

YOUTH EMPLOYMENT AGENCY BILL, 2014

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BILL

ENTITLED

YOUTH EMPLOYMENT AGENCY ACT, 2014

AN ACT to establish the Youth Employment Agency for the purpose of the development, coordination, supervision and the facilitation of the creation of jobs for the youth and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Agency

Establishment of the Agency

1. (1) There is established by this Act a body corporate to be known as the Youth Employment Agency.

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

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

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Object of the Agency

2. The object of the Agency is to develop, coordinate, supervise and facilitate the creation of jobs for the youth in the country.

Functions of the Agency

3. For purposes of achieving its object under section 2, the Agency shall, in consultation with other relevant agencies,

- (a) set standards and procedures for the employment and development of the youth in the country;
- (b) train the youth and provide them with the requisite skills for the labour market;
- (c) create employment for the youth and facilitate and monitor the employment of the youth in the country;
- (d) develop guidelines for the implementation of an integrated national youth employment programme;
- (e) serve as a one-stop shop for the employment of the youth and entrepreneurial development of the youth taking into consideration gender and persons with disability;
- (f) assess the operations of youth employment programmes and make recommendations for improvement;
- (g) plan and coordinate technical assistance in the field of youth employment;
- (h) develop, promote and support training activities in youth employment;
- (i) facilitate the employment of the youth in the public and private sectors of the economy;
- (j) advise the Minister on matters that relate to the employment and development of the youth; and
- (k) perform any other function that is necessary for the attainment of the object of the Agency.

Governance of the Agency

Governing body of the Agency

4. (1) The governing body of the Agency is a Board consisting of
- (a) a chairperson;
 - (b) the Chief Executive Officer of the Agency;
 - (c) one representative of the Ministry responsible for Employment and Labour Relations who is not below the rank of Director;

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- (d) one representative of the Ministry responsible for Finance who is not below the rank of Director;
- (e) one representative of the Ministry responsible for the Interior who is not below the rank of Director;
- (f) one representative of the Ministry responsible for Local Government and Rural Development who is not below the rank of Director;
- (g) the Coordinator of the National Youth Authority or a representative of the Coordinator of the National Youth Authority; and
- (h) two persons from the private sector nominated by the Minister, one of whom is a woman.

(2) The President shall appoint members of the Board in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Agency.

Functions of the Board

5. The Board shall

- (a) advise on and ensure the implementation of the objects of this Act;
- (b) approve plans for the development and maintenance of youth employment; and
- (c) generally control the management of the Agency on matters of policy.

Tenure of office of members

6. (1) A member of the Board shall hold office for a period of not more than four 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 of the Agency.

(3) A member of the Board may, by letter addressed to the President through the Minister, resign at any time from office.

(4) A member of the Board, other than the Chief Executive of the Agency, who is absent from three consecutive meetings without sufficient cause ceases to be a member of the Board.

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

(6) Where a member of the Board 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 section 8(2),

(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 a person to fill the vacancy.

Meetings of the Board

7. (1) The Board 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 Board convene an extra-ordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is five members or a greater number determined by the Board in respect of an important matter.

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

(5) Matters before the Board 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 Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy or a defect in the appointment of a member.

(8) Subject to this section, the Board may determine the procedure for its meeting.

Disclosure of interest

8. (1) A member of the Board 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

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(b) not be present at, or participate in the deliberations of the Board in respect of the matter.

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

(a) fails to disclose that interest; or

(b) is present at or participates in the deliberations of the matter.

Establishment of committees

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

(2) A committee consisting of non-members only is advisory.

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

Allowances

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

Ministerial directives

11. The Minister may give directives on matters of policy consistent with the objects of this Act to the Board and the Board shall comply.

Administrative provisions

Appointment of Chief Executive

12. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Executive for the Agency.

(2) The Chief Executive shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Chief Executive

13. (1) The Chief Executive

(a) is responsible for the day to day administration of the Agency and is answerable to the Board in the performance of the functions under this Act; and

(b) shall perform any other function determined by the Board.

(2) The Chief Executive is the Secretary to the Board.

(3) The Chief Executive may delegate a function to an officer of the Agency but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

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Appointment of other staff

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the functions of the Agency.

(2) Other public officers may be transferred or seconded to the Secretariat of the Fund or may otherwise give assistance to the Agency.

(3) The Agency may engage the services of advisers and consultants as determined by the Board.

Regional and district offices of the Agency

15. (1) The Board may establish regional and district offices of the Agency in places determined by the Board.

(2) A regional and district office of the Agency shall perform the functions of the Agency as the Board may direct.

Programmes for youth development

Development of programmes

16. The Agency shall, on a yearly basis, develop programmes and employment modules for youth employment and development.

Engagement of Private Sector Partner Service Provider

17. (1) The Agency may collaborate with a Private Sector Partner Service Provider in preparing proposals in respect of specific modules of programmes.

(2) The Agency shall grant approval for the engagement of a Private Sector Partner Service Provider in accordance with financial and administrative enactments.

Financial provisions

Funds of the Agency

18. The funds of the Agency include

- (a) moneys approved by Parliament;
- (b) sixty percent of communication service tax;
- (c) loans contracted by the Agency;
- (d) donations, gifts and grants; and
- (e) any other moneys that are approved by the Minister responsible for Finance.

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Accounts and audit

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

(2) The Board shall submit the accounts of the Commission to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months, after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

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

Annual report and other reports

20. (1) The Board shall within one month after the receipt of the audit report, