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PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA

REPORT OF THE
COMMITTEE ON SUBSIDIARY LEGISLATION

ON THE

CHARTERED INSTITUTE OF HUMAN RESOURCE
MANAGEMENT, GHANA REGULATIONS, 2023

28TH NOVEMBER, 2023

**REPORT OF THE SUBSIDIARY LEGISLATION COMMITTEE ON THE
CHARTERED INSTITUTE OF HUMAN RESOURCE MANAGEMENT,
GHANA REGULATIONS, 2023.**

1.0 INTRODUCTION

The Hon. Majority Leader, Mr. Osei Kyei-Mensah-Bonsu, acting on behalf of the Minister responsible for Education, Dr. Yaw Osei Adutwum laid in Parliament, the Chartered Institute of Human Resource Management, Ghana Regulations, 2023 on Tuesday, 31ST October, 2023 in accordance with Article 11(7) (a) of the 1992 Constitution and Order 77 of the Standing Orders of Parliament.

Pursuant to Order 166 of the Standing Orders of Parliament, the Rt. Hon. Speaker subsequently referred the Legislative Instrument to the Committee on Subsidiary Legislation for consideration and report.

2.0 DELIBERATIONS

2.1 The Committee met and considered the Chartered Institute of Human Resource Management, Ghana Regulations, 2023. In attendance at the meeting to assist the Committee in its deliberations were the Head of Legal Services, Ghana Education Service (GES), Mrs. Matilda Azumah, the President of the Chartered Institute of Human Resource Management (CIHRM), Mr. Edward Kwabong, the Chief Executive Officer (CEO), Mr. Ebenezer Agbettor and Officials from the CIHRM, GES and the Office of the Attorney-General.

2.2 The Committee expresses its profound gratitude to the CEO, the President and other Officials of the CIHRM and GES for attending upon the Committee to provide clarifications to the Regulations.

1.0 REFERENCE DOCUMENTS

3.1 The Committee referred to the following documents during the deliberations:

- i. The 1992 Constitution of the Republic of Ghana;
- ii. The Standing Orders of Parliament, 2000;
- iii. The Chartered Institute of Human Resource Management, Ghana Act 2020, (Act 1020); and
- iv. The Stakeholders Consultative Meetings/Forum Report of the CIHRM, June, 2023.

2.0 SCOPE OF THE COMMITTEE'S MANDATE

4.1 In considering the Regulations, the Committee was guided by the provisions of Orders 77 and 166 of the Standing Orders of Parliament and Article 11 (7) of the Constitution which enjoins the Committee to assess among other things, the following:

- a) Gazetting of the Regulations;
- b) Conformity of the Regulations to the general objects of the Constitution or that Acts pursuant to which they were made;
- c) Imposition of any tax;
- d) Directly or indirectly bars the jurisdiction of the courts;
- e) Retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- f) Expenditure from the Consolidated Fund or public revenues;
- g) Arbitrariness of powers conferred by the Constitution or that Act pursuant to which the Regulations were made; and
- h) Unjustifiable delay in its publication or in laying it before Parliament.

3.0 BACKGROUND INFORMATION

- 5.1 Human Resource practitioners are professionals who advise corporate and institutional chief executives and managers on, and design and implement human resource management systems, policies, and strategies towards the creation of a healthy industrial relations and harmony. They also provide professional advice and expertise in key policy and practice areas such as employee recruitment and selection, staff training and development, employee utilization and productivity, employee rewards, compensation and motivation.
- 5.2 The Chartered Institute of Human Resource Management (CIHRM), Ghana was founded in 1978, with the mission of advancing human resource management practice in Ghana. It was registered as a professional body in 1981 with a registration number of PB 15.
- 5.3 Subsequently, the Bill was passed by Parliament on June 4th, 2020 and secured a Presidential assent on August 13th, 2020.
- 5.4 Following the passage of the Chartered Institute of Human Resource Management, Ghana Act, 2020 (Act 1020), the Chartered Institute of Human Resource Management, Ghana (hereafter referred to as “the Institute” or “CIHRM”) has been clothed with the legal mandate to provide professional training and expert advice in human resource management and to regulate human resource management practice in Ghana.
- 5.5 However, to fully operationalise the provisions of Act 1020, Section 41 mandates the Minister responsible for Education to make Regulations to fully operationalise the Act.



6.0 PURPOSE OF THE LEGISLATIVE INSTRUMENT

6.1 According to the Institute, the purpose of the instrument is to operationalise Section 41 of the Chartered Institute of Human Resource Management, Ghana Act, 2020 (Act 1020). Section 41 provides that the Minister shall cause to be laid in Parliament, regulations to operationalise the Act.

- 6.2 In view of the above, the purpose of the Legislative Instrument is:
- a. prescribe the standards of practice for members of the Institute;
 - b. provide for the discipline of members of the Institute;
 - c. prescribe forms for the purpose of these Regulations;
 - d. prescribe procedures for the registration of;
 - i. members of the Institute;
 - ii. persons to provide tuition for professional examination in human resource management; and
 - iii. persons to provide other human resource management services to public and private sector institutions;
 - e. provide for the election of members of the Institute; and
 - f. provide for any matters necessary for the effective implementation of the Act.

