetary punishment on an employee simply because the employee has breached an employment rule. A rule that every driver caught speeding must pay GH¢500 to the company as an internal fine would raise a direct issue under Section 69(2)(a).

No unauthorised deductions

Section 69(2)(b) protects remuneration from deductions that lack statutory authorisation. A traffic violation does not automatically entitle the employer to recover the amount from salary. The employer must establish a lawful basis.

> **LEGAL OPINION**
>
> The protection under Section 69 applies whether the employee is a permanent, temporary, casual or part-time worker, provided the individual qualifies as a worker under the Act.

05 Section 70: permitted deductions

Section 70 is the statutory exception to the general prohibition in Section 69. Section 70(1) provides that an employer may, with the consent of the worker, make specified deductions from remuneration. These include:

- Contributions to an agreed pension, provident or other fund.
- Financial facilities advanced by the employer at the worker's written request, or facilities guaranteed by the employer.
- Remuneration paid to the worker in error and in excess of the amount legitimately due.
- Membership fees or contributions authorised in writing.
- Losses resulting from loss of or damage to property or things used in connection with the employer's business and under the worker's control.
- Deductions made in compliance with an order of the National Labour Commission.

Section 70(2) imposes additional safeguards on such deductions. The employer must be satisfied that:

1. The loss or damage was caused by the worker, and the worker is clearly responsible.
2. The amount is fair and does not exceed the actual value of the loss or a fair estimate of it.
3. The worker has had a reasonable opportunity to explain why the deduction should not be made.
4. The deduction rate will not cause undue hardship to the worker or the worker's dependants.

5.1 Can Section 70(1)(e) be used to recover a traffic fine?

Section 70(1)(e) concerns losses suffered by the employer from loss of or damage to property or things used in the employer's business and under the worker's control. A statutory speeding fine is not automatically equivalent to physical damage to company property.

May engage s.70(1)(e)

A driver damages a company vehicle through negligent driving, established by investigation.

Does not, by itself

A driver receives a speeding violation while driving a company vehicle. The fine alone does not establish loss or damage to company property.

Accordingly, I would advise against relying on Section 70(1)(e) as blanket authority for deducting all TraffiTech-GH fines from employees' remuneration.

5.2 Can Section 70(1)(f) be used?

An employer may seek a deduction in compliance with an order of the National Labour Commission. However, the Commission's order must be obtained, and the statutory safeguards in Section 70(2) must be observed. Asking an employee to sign a deduction authorisation does not create an entitlement to recover every category of traffic fine.

5.3 Does an employee's written consent solve the problem?

Not necessarily. Section 70(1) requires worker consent for the specified deductions, but consent does not turn an otherwise prohibited financial punishment into a lawful deduction. A general contractual provision that an employee will bear all traffic fines is therefore not, on its own, sufficient assurance that a later payroll deduction is lawful. This distinction should be reflected in employment contracts and vehicle-use policies.

06 Vehicle owner's liability vs the employee's obligations

This distinction is central to TraffiTech-GH. The Ghana Police Service's official FAQs state that a camera-generated notice is sent to the registered owner of the vehicle, and that the registered owner remains liable regardless of who was driving.

Illustrative case: company vehicle speeding offence

Registered owner **SOK Ltd** Employee driving **Mr K** Traffic fine **GH¢240** Notice recipient **SOK Ltd**

- The company receives the ENV as registered owner.
- The company must address the notice under the applicable traffic regulations.
- The company can investigate whether Mr K was driving and whether he breached company policy.
- **The company cannot automatically deduct GH¢240 from Mr K's salary.**
- Any proposed recovery must have an independent lawful basis.

Liability under road traffic legislation and liability under employment law are not necessarily identical. The employer's duty to pay a traffic fine does not automatically establish an employee's debt to the employer. Equally, the fact that the employee was driving does not make the employee immune from disciplinary action or any independent legal liability.

