

CHARTERED INSTITUTE OF HUMAN RESOURCE
MANAGEMENT BILL, 2018

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ENTITLED

**CHARTERED INSTITUTE OF HUMAN RESOURCE
MANAGEMENT BILL, 2018**

AN ACT to establish the Chartered Institute of Human Resource Management, to regulate the practice of human resource management and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Chartered Institute of Human Resource Management

Establishment of the Institute

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Chartered Institute of Human Resource Management.

(2) For the performance of its functions the Institute may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Institute under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Institute.

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Objects of the Institute

2. The objects of the Institute are to
 - (a) promote professional training in human resource management; and
 - (b) regulate the practice of human resource management in the country.

Functions of the Institute

3. To achieve the objects under section 2, the Institute shall
 - (a) promote the advancement of human resource management skills;
 - (b) undertake and promote research in the discipline of human resource management;
 - (c) promote public private partnerships in respect of human resource management activities;
 - (d) conduct professional examinations for the registration of human resource management practitioners;
 - (e) certify individuals who attain the requisite qualifications, to practise human resource management in the country;
 - (f) provide consultancy services for human resource management, to public and private sector institutions;
 - (g) establish, keep and maintain a register of human resource management practitioners;
 - (h) establish and maintain a library of books and periodicals on human resource management and related subjects;
 - (i) publish literature relevant to human resource management;
 - (j) monitor the professional standards of the Institute;
 - (k) set standards for the practice of human resource management;
 - (l) ensure the observance of ethical standards of members of the Institute;
 - (m) regulate the practice of human resource management in the country;
 - (n) organise continuous professional development courses for members of the Institute; and
 - (o) perform any other functions that are ancillary to the objects of the Institute.

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Governing body of the Institute

4. (1) The governing body of the Institute is a Council consisting of
- (a) a chairperson who is the President of the Institute, elected by members of the Institute at an Annual General Meeting of the Institute;
 - (b) the Vice-President of the Institute elected by members of the Institute at an Annual General Meeting of the Institute;
 - (c) five members of the Institute elected by members of the Institute at an Annual General Meeting;
 - (d) one representative of
 - (i) the Ghana Employers Association nominated by the Association;
 - (ii) the Ministry responsible for Education not below the rank of a Director; nominated by the Minister responsible for Education; and
 - (iii) a public university nominated by the National Council for Tertiary Education on a rotational basis; and
 - (e) the Chief Executive Officer of the Institute.

(2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

Functions of the Council

5. The Council shall
- (a) ensure the proper and effective performance of the functions of the Institute;
 - (b) determine strategies and formulate policies for the achievement of the objects of the Institute; and
 - (c) manage the funds of the Institute and determine the proper use of the funds and fixed assets of the Institute.

Tenure of office of members

6. (1) A member of the Council shall hold office for a period of three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive Officer.

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

(4) A member of the Council may, at any time, resign from office in writing addressed to the President through the Minister.

(5) The President may, by letter addressed to a member, revoke the appointment of that member.

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

(7) Where there is a vacancy

(a) under subsection (3) or (4) or subsection (2) of section 8;

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

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy in accordance with this Act.

Meetings of the Council

7. (1) The Council shall meet at least once every three months for the despatch of business, at the times and in the places determined by the chairperson.

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

(3) The quorum for a meeting of the Council is seven members.

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

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

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

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(7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or by a defect in the appointment of any of the members.

(8) Meetings of the Council shall be convened after giving members at least fourteen days' notice in writing together with the agenda of the meeting.

Disclosure of interest

8. (1) A member of the Council who has an interest in a matter for consideration shall

- (a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) not participate in the deliberations of the Council in respect of that matter.

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

- (a) fails to disclose that interest; or
- (b) participates in the deliberations of the Council in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against the member, the Council shall recover the benefit derived by a member who contravenes subsection (1), in addition to the revocation of the appointment of the member.

Establishment of committees

9. (1) The Council may establish committees consisting of members of the Council or non-members or both to perform a function of the Council.

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

(3) Section 8 applies to members of committees of the Council.

Disciplinary Committee

10. (1) Without limiting subsection (1) of section 9, the Council shall have a Disciplinary Committee.

(2) The composition of the Disciplinary Committee, the procedures for the conduct of inquiries by the Disciplinary Committee and the powers of the Disciplinary Committee shall be as set out in the First Schedule.

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Allowances

11. Members of the Council and members of a committee of the Council shall be paid the allowances determined by the Council.