7.0 OBSERVATIONS

7.1 Stakeholder Consultations

- 7.1.1 The Committee observed that the initial stakeholders' report presented at the pre-laying consideration meeting of the Committee was very scanty, not capturing the exact views of the various stakeholders as far as the respective regulations in the instrument were concerned. Members of the Committee raised concerns that there were several instances where after an instrument has been laid,

key stakeholders would petitioned against portions of the instrument. The Committee guided by Article 11(3) is mindful of what this means as the Minister responsible for the instrument would have to come back to Parliament to withdraw the entire instrument for revision or Parliament would have to marshal a two-thirds majority vote to annul the instrument. To prevent such an occurrence, the Committee urged the Institute to refurnish the Committee with a comprehensive stakeholders' engagement report that captures the contributions of the key stakeholders into the drafting of the Instrument.

7.1.2 The subsequent comprehensive stakeholders' engagement report submitted to the Committee as evidence of consultations highlighted a series of engagement meetings that were held in March, April, May, June, July, August, September, October and December all in the year 2021 in Accra, Kumasi, Takoradi, Koforidua, Tamale, Winneba, Tarkwa and traditional media. Key stakeholders at the various consultative meetings held include the Council and Secretariat Members of the Institute, Officials of the IHRMP, Ministry of Employment and Social Welfare, Ministry of Education, Council for Higher Education, Ghana Education Service, Ministry of Health, Public Services Commission, Office of the Head of Civil Service, Ministry of Local Government and Rural Development, Local Government Service, Institute of Local Government Studies, Ghana Institute of Management and Public Administration (GIMPA), Ghana Enterprise Agency (GEA), MDPI, Trade Union Congress (TUC), Committee of Vice Chancellors, Association of Private Universities, Council of Rectors of Polytechnics, Bank of Ghana, Ghana Commercial Bank, Stanbic Bank, ECOBANK Ghana, Mobile Telecommunications Network (MTN), Vodafone Ghana, Association of Ghana Industries (AGI) and the Attorney-General's Department.

7.1.3 The Committee after examining the stakeholders' report is of the view that the report reflects the general views and acceptance of the instrument by key players in the Human Resource Management space. It is therefore the Committee's consideration that the passage of the instrument would not result in any discontent from any segment of the stakeholders in the HR sector.

7.2 Necessity for the Legislative Instrument

7.2.1 Section 41 of the Chartered Institute Human Resource Management, Ghana Act 2020 (Act 1020) mandates the responsible Minister to ensure the drafting of regulations to operationalize the law within 12 months after the coming into force of the Act. However according to the Institute, the need for sensitization on the Act and a comprehensive, broad stakeholders' engagement on the proposed regulations led to a breach of the said provision.

7.2.2 Having considered the evidence of a comprehensive stakeholder engagements, broad national sensitizations and consultative processes, the Committee is convinced that the Institute explanation for the breach of Section 41 of the Act even though not excusable could be overlooked given that, the comprehensive engagements in the drafting of the instrument will ensure a robust piece of legislation with the capacity to stand the test of time.

7.3 Conformity with Relevant Legislations

7.3.1 The Committee observed that the instrument has satisfied the legal imperatives provided in relevant Statutes such as Article 11 (7) of the Constitution, and Orders 77 and 166 of the Standing Orders of Parliament.

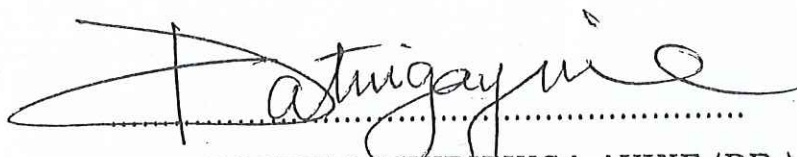
7.3.2 Also, the content of the Instrument is within the powers conferred on the Minister, and the general objectives under Section 41 of Act 1020.

8.0 CONCLUSION AND RECOMMENDATION

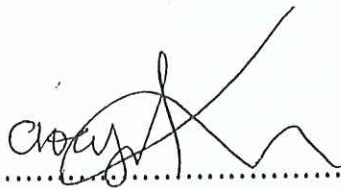
8.1 Having scrutinized the Legislative Instrument, the Committee is satisfied that the instrument meets the relevant legal requirements as specified in Article 11 (7) of the Constitution, Section 41 of Act 1020 and Order 166 of the Standing Orders of Parliament. The Instrument is also consistent with the general object of the 1992 Constitution and Act 1020 pursuant to which it was made.

8.2 The Committee accordingly recommends to the House to fully support and adopt its Report and allow the Chartered Institute of Human Resource Management, Ghana Regulations, 2023, pass the twenty-one (21) day mandatory Sittings of Parliament and come into force in accordance with Article 11(7) of the 1992 Constitution.

Respectfully submitted.



HON. DOMINIC AKURITINGA AYINE (DR.)
CHAIRMAN, SUBSIDIARY LEGISLATION COMMITTEE



MRS. AKUA DUROWAA OWUSU AGYEKUM
CLERK TO THE COMMITTEE



28th November, 2023