07 Can the employer recover the fine through a civil claim?

This requires a careful approach. Section 69 primarily regulates pecuniary penalties imposed by employers and deductions from remuneration. It does not necessarily extinguish every independently enforceable civil obligation an employee might have. However, an employer seeking reimbursement would need to establish a proper cause of action: the employee's relevant duty, breach, causation and recoverable loss.

Financial punishment
Imposing a penalty for misconduct

Compensation
Seeking a legally recoverable loss

Payroll deduction
Deducting an amount from remuneration

These are not interchangeable. Where an employee deliberately uses a company vehicle in breach of clear instructions and causes an identifiable loss, the employer may have grounds to investigate a potential civil claim. But a traffic fine imposed on the registered owner does not automatically establish that the employee owes the employer that amount.

> **RECOMMENDATION**
> Employers should not treat a traffic fine as an automatically recoverable employee debt. Before pursuing reimbursement outside payroll, they should obtain Ghanaian legal advice on the traffic legislation, the employment contract, the employee's conduct and the legal basis of the proposed claim.

08 Can an employer discipline an employee for TraffiTech-GH offences?

Yes. Section 69 does not remove the employer's right to discipline workers. Section 8 recognises the employer's right to discipline, transfer, promote and terminate the employment of a worker, subject to the Act. Section 9 requires employers to maintain adequate disciplinary procedures. Section 11 places duties on workers, including exercising due care, obeying lawful instructions and protecting the employer's interests. Section 63 addresses termination, including for proven misconduct, subject to the applicable requirements.

Employers may therefore introduce proportionate disciplinary measures:

- Verbal or written warnings
- Driver safety training
- Investigation of repeated violations
- Review of driving assignments
- Suspension, where justified and lawful
- Termination, where legal and contractual requirements are met

> ***A written warning is not a pecuniary penalty. An arbitrary GH¢500 disciplinary fine is.***

09 Application to different employment situations

Employment situation	Legal position
Employee driving a company vehicle	Company may receive the ENV; employee may face disciplinary action
Employee driving a personal vehicle for work	Registered-owner liability must be considered separately from employment responsibility
Commercial driver employed by a transport company	Company should establish the facts and follow lawful disciplinary procedures
Driver repeatedly speeding	Repeated misconduct may justify proportionate disciplinary action
Driver causes physical damage to company property	Section 70(1)(e) may be relevant, subject to its requirements
Employer automatically deducts traffic fine	Potential breach of Section 69(2)(b)
Employer imposes additional monetary penalty	Potential breach of Section 69(2)(a)

10 Recommended procedure when a company receives an ENV

01 Receipt and registration

The Fleet Manager or designated HR officer records the notice, vehicle registration, ticket number, date, time and alleged offence.

02 Verify authenticity

Verify the notice through official TraffiTech-GH channels. Confirm the sender, vehicle and photo or video evidence.

03 Identify the driver

Check the vehicle allocation register, journey records, trip sheets and other relevant documents.

04 Notify the employee

Notify the identified driver and give an opportunity to respond to the allegation.

05 Investigate

Establish whether there was misconduct, any mitigating circumstances, and whether company instructions were followed.

06 Manage the notice

As registered owner, pay or contest the notice within the statutory period.

07 Employment decision

HR decides whether a warning, training, other disciplinary action or no further action is appropriate.

08 Keep records

Retain the notice, evidence, employee response, investigation findings and decision.

Official Police guidance currently requires payment, or the start of a contest, within 14 days of the ENV being issued. Contests are started online, and the Police then arrange the hearing process.

11 Recommended management controls

- Keep an up-to-date register of all company vehicles.
- Keep an accurate record of employees authorised to drive.
- Ensure company vehicles have valid insurance and roadworthiness certificates.
- Train drivers on the new traffic regulations.
- Review drivers' traffic records periodically.
- Provide clear procedures for reporting accidents and traffic violations.
- Keep vehicle ownership and registered contact details up to date.
- Appoint an officer responsible for monitoring electronic notices.