Meetings of the Institute

12. The meetings of the Institute shall be held in accordance with the provisions set out in the Second Schedule.

Ministerial directives

13. The Minister may give directives to the Council on matters of policy and the Council shall comply.

Membership and Qualification

Categories of membership

14. The membership of the Institute consists of the following:

- (a) affiliate members;
- (b) student members;
- (c) associate members;
- (d) full members;
- (e) Fellows;
- (f) honorary Fellows;
- (g) corporate members; and
- (h) certified human resource management practitioners.

Qualification for membership of the Institute

15. (1) A person is not qualified to be enrolled as a Chartered Human Resource Management Practitioner or a Human Resource Practitioner of the Institute unless that person

- (a) has passed the qualifying examination for membership of the Institute, conducted by the Council; or
 - (b) has completed practical training with for a period determined by the Council in an institution or organisation recognised by the Council.
- (2) A person who has been
- (a) certified by a certified psychiatrist or adjudged by a court of competent jurisdiction to be of unsound mind;
 - (b) convicted by a court of competent jurisdiction of an offence involving fraud or dishonesty for which the penalty is ten years;
- or

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- (c) adjudged insolvent or bankrupt by a court of competent jurisdiction and is not discharged;
shall not be enrolled as a member of the Institute.

(3) Paragraph (c) of subsection (2) does not apply to a person who has been adjudged as an insolvent or a bankrupt and has been granted a certificate specifying that the insolvency or bankruptcy was wholly or partly as a result of unavoidable losses or misfortune.

Application for membership

16. (1) A person who seeks to be enrolled as a member of the Institute shall apply to the Institute.

(2) An application for enrolment shall be in writing and accompanied with supporting documents including evidence of qualification of the applicant.

(3) The application shall be submitted to the Chief Executive Officer of the Institute.

(4) The Council shall

(a) enrol the applicant either as a Chartered Human Resource Management Practitioner or a Human Resource Management Practitioner; and

(b) enter the name of the applicant in the register of Chartered Human Resource Management Practitioners or Human Resource Management Practitioners as the case may be, where

(i) the Council is satisfied with the qualification of the applicant; and

(ii) the applicant has paid the required entrance fee and annual subscription fee.

(5) A Chartered Human Resource Management Practitioner may use the title “CHRMP”.

(6) A Human Resource Management Practitioner may use the title “HRMP” after enrollment.

Fellowship of the Institute

17. (1) The Council may confer the title “Fellow of the Chartered Institute of Human Resource Management Practitioners, Ghana” on a member of the Institute who

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- (a) has acquired at least ten years' practical experience in human resource management practice or administration;
- (b) has submitted a publication to the Council in accordance with the qualifying criteria determined by the Council;
- (c) has made a significant contribution towards the improvement of the status of the Institute and human resource management in general;
- (d) is in good standing; and
- (e) satisfies any other criteria determined by the Council.

(2) The Council may confer the title "Honorary Fellow of the Chartered Institute of Human Resource Management Practitioner, Ghana" on a person who has made a significant contribution in furtherance of the object of the Institute.

(3) A Fellow of the Institute other than an Honorary Fellow may use the title "FCIHRM".

Requirement to register

18. A person shall not

- (a) practise as a human resource management practitioner, or
- (b) provide tuition for professional examinations in human resource management, unless that person is registered as a member of the Institute.

Qualification for registration

19. A person is not qualified to be registered

- (a) as a human resource management practitioner; or
- (b) to provide tuition for professional examinations for human resource management,

if that person

- (c) has been declared by a certified medical practitioner and adjudged by a court of competent jurisdiction to be of unsound mind;
- (d) has been convicted by a court of competent jurisdiction of a criminal offence;
- (e) has been adjudged bankrupt;
- (f) is not fit and proper; or
- (g) is not eighteen years of age.

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Application for registration

20. (1) A person who qualifies to be registered as a human resource management practitioner under section 19 shall apply to the Institute.

(2) An application for registration shall be in writing and submitted together with

- (a) supporting documents including evidence of qualification of the applicant; and
 - (b) the registration fee prescribed by the Council to the Chief Executive Officer.
- (3) The Chief Executive Officer shall
- (a) acknowledge receipt within ten days of receipt of the application,
 - (b) within twenty-one days of acknowledging the receipt of the application, conduct due diligence on the applicant; and
 - (c) within a reasonable period after the twenty-one days and in any event not more than ten days after the twenty-one days, inform the applicant in writing of the decision of the Council.

Certificate of registration

21. (1) The Council shall, on the successful registration of a person under section 20 and on the payment of the registration fee, issue that person with a registration certificate.

(2) A registration certificate is the property of the Institute.

