

Ghana

## Chartered Institute of Human Resource Management, Ghana Act, 2020

Act 1020 of 2020

Legislation as at 13 August 2020

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# Ghana

## Chartered Institute of Human Resource Management, Ghana Act, 2020

### Act 1020 of 2020

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**Assented to on 13 August 2020**

**Commenced on 13 August 2020**

*[This is the version of this document from 13 August 2020.]*

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

### **Establishment of the Chartered Institute of Human Resource Management, Ghana**

#### **1. Establishment of the Institute**

- (1) There is established by this Act, the Chartered Institute of Human Resource Management, Ghana as a body corporate.
- (2) For the performance of the functions of the Institute, the Institute may acquire and hold property, dispose of property and enter into a contract or any other related transaction.
- (3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Institute under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Institute.

#### **2. Objects of the Institute**

The objects of the Institute are to

- (a) promote professional training in human resource management; and
- (b) regulate the practice of human resource management.

#### **3. Functions of the Institute**

To achieve the objects under section 2, the Institute shall

- (a) promote the training and advancement of human resource management;
- (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;
- (f) provide consultancy services in 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 members of the Institute;
- (k) set and ensure the observance of standards for the practice of human resource management;
- (l) regulate the practice of human resource management;
- (m) organise continuing professional development courses for members of the Institute; and
- (n) perform any other functions that are ancillary to the objects of the Institute.

#### **4. Governing body of the Institute**

- (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;
  - (b) the Vice-President of the Institute elected by members at an Annual General Meeting;
  - (c) the immediate past President of the Institute;
  - (d) two members of the Institute elected by members of the Institute at an Annual General Meeting;
  - (e) two members of the Institute who are women elected by members of the Institute at an Annual General Meeting;
  - (f) 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; and
    - (iii) public universities nominated by the National Council for Tertiary Education on a rotational basis; and
  - (g) 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.

#### **5. Functions of the Council**

The Council shall

- (a) ensure the effective and efficient performance of the functions of the Institute;
- (b) formulate policies and determine strategies for the achievement of the objects of the Institute; and
- (c) determine the effective and efficient use of the funds and assets of the Institute.

#### **6. Tenure of office of members**

- (1) A member of the Council shall hold office for a period of three years and is eligible for re-appointment for another term only.
- (2) Subsection (1) does not apply to the Chief Executive Officer.
- (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 the 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 (6); or
  - (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint another person for the unexpired term in accordance with this Act.

## 7. Meetings of the Council

- (1) The Council shall meet at least once every three months for the conduct of business at a time and place 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 time and place determined by the chairperson.
- (3) The quorum for a meeting of the Council is five 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 number 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 meeting of Council but that person shall not vote on a matter for decision at the meeting.
- (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 for the meeting.

## 8. Disclosure of interest

- (1) A member of the Council who has an interest in a matter for consideration
  - (a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
  - (b) is disqualified from being present at or participating 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) is present at or 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.

## **9. Establishment of committees**

- (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.

## **10. Disciplinary Committee**

- (1) Without limiting subsection (1) of section 9, the Council shall have a Disciplinary Committee.
- (2) The composition of, the procedures for the conduct of inquiries by, and the powers of the Disciplinary Committee are as set out in the First Schedule.

## **11. Allowances**

Members of the Council and members of a committee of the Council shall be paid allowances determined by the Council and approved by the Minister in consultation with the Minister responsible for Finance.

## **12. Meetings of the Institute**

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

## **13. Policy directives**

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

# **Membership and qualification**

## **14. Categories of membership**

The membership of the Institute consists of the following:

- (a) a Fellow;
- (b) a Chartered Human Resource Management Practitioner.
- (c) a Full member;
- (d) an Associate Member;
- (e) an Honorary Fellow;
- (f) an Affiliate Member;
- (g) a Student Member; and
- (h) a Corporate Member.