These measures help companies establish who was driving and respond appropriately when a violation is recorded.

PART B · RECOMMENDATIONS TO MANAGEMENT

12 Immediate actions for employers

I recommend that management take the following steps before implementing or enforcing any new traffic-related employee payment policy.

Priority	Recommended action
1	Review existing employment contracts for traffic-fine recovery clauses.
2	Suspend automatic salary deductions for traffic fines pending legal review.
3	Review the employee handbook and disciplinary policies.
4	Introduce the proposed traffic violation management policy.
5	Train drivers and fleet supervisors on TraffiTech-GH.
6	Establish an electronic traffic notice register.
7	Obtain legal advice on any proposed employee reimbursement arrangement.

13 Three legal questions requiring particular attention

For a company operating a substantial fleet, I recommend obtaining a specific legal determination on the following:

Q1 Can a fine be recovered through a separate payment arrangement rather than a salary deduction?

Section 69 expressly regulates employer-imposed pecuniary penalties and deductions from remuneration. The line between a genuine, independently enforceable reimbursement claim and an unlawful financial punishment needs careful legal examination.

Q2 Can an employee be made to sign an undertaking to pay all traffic fines?

A contractual undertaking cannot override mandatory statutory protections. Its enforceability will depend on its substance, the circumstances and the applicable statutory provisions.

Q3 Who should bear the cost where an employee deliberately or recklessly breaks traffic laws?

The registered owner's liability to the enforcement authorities must be distinguished from any independent claim the employer may have against the employee.

> *"These questions should not be resolved merely by inserting a blanket recovery clause into an employment contract."*
> Stephen Osei Kissi

PART C · CONCLUSION

14 Conclusion

Accountable, but not automatically liable.

TraffiTech-GH creates an important new compliance obligation for employers, but it does not displace the protections the Labour Act gives employees. Section 69(2)(a) prohibits employers from imposing pecuniary penalties on employees, and Section 69(2)(b) prohibits unauthorised deductions from remuneration. Section 70 provides limited exceptions, which must be interpreted according to their precise statutory conditions.

Employers should therefore distinguish between:

- Their obligations as registered vehicle owners
- The employee's responsibility for driving conduct
- The employer's right to discipline misconduct
- The employer's legal entitlement, if any, to recover a financial loss

The practical legal position is that an employee can be held accountable for proven traffic-related misconduct without automatically becoming liable to reimburse the employer for every traffic fine.

> **FINAL PROFESSIONAL RECOMMENDATION**
>
> Before management adopts the proposed policy, have a Ghana-qualified employment lawyer verify the relevant provisions of L.I. 2519, the precise liability of registered vehicle owners, and any applicable judicial or National Labour Commission decisions on deductions and recovery of employee-related losses. This matters because Section 70(1)(e) and Section 70(1)(f) provide different legal routes and should not be treated as interchangeable.

ABOUT THE AUTHOR

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ABOUT ACHR

The Association of Certified HRs (ACHR) is a professional community of HR practitioners in Ghana, bringing together graduates of the HR Certification Centre's programmes and other HR professionals. ACHR Insights share members' views and research on issues shaping the world of work.

DISCLAIMER

This Insight is general guidance, not legal advice for a specific situation. Employers should seek advice from a Ghana-qualified lawyer before acting on it.

PRIMARY SOURCES FOR LEGAL VERIFICATION

- Labour Act, 2003 (Act 651) – Ghana Legal Information Institute.
- Labour Act, 2003 – Ghana Investment Promotion Centre (PDF).
- Ghana Police Service – Official TraffiTech-GH FAQs.
- Ministry of Transport – Road Traffic (Amendment) Act, 2025 and L.I. 2519 implementation information.
- Information Services Department – TraffiTech-GH implementation announcement.

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