(3) The registration certificate shall be valid for one year from the date of registration and may be renewed on an annual basis, subject to

- (a) the payment of the prescribed fee,
- (b) evidence of participation in the continuous professional development courses for members of the Institute; and
- (c) evidence that the applicant continues to practise as a human resource management practitioner in accordance with this Act.

Restriction on use of title “Chartered Human Resource Management Practitioner”

22. (1) A person who is not a human resource management practitioner shall not accept or use the title “Chartered Human Resource Management Practitioner”.

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Use of designation by firm

23. (1) A firm of Chartered Human Resource Management Practitioners may use the designation “Chartered Human Resource Management Practitioners”.

(2) A firm of Human Resource Management Practitioners may use the designation “Chartered Human Resource Management Practitioners”.

(3) A firm of both Chartered Human Resource Management Practitioners and Human Resource Management Practitioners may use the designation “Chartered Human Resource Management Practitioners”.

Suspension of registration

24. (1) The Council may suspend the registration of a member of the Institute where

- (a) an offence in relation to that member is being investigated;
- (b) allegations of misconduct have been made against the member;
- (c) a false declaration was made in an application for registration as a member of the Institute;
- (d) that member is not in good standing for a period exceeding one year;
- (e) that member fails to pay the prescribed fees for a period exceeding two years; or
- (f) that member has contravened a provision of this Act.

(2) The Council shall before suspending the registration of a member of the Institute

- (a) give that member at least thirty days’ notice of the intention to suspend the registration; and
- (b) provide that member with an opportunity to make representations to the Council within the thirty day period.

Cancellation of registration

25. (1) The Council shall cancel the registration of a member where

- (a) the Council has reasonable grounds to believe that the registration was obtained by fraud, misrepresentation or concealment of a material fact;

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- (b) that member is convicted of an offence under this Act or the Regulations; or
 - (c) that member is sentenced to a term of imprisonment for a criminal offence.
- (2) Despite subsection (1), the Council may cancel the registration of a member if
- (a) the Disciplinary Committee makes a recommendation to the Council to that effect; or
 - (b) that member notifies the Institute in writing of the desire to remove his or her name from the Register.

Register

26. (1) The Institute shall establish, keep and maintain a register of members of the Institute.
- (2) The register referred to in subsection (1), shall contain
- (a) a list of the names and particulars of members of the Institute; and
 - (b) any other particulars or information that the Institute may determine.
- (3) The Institute may effect corrections to the register.
- (4) The register shall be kept at the office of Institute.
- (5) The register shall be open to the public for inspection.
- (6) A person may, during the business hours of the Institute and on payment of a fee,
- (a) inspect the register; or
 - (b) obtain an extract from the register.
- (7) A member of the Institute shall notify the Chief Executive Officer of any change in information or particulars of that member within one month after the change has been made.
- (8) The Council shall publish annually, the list of members of the Institute in the *Gazette* and in at least two daily newspapers of national circulation.

Striking off name from register

27. The Council may strike off the name of a person from the register if the Council is satisfied that that person

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- (a) is unfit to practise as a human resource management practitioner, because that person has been found guilty of professional misconduct;
- (b) has failed to pay the prescribed fees for a period exceeding three years;
- (c) willfully and knowingly provided false information to gain membership of the Institute;
- (d) is incompetent; or
- (e) is disqualified under this Act.

Restoration of membership

28. The Council may review a decision to strike off the name of a member from the register under section 25, for the purpose of restoring the membership of that member,

- (a) if the Council is satisfied that that person has subsequently become a fit and proper person to practise as a human resource management practitioner;
- (b) upon payment by that person of the prescribed fee and any penalty levied against the person; or
- (c) if the member successfully appeals against the decision to strike off the name from the register.

Representation to the Council and appeal

29. (1) The name of a member shall not be removed or struck off the register or a member shall not be suspended unless the Council has

- (a) given the member at least thirty days notice of the intention of the Council to remove or strike off from the register the name of that member; and
- (b) provided the member with an opportunity to make a representation to the Council.

(2) Where the Council

- (a) suspends a member under section 24, or
- (b) cancels the registration of a member under section 25,

the Council shall communicate the decision in writing to the member within twenty-one days of taking the decision.

(3) A person dissatisfied with a decision of the Council, may appeal to the High Court within thirty days after receipt of notice of the decision of the Council.

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Administrative and Financial Provisions

Appointment of the Chief Executive Officer

30. (1) The Institute shall have a Chief Executive Officer.
- (2) The Council shall appoint a person with expertise in human resource management as the Chief Executive Officer of the Institute through a competitive selection process.
- (3) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Chief Executive Officer

31. (1) The Chief Executive Officer is responsible for the day to day administration of the affairs of the Institute and is answerable to the Council in the performance of the functions under this Act.
- (2) The Chief Executive Officer
- (a) is the Secretary to the Council; and
- (b) shall keep records and minutes of meetings of the Council.
- (3) The Chief Executive Officer may delegate a function to an officer of the Institute, but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of other staff

32. (1) The Council shall appoint other staff of the Institute that are necessary for the proper and effective performance of the functions of the Institute.
- (2) Other public officers may be transferred or seconded to the Institute or may otherwise give assistance on request by the Council.
- (3) The Institute may engage the services of consultants and advisers on the recommendation of the Council.
- (4) The terms and conditions of members of staff shall be determined by the Council.

Internal Audit Unit

33. (1) The Institute shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).
- (2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

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(3) The Internal Auditor is responsible for the internal audit of the Institute.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658) at intervals of three months

(a) prepare and submit to the Council, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

(b) make recommendations in each report, with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Institute.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Minister and the chairperson of the Council.

Funds of the Institute

34. The sources of moneys of the Institute include

(a) members' subscriptions;

(b) fees charged in the performance of the functions of the Institute;

(c) gifts and endowments;

(d) donations approved by the Minister responsible for Finance;

(e) proceeds from the sale of publications;

(f) interests from investments; and

(g) any other moneys approved by the Council.

Bank account of the Institute

35. (1) Moneys for the Institute shall be paid into a bank account of the Institute opened by the Council for that purpose.

(2) The Council may invest funds that are not required for immediate use in safe securities.

Borrowing powers of the Institute

36. The Institute may obtain loans and other credit facilities on the security of its property and assets.

Accounts and audit

37. (1) The Council shall keep books of account and records in relation to them in the form approved by the Auditor-General.

(2) The Council shall submit the accounts of the Institute to the Auditor-General for audit at the end of the financial year.

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(3) The Auditor-General shall within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister and the Council.

(4) The financial year of the Institute is the same as the financial year of the Government.

Annual report and other reports

38. (1) The Council shall within thirty days after receipt of the audit report, submit an annual report to the Minister, covering the activities and the operations of the Institute for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall submit to the Minister any other reports which the Minister may require in writing.

Miscellaneous Provisions

Custody and use of common seal

39. (1) The Institute shall have a common seal to be kept by the Chief Executive Officer.

(2) The common seal shall not be affixed to a legal document except

- (a) with the prior authorisation of the Institute in writing; and
- (b) in the presence of two members of the Council who shall sign the document independently of any other person who may have signed the document as witness.

Offences and penalties

40. (1) A person who
- (a) makes a false declaration in an application for registration as a chartered human resource management practitioner;
 - (b) willfully provides false information to seek approval to enrol as member of the Institute;
 - (c) uses a designation or title to imply a qualification to practise as a chartered human resource management practitioner;

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- (d) is not a chartered human resource management practitioner and receives remuneration for the practice of human resource management;
- (e) wilfully destroys or damages the register under this Act; or
- (f) practises as a human resource management practitioner in contravention of this Act, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

Regulations

41. The Minister may, on the advice of the Council, by legislative instrument, make Regulations to

- (a) prescribe the standards of practice for the members of the Institute;
- (b) provide for the discipline of members; and
- (c) prescribe forms for the purpose of the Act;
- (d) amend the
 - (i) First Schedule in respect of the composition and procedures for the Disciplinary Committee;
 - (ii) Second Schedule to vary the composition and functions of the Executive Committee;
 - (iii) Third Schedule in respect of the types of meetings, notification and procedures for meetings of the Institute; and
 - (vi) Fourth Schedule to vary the definition of “professional misconduct; and
- (e) provide for any matters necessary for the effective implementation of this Act.

Interpretation

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

“affiliate member” includes

- (a) a student in a tertiary institution;

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- (b) an individual of any profession who is interested in associating with the Institute; and
- (c) an individual working in the area of human resource management but does not qualify to be registered under section 19;

“associate member” means a Student Member who has completed level three of the Professional Certificate Programme of the Institute;

“Chartered Human Resource Management Practitioner” means an Associate Member who has completed level four of the Professional Certificate Programme of the Institute;

“Chief Executive Officer” means the person appointed as Chief Executive Officer under section 30;

“Council” means the governing body appointed under section 4;

“Fellow” means a Certified Human Resource Management Practitioner” who meets the qualifying criteria under section 17;

“full member” means an individual who has at least four years work experience as a human resource management practitioner;

“honorary fellow” means an individual who has made a significant contribution to the Institute or human resource management practice;

“human resource management firm” means an organisation which provides consultancy services in one or more areas of human resource management;

“human resource management practitioner” refers to a person who has formally registered with the Institute and has been issued with a certificate to practise as a Human Resource Management Practitioner;

“human resource manager trainee” refers to a person trained in human resource management who is undergoing training and coaching to qualify as a Human Resource Management Practitioner;

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- “Institute” means the Chartered Institute of Human Resource Management established under *clause 1*;
- “Minister” means the Minister responsible for Education;
- “professional misconduct” means any conduct defined in the Third Schedule;
- “register” means the register of the Institute established under section 26;
- “Regulations” means the Regulations made under this Act;
- and
- “Student Member” means an individual pursuing the Professional Certificate Programme of the Institute.