## 15. Qualification for membership of the Institute

- (1) A person is qualified to be enrolled as a Fellow of the Institute if that person
  - (a) has acquired at least ten years practical experience in human resource management practice and development;
  - (b) has submitted a publication to the Council in accordance with the qualifying criteria determined by the Council;
  - (c) has made significant contribution towards the improvement of the status of the Institute and human resource management;
  - (d) is in good standing; and
  - (e) satisfies any other criteria determined by the Council.
- (2) A person who qualifies under subsection (1) may use the title “FCIHRM”.
- (3) A person is qualified to be enrolled as a Chartered Human Resource Management Practitioner if that person
  - (a) has successfully completed level four of the Professional Certification Programme conducted by the Institute; or
  - (b) is a full member and satisfies the requirements of paragraph (a).
- (4) A person who qualifies under subsection (3) may use the title “CHRMP”.
- (5) A person is qualified to be enrolled as a Full Member of the Institute if that person
  - (a) works in an organisation and has
    - (i) a Higher National Diploma or first degree from an accredited institution or an equivalent qualification; and
    - (ii) at least four years working experience and is in middle level management in the organisation; and
  - (b) satisfies any other condition that the Council may determine.
- (6) A person who qualifies under subsection (5) may use the title “MCIHRM”.
- (7) A person is qualified to be enrolled as an Associate Member of the Institute if that person has
  - (a) passed the level three examination of the Professional Certification Programme conducted by the Institute;
  - (b) passed the qualifying examination of an Institute of Human Resource Management in a country approved by the Council; or
  - (c) been enrolled into an equivalent category by a recognised foreign Institute approved by the Council.
- (8) A person who qualifies under subsection (7) may use the title “ACIHRM”.
- (9) A person is qualified to be enrolled as an Honorary Fellow of the Institute if that person
  - (a) has made significant contribution in furtherance of the objects of the Institute;
  - (b) holds a Higher National Diploma or a university degree or an equivalent qualification recognised by the Council; and
  - (c) holds a senior management position in an organisation.
- (10) A person who qualifies under subsection (9) may use the title “FCIHRM (Hon.)”.

- (11) A person is qualified to be enrolled as an Affiliate Member of the Institute if that person is
  - (a) a student of an accredited tertiary institution;
  - (b) an individual in any profession who is interested in associating with the Institute; or
  - (c) an individual who is working in the area of human resource management but does not qualify to be registered for other categories of membership.
- (12) A person is qualified to be enrolled as a Student Member of the Institute if that person has
  - (a) the basic qualification approved by the Council for registration as a student; and
  - (b) registered as a student of the Institute.
- (13) A body corporate is qualified to be enrolled as a Corporate Member of the Institute if that body corporate is
  - (a) approved by the Council as a human resource management practitioner; or
  - (b) engaged in the practice of human resource management.

## 16. Application for membership

- (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 enrolment.

## 17. Fellowship of the Institute

- (1) The Council may confer the title “Fellow of the Chartered Institute of Human Resource Management, Ghana” on a member of the Institute who
  - (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 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, Ghana” on a person who has made significant contribution in furtherance of the objects of the Institute.
- (3) A Fellow of the Institute other than an Honorary Fellow may use the title “FCIHRM”.

### **18. Requirement to register**

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.

### **19. Qualification for registration**

A person is not qualified to be registered as a human resource management practitioner or to provide tuition for professional examinations for human resource management if that person has been

- (a) declared by a certified psychiatrist and 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;
- (c) adjudged bankrupt by a court of competent jurisdiction and is not discharged; or
- (d) convicted for high crime, high treason, treason or for an offence involving the security of the State.

### **20. Application for registration**

- (1) A person who qualifies to be registered as a human resource management practitioner under this Act shall apply to the Institute.
- (2) An application for registration shall be in writing with supporting documents including evidence of the qualification of the applicant.
- (3) The application shall be submitted together with the registration fee prescribed by the Council.
- (4) The Institute shall, not later than three months after the receipt of an application, communicate the acceptance or refusal of the application to the applicant.
- (5) An applicant shall be registered as a chartered human resource management practitioner or a member of the Institute where the Council is satisfied with the due diligence conducted by the Council on the applicant pursuant to section 19.

### **21. Certificate of registration**

- (1) The Council shall, on the successful registration of a person under section 20, issue that person with a registration certificate.
- (2) The registration certificate shall be renewed on an annual basis, subject to
  - (a) the payment of the prescribed fee; and
  - (b) evidence that the applicant continues to practise as a human resource management practitioner in accordance with this Act.
- (3) A registration certificate is the property of the Institute.

**22. Restriction on use of title "Chartered Human Resource Management Practitioner"**

A person who is not a chartered human resource management practitioner shall not accept or use the title "Chartered Human Resource Management Practitioner".

**23. Use of designation by firm**

- (1) A firm of Chartered Human Resource Management Practitioners may use the designation "Chartered Human Resource Management Practitioners".
- (2) A firm of both Chartered Human Resource Management Practitioners and Human Resource Management Practitioners may use the designation "Chartered Human Resource Management Practitioners".

**24. Suspension of membership**

- (1) The Council may suspend a member of the Institute where
  - (a) an offence in relation to that member is being investigated;
  - (b) an allegation of misconduct is levelled against the member;
  - (c) a false declaration is made in an application for registration as a member of the Institute;
  - (d) that member is not in good standing for a period exceeding three years; or
  - (e) 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.