Transitional provisions

43. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Institute of Human Resource Management Practitioners, Ghana established under the Professional Bodies Registration Act, 1973 (NRCD 143) immediately before the coming into force of this Act and the persons employed by the Institute of Human Resource Management Practitioners, Ghana shall be transferred to the Chartered Institute of Human Resource Management established under section 1 and accordingly proceedings taken by or against the Institute of Human Resource Management Practitioners, Ghana may be continued by or against the Institute.

(2) A person who

(a) holds a qualification approved by the Council and is practising as a human resource management practitioner; or

(b) is a Certified Human Resource Management Practitioner before the coming into force of this Act shall, within twelve months after the coming into force of this Act, submit an application for membership of the Institute to the Council and on approval for membership, shall be registered to continue practising as a human resource management practitioner.

(3) A person who is engaged in the provision of tuition for professional examinations in human resource management before the coming into force of this Act, shall within six months after the coming into force of this Act, register with the Institute.

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Dissolution and savings

44. (1) The Institute of Human Resource Management Practitioners, Ghana established under the Professional Bodies Registration Decree, 1973 (NRCD 143) is dissolved.

(2) Despite the dissolution under subsection (1), any notices, orders or directives issued, appointments made, or any other act lawfully made or done by that Institute and in force immediately before the coming into force this Act, shall be considered to have been made, or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) A contract subsisting between the Institute of Human Resources Management Practitioners, Ghana and another person and in effect immediately before the coming into force of this Act, shall subsist between the Institute and that other person unless otherwise provided by this Act.

(4) Any register in use immediately before the coming into force of this Act and every document prepared or issued by the Institute of Human Resource Management Practitioners, Ghana shall continue in force as if prepared, kept or issued under the corresponding provision of this Act.

(5) Until the date of the first meeting of the Council, the governing Council of the Institute of Human Resources Management Practitioners, Ghana shall have and exercise the powers conferred by the Council established under section 4.

(6) Members and Fellows of the Institute of the Human Resource Management Practitioners-Ghana shall be members of the Institute and Fellows respectively after the coming into force of this Act.

SCHEDULES

FIRST SCHEDULE

(section 10(2))

Disciplinary Committee and Procedure for Proceedings

1. (1) The Council shall appoint five persons, at least three of whom shall be from among its members, to constitute a Disciplinary Committee for the purposes of an inquiry into the conduct of a member under this Act.

(2) One of the members shall be appointed by the Council to be chairperson of the Committee.

2. (1) The Council shall cause a statement to be prepared setting out the charges to be investigated by the Disciplinary Committee and the Chief Executive Officer shall submit a copy of the statement to each member of the Disciplinary Committee and to the person whose conduct is the subject of the inquiry.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the Chief Executive Officer shall, in addition, transmit a copy of that petition or complaint to that person and to each of the members of the Disciplinary Committee.

3. (1) The Chief Executive Officer shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the inquiry.

(2) Each notice shall be sent to the last known address of the person and shall be delivered by hand or sent by registered mail, at least fourteen days before the date fixed for the inquiry.

(3) Where a person to whom a notice has been given, fails to appear in person or is not represented by counsel, the inquiry may be held by the Disciplinary Committee in the absence of that person.

4. (1) If the Council is of the opinion that the evidence of a person or the production of a document by a person is necessary to enable a matter to be investigated by the Disciplinary Committee, the Council shall direct the Chief Executive Officer to require that person to attend or produce the document at a time and place specified in a notice which shall be addressed to and delivered at the last known place of residence of that person by hand or registered mail.

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(2) A person commits an offence under this Act, if that person after being served with a notice, without reasonable cause fails to attend or produce a document at the time and place specified in the notice.

(3) The Chief Executive Officer is the secretary to the Disciplinary Committee and shall sign every notice issued for the purpose of a disciplinary proceeding.

(4) The Disciplinary Committee shall have power to administer oaths or affirmations to persons who are required to give evidence before the Disciplinary Committee, and a person who refuses to be sworn or affirmed, or to answer questions put to that person concerning a matter in respect of which the inquiry is held, commits an offence.