**25. Revocation of membership**

The Council shall revoke the membership of a member where the Council establishes that the

- (a) registration was obtained by fraud, misrepresentation or concealment of material fact;
- (b) member is convicted of an offence under this Act or the Regulations;
- (c) member is convicted of an offence involving fraud or dishonesty; or
- (d) member is convicted for high crime, high treason, treason or for an offence involving the security of the State.

**26. Register**

- (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 the Institute.
- (5) The register shall be opened 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 thirty days after the change has been made.
- (8) The Council shall publish annually, the list of members of the Institute in good standing in the *Gazette* and in at least one daily newspaper of national circulation and on the website of the Institute.

## 27. Striking off name from register

The Council shall strike off the name of a person from the register if the Council establishes that that person

- (a) is unfit to practise as a human resource management practitioner because that person has been found guilty of professional misconduct; or
- (b) is disqualified under this Act.

## 28. Restoration of membership

The Council shall review a decision to strike off the name of a member from the register under section 27, for the purpose of restoring the membership of that member,

- (a) if the Council establishes that that person has subsequently become fit 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.

## 29. Representation to the Council and appeal

- (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 suspend, 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) revokes the registration of a member under section 25,

the Council shall communicate the decision in writing to the member within fourteen 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.

## Administrative and financial provisions

### 30. Appointment of Chief Executive Officer

- (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.

### **31. Functions of the Chief Executive Officer**

- (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 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.

### **32. Appointment of other staff**

- (1) The Council shall appoint other staff of the Institute that are necessary for the effective and efficient 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 management may engage the services of consultants and advisers on the recommendation of the Council.
- (4) The Council shall designate a serving officer as the Secretary to the Council.
- (5) The terms and conditions of members of staff shall be determined by the Council.

### **33. Internal Audit Unit**

- (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).
- (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 Chief Executive Officer and the chairperson of the Council.

### **34. Funds of the Institute**

The sources of money of the Institute include

- (a) members' subscriptions;

- (b) fees charged in the performance of the functions of the Institute;
- (c) gifts, donations, grants and endowments;
- (d) proceeds from the sale of publications;
- (e) interests from investments; and
- (f) any other moneys approved by the Council.

### **35. Bank account of the Institute**

Moneys for the Institute shall be paid into a bank account of the Institute opened by the Institute with the approval of the Council.

### **36. Borrowing powers of the Institute**

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

### **37. Accounts and audit**

- (1) The Council shall keep books, records and returns of accounts and other documents relevant to the accounts 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.
- (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.

### **38. Annual report and other reports**

- (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 thirty days, 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 that the Minister may require in writing.

## **Miscellaneous provisions**

### **39. Custody and use of common seal**

- (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.

#### 40. Offences and penalties

- (1) A person who
  - (a) makes a false declaration in an application for registration as a chartered human resource management practitioner;
  - (b) provides false information to seek approval to enrol as a member of the Institute;
  - (c) wilfully and falsely uses a designation or title to imply a qualification to practise as a chartered human resource management practitioner;
  - (d) is not registered under this Act but
    - (i) practises or professes to practise as a chartered human resource management practitioner, or
    - (ii) receives payment for the practice as a chartered human resource management practitioner;
  - (e) destroys or damages the register under this Act; or
  - (f) practises as a human resource management practitioner in contravention of this Actcommits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

#### 41. Regulations

The Minister shall, within twelve months of the coming into force of this Act, 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;
- (c) prescribe forms for the purpose of this Act;
- (d) amend the
  - (i) First Schedule in respect of the composition and procedures for the Disciplinary Committee;
  - (ii) Second Schedule in respect of the types of meetings, notification and procedures for meetings of the Institute; and
  - (iii) Third Schedule to vary the definition of “professional misconduct”; and
- (e) provide for any matters necessary for the effective implementation of this Act.

#### 42. Interpretation

In this Act, unless the context otherwise requires,

“**affiliate member**” includes

- (a) a student in a tertiary institution;
- (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 subsection (1) of section 15;

“**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;

“**corporate member**” means an organisation or company approved by the Council as a human resource management practitioner;

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

“**Fellow**” means a Chartered 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;

“**good standing**” means a member of the Institute whose membership subscription has been paid up to date;

“**honorary fellow**” means an individual who has made 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**” means a person who has formally registered with the Institute and has been issued with a certificate to practise as a Human Resource Management Practitioner;

“**Institute**” means the Chartered Institute of Human Resource Management, Ghana established under section 1;

“**Minister**” means the Minister responsible for Education;

“**professional misconduct**” means any conduct defined in the Third Schedule;

“**Professional Certification Programme**” means a four-level programme designed to provide professional training for the practice of human resource management;

“**register**” means the register of the Institute established under section 26;

“**Regulations**” means Regulations made under this Act; and

“**student member**” means an individual pursuing the Professional Certificate Programme of the Institute.