(5) A person who willfully gives false evidence on examination on oath or affirmation before the Disciplinary Committee commits an offence.

(6) A person whose conduct is the subject of investigation at an inquiry or who is in any way concerned or implicated in the inquiry may be represented by counsel at the inquiry.

(7) The Council may authorise any legal practitioner to assist the Disciplinary Committee in the leading and taking of evidence.

(8) An inquiry held by the Disciplinary Committee shall be held in camera unless the Council otherwise determines.

(9) A question before a Disciplinary Committee shall be determined by the decision of the majority of the members of the Disciplinary Committee present and voting at the meeting.

(10) Upon the conclusion of an inquiry, the Disciplinary Committee shall prepare and submit a report to the Council on their findings on the matters in respect of which the inquiry was held.

SECOND SCHEDULE

(section 12)

Meetings of the Institute

Annual General Meetings

1. (1) The total membership of the Institute constitutes the General Assembly of the Institute.

(2) The Council shall convene an Annual General Meeting of the Institute to

(a) elect members of the Council,

(b) approve the annual report of the Council, the audited accounts of the Institute and the auditor's report on the accounts; and

(c) determine any other business.

(3) The Annual General Meeting of the Institute shall be held not later than 30th of June each year or on the date appointed by the Council but which date shall not be more than fifteen months from the date of the previous Annual General Meeting.

(4) The chairperson of the Institute or in the absence of the chairperson, the vice chairperson of the Institute shall preside at each Annual General Meeting of the Institute.

(5) In the absence of both the chairperson and the vice chairperson of the Institute a member of the Council elected from among the members of the Council present at the meeting shall preside.

(6) A member who intends to move a motion not related to the ordinary annual business of the Institute may do so when,

(a) notice in writing of the proposed motion is given to and received by the Chief Executive Officer not later than three weeks before the date of the Annual General Meeting,

(b) not less than ten members entitled to vote at the Annual General Meeting have given notice in writing to the Chief Executive Officer of the Institute not later than three weeks before the date of the Annual General Meeting expressing a desire that the proposed motion be brought before the Annual General Meeting, and

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- (c) the proposed motion relates to matters affecting the Institute or the human resource management profession.

Extra ordinary meeting

2. (1) The Council may convene a special meeting of the Institute on its own or on receipt of a written request signed by not less than twenty members of the Institute.

(2) A request for a special meeting shall state the purpose of the proposed meeting and be submitted to the Chief Executive Officer.

Notification of a meeting

3. (1) The Chief Executive Officer shall send to each member of the Institute a notice giving the day, time, place of the meeting and the agenda for the meeting not less than fourteen days and not more than twenty-one days before an Annual General Meeting or Special Meeting of the Institute.

(2) The Chief Executive Officer shall send each member of the Institute

- (a) a notice of the meeting;
- (b) a copy of the annual report of the Council;
- (c) a copy of the audited accounts of the Institute with the auditors' report on the accounts; and
- (d) particulars of motions to be moved at the meeting in the case of the Annual General Meeting.

(3) The non-receipt of the documents by a member of the Institute shall not invalidate the proceedings of the meeting to which they relate.

Quorum at a meeting of the Institute

4. (1) Twenty members of the Institute shall form a quorum if within fifteen minutes from the time appointed for an Annual General Meeting they are present.

(2) Where there is no quorum, the meeting shall stand adjourned for a fortnight to be held at the same hour and place or at a place determined by the Council.

(3) The adjourned meeting shall proceed to do business on the next adjourned date despite the fact that the members present do not

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form a quorum.

(4) A Special Meeting of the Institute shall be adjourned if fifteen members are not present within fifteen minutes of the time appointed for the meeting.

Adjournments

5. (1) The person presiding at a meeting of the Institute may adjourn the meeting with the consent of the members present at the meeting.

(2) Business left unfinished at the previous meeting from which the adjournment took place shall take precedence over other business to be transacted at an adjourned meeting.

Resolutions

6. (1) Every resolution and amendment proposed and seconded at a meeting of the Institute shall be put to the meeting by the person presiding and decided by majority of members of the Institute present and voting.

(2) The person presiding shall in the event of an equality of votes cast have a casting vote.

(3) A declaration by the person presiding as to the decision of the meeting shall be final.

(4) A poll of members of the Institute present at a meeting and entitled to vote may be taken in writing prior to a decision made being declared, but a poll shall not be taken on a resolution or amendment relating to the election of the person presiding, the appointment of scrutineers or the adjournment of a meeting.

(5) Members who have not paid up their annual subscription fee

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shall not be entitled to vote at a meeting of the Institute.

THIRD SCHEDULE

(section 42)

Professional misconduct

“Professional misconduct” on the part of a member of the Institute includes the Member

- (a) paying or allowing or agreeing to pay or allow a person other than a Chartered Human Resources Management Practitioner to practise in the name of the member or a person in partnership with the chartered human resource management practitioner;
- (b) soliciting clients or professional work either directly or indirectly by circular, advertisement, personal communication or interview or by other means;
- (c) advertising professional attainments or services;
- (d) disclosing information acquired in the course of professional engagement to a person other than a client without the consent of the client or otherwise than as required by any law;
- (e) unless where the position of a chartered human resource management practitioner became vacant as a result of death of the previous office holder, accepting a position as a chartered human resource management practitioner previously held by another member of the Institute without prior notice in writing given to the previous office holder of the offer made;
- (f) gross negligence in the conduct of professional duties;
- (g) falsifying records in the performance of a professional assignment;
- (h) indicating in a statement, a return or form submitted to the Council, particulars knowing them to be false;
 - (i) causing disaffection for a company, by workers through subtle or any other means; and
- (j) disclosing management information to any person without the approval of management.

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Date of *Gazette* notification: 16th July, 2018

**CHARTERED INSTITUTE OF HUMAN RESOURCE
MANAGEMENT BILL, 2018**

MEMORANDUM

The purpose of the Bill is to establish the Chartered Institute of Human Resource Management to promote professional training in human resource management and regulate the practice of human resource management in the country.

The most important asset of Ghana is its human resource base. Human resources is the most important factor for the transformation of the nation to the status of a developed country. To achieve the effective management of human resource, organisations must possess the capacity to design and implement human resource systems, strategies and policies to enhance the skills, motivation and performance of the work force.

Currently, there is no professional body with the legal mandate to provide professional training in human resource management and to regulate human resource management practice in the country. This largely explains the acute shortage of quality human resource management professionals in both the public and private sectors of the economy.

The scarcity of experienced and competent human resource professionals has in turn created several challenges for organisations in the country. The challenges include lack of quality of professional advice on human resource management issues frequent strikes in organisations, lack of professionally designed human resource systems, policies and strategies to create commendable business attitudes, achieve high employee morale, motivation and effective utilization of employees.

The current state of human resource management and practice in both the public and private sectors of the economy point to a compelling need to enact legislation to promote professional training in human resource management and regulate the practice of human resource management in the country.

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The Institute of Human Resource Management Practitioners, Ghana which was registered as a professional body in 1981 has been providing professional training in human resource management. However the Institute lacks the legal backing to regulate, control set standards and manage the specialist practice of human resource. The Bill will thus provide the legal basis for the Chartered Institute of Human Resource Management to promote professional training in human resource management and regulate the practice of human resource management.

The Bill is divided into four groups of *clauses* captioned under the headings, Establishment of the Chartered Institute of Human Resource Management; Membership and Qualification; Administrative and Financial Provisions; and Miscellaneous Provisions.

Clauses 1 to 3 deal with the Establishment of the Chartered Institute of Human Resource Management. *Clause* 1 establishes the Chartered Institute of Human Resource Management as a body corporate with all the incidents of incorporation and provides for the acquisition of immovable property by the State on behalf of the Institute under the State Lands Act, 1962 (Act 125) where there is a hindrance to the acquisition.

Clause 2 deals with the objects of the Institute namely, to promote professional training in human resource management and regulate the practice of human resource management in the country.

The functions of the Institute are enumerated in *clause* 3 of the Bill. The functions include promoting the advancement of human resource management skills, undertaking and promoting research in the discipline of human resource management, promoting public private partnerships in respect of human resource management activities, conducting professional examinations for the registration of human resource management practitioners, certifying individuals who attain the requisite qualifications, to practise human resource management in the country, providing consultancy services for human resource management, to public and private sector institutions, and establishing, keeping and maintaining a register of human resource management practitioners. The Institute is also required to set standards for the practice of human resource

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management as well as ensure the observance of ethical standards and professional conduct among members of the Institute.

Cluses 4 to 13 deal with the governance of the Institute. *Clause* 4 provides for the governing body of the Institute which consist of eleven members of the Council including a chairperson who is the President of the Institute who is elected by members of the Institute at an Annual General Meeting of the Institute, the Vice-President of the Institute elected by members of the Institute at an Annual General Meeting of the Institute and five members of the Institute elected by members of the Institute at an Annual General Meeting. The members of the Council are to be appointed by the President under article 70 of the Constitution.

The functions of the Council, tenure of office of members of the Council, meetings of the Council, disclosure of interest and establishment of committees are provided for in *clauses* 5, 6, 7, 8 and 9 respectively.

Clause 10 makes provision for the Council to have a Disciplinary Committee. The composition of the Disciplinary Committee, procedures for the conduct of inquiries by the Disciplinary Committee and the powers of the Disciplinary Committee are provided for in the First Schedule to the Bill, *subclause* (2). *Clause* 11 provides for allowances of members of the Council and members of a committee of the Council.

Clause 12 provides for meetings of the Institute the details of which are provided for in the Second Schedule to the Bill. *Clause* 13 provides for Ministerial directives.

Membership of the Institute and qualification provisions are dealt with in *clauses* 14 to 27. *Clause* 14 enumerates the categories of membership of the Institute. The membership consists of affiliate members, student members, associate members, full members; Fellows, honorary Fellows and corporate members.

Clause 15 specifies the qualification for membership of the Institute whilst *clause* 16 sets out the manner in which a person may apply to enroll

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as a member of the Institute. The application for membership and fellowship of the Institute are spelt out in *clauses* 16 and 17 respectively. The requirement to register and the qualification for registration are specified in *clauses* 18 and 19 respectively. The manner in which a person may apply to be registered as a human resource management practitioner is specified in *clause* 20. A person who registers with the Institute is to be issued with a certificate of registration by the Institute, *clause* 21.

Clause 21 restricts the use of the title “Chartered Human Resource Management Practitioner” to a person who is a human resource management practitioner. *Clause* 22 restricts the use of the title “Chartered Human Resource Management Practitioner”.

Clause 23 provides for the use of designations by firms.

The circumstances under which the registration of a member of the Institute may be suspended is provided for in *clause* 24. Before the suspension of the registration of a member, the Council is to give that member at least thirty days’ notice of the intention to suspend the registration and provide that member with an opportunity to make representations to the Council within the thirty day period.

Clause 25 deals with the cancellation of the registration of a member of the Institute. The Council is to cancel the registration of a member if the Council has reasonable grounds to believe that the registration was obtained by fraud, misrepresentation or concealment of a material fact, that member has been convicted of an offence under this Act or the Regulations or that member is sentenced to a term of imprisonment for a criminal offence.

The Institute is required to establish, keep and maintain a register of members, *clause* 26. The register is to contain a list of the names and particulars of members of the Institute and any other particulars or any other information that the Institute may determine.

Clause 27 stipulates the conditions under which the name of a member may be struck off from the register. These include situations where that person is unfit to practise as a human resource management

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practitioner, because that person has been found guilty of professional misconduct, has failed to pay the prescribed fees for a period exceeding twelve months or has willfully and knowingly provided false information to gain membership of the Institute.

Clause 28 provides for the conditions for the restoration of membership by the Council which include situations where the member successfully appeals against the decision to strike off the name from the register.

Matters pertaining to representations to the Council and appeals against a decision of the Council are dealt with in *clause 29*. A person who is dissatisfied with a decision of the Council, may appeal to the High Court within thirty days after receipt of notice of the decision of the Council.

Clauses 30 to 38 deal with administrative and financial provisions. The Council is required under *clause 30* to appoint a Chief Executive Officer for the Institute. The person to be appointed should be a person with expertise in human resource management and selected through a competitive selection process. The functions of the Chief Executive Officer are stated in *clause 31*.

Clause 32 makes provision for the appointment of other staff of the Institute that are necessary for the effective performance of the functions of the Institute.

Clause 33 provides for an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921). The Internal Audit Unit is to be headed by an Internal Auditor appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

Clause 34 provides for the funds of the Institute. The sources of money for the Institute include members' subscriptions, fees charged in the performance of the functions of the Institute, gifts and endowments, donations approved by the Minister responsible for Finance, proceeds from the sale of publications, interests from investments and any other moneys approved by the Council.

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Moneys designated for the Institute are required to be paid into the bank account of the Institute, *clause 35*. *Clause 36* empowers the Institute to obtain loans and any other credit facilities on the security of the property and assets of the Institute. Standard provisions on accounts and audit and annual report and other reports are provided for under *clauses 37* and *38*.

Clauses 39 to *44* deal with miscellaneous provisions. *Clause 39* provides for the custody and use of the common seal of the Institute. Offences and penalties are provided for under *clause 40* whilst *clause 41* provides the enabling power for the Minister responsible for Education, on the advice of the Council, to make Regulations.

Finally, *clauses 42*, *43* and *44* provide for, interpretation, transitional provisions and dissolution and savings respectively.

DR. MATTHEW OPOKU PREMPEH (MP)

Minister responsible for Education

Date: 16th July, 2018