#### 43. Transitional provisions

- (1) The rights, assets and liabilities in respect of the properties of the Institute of Human Resource Management Practitioners, Ghana established under the Professional Bodies Registration Act, 1973 (N.R.C.D. 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, Ghana established under this Act.
- (2) Any moneys in a bank account held by or on behalf of the Institute of Human Resource Management Practitioners, Ghana in existence immediately before the coming into force of this Act is transferred to the Chartered Institute of Human Resource Management, Ghana established under this Act.
- (3) Any proceedings taken by or against the Institute of Human Resource Management Practitioners, Ghana may be continued by or against the Institute.

- (4) A person who
- (a) holds a qualification approved by the Council established under N.R.C.D. 143 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.
- (5) 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.
- (6) A person who fails to comply with subsection (5) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than six months and not more than twelve months or both.
- (7) 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.

#### 44. Dissolution and savings

- (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 of 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 Resource 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 Resource Management Practitioners, Ghana shall have and exercise the powers conferred on the Council established under section 4.

### First Schedule (sections 10 (2) and 41(d)(i))

#### Disciplinary Committee and proceedings of the Disciplinary Committee

1. (1) The Council shall appoint five persons, two of whom shall be from among the members of the Council, 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.
- (3) The chairperson of the Council shall not be a member of the Disciplinary 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 Secretary to the Council 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 Secretary to the Council 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 Secretary to the Council 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, without reasonable cause 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 Secretary to the Council 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.
    - (2) The Secretary to the Council is the secretary to the Disciplinary Committee and shall sign every notice issued for the purpose of a disciplinary proceeding.
    - (3) 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 commits an offence.
    - (4) 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.
    - (5) The Council may authorise any legal practitioner to assist the Disciplinary Committee in the leading and taking of evidence.
    - (6) An inquiry held by the Disciplinary Committee shall be held *in camera* unless the Council otherwise determines.
    - (7) 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.
    - (8) Upon the conclusion of an inquiry, the Disciplinary Committee shall prepare and submit a report to the Council on their findings and recommendations on the matters in respect of which the inquiry was held.

## **Second Schedule (sections 12 and 41(d)(ii))**

### **Meetings of the Institute**

#### **1. Annual General Meetings**

- (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 the President, Vice-President and two other members of the Council;
  - (b) elect two members who are women;
  - (c) approve the annual report of the Council, the audited accounts of the Institute and the auditor's report on the accounts; and

- (d) determine any other business.
- (3) The Annual General Meeting of the Institute shall be held not later than the 30<sup>th</sup> of June of 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 Secretary to the Council not later than twenty-one days 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
  - (c) the proposed motion relates to matters affecting the Institute or the human resource management profession.

## 2. Extraordinary General Meeting

- (1) The Council may convene an Extraordinary General Meeting of the Institute or on receipt of a written request signed by not less than twenty members of the Institute.
- (2) A request for an Extraordinary General Meeting shall state the purpose of the proposed meeting and be submitted to the Secretary to the Council.

## 3. Notice of a meeting

- (1) The Secretary to the Council shall send to each member of the Institute a notice in writing stating the day, time, place and the agenda for the meeting not less than fourteen days and not more than twenty-one days before an Annual General Meeting or Extraordinary General Meeting of the Institute.
- (2) The Secretary to the Council shall send each member of the Institute
  - (a) a notice of the meeting in writing;
  - (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.

## 4. Quorum at a meeting of the Institute

- (1) The quorum for a meeting of the Institute is twenty members.
- (2) An Annual General Meeting of the Institute shall be adjourned if twenty members are not present within sixty minutes of the time appointed for the meeting.
- (3) 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.

- (4) The adjourned meeting shall proceed to do business on the next adjourned date despite the fact that the members present do not form a quorum.
- (5) An Extraordinary General Meeting of the Institute shall be adjourned if fifteen members are not present within sixty minutes of the time appointed for the meeting.

#### 5. Adjournment

- (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.

#### 6. Resolution

- (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 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 the declaration of a decision 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 shall not be entitled to vote at a meeting of the Institute.

### Third Schedule (sections 41(d)(iii) and 42)

#### Professional misconduct

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

- (a) paying or agreeing to pay or allowing a person other than a Chartered Human Resource 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 for professional work either directly or indirectly by circular, advertisement, personal communication or interview or by any 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) accepting engagement 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 unless the position became vacant as a result of the death of the previous office holder;
- (f) engaging in 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 that is confidential, to any person without the approval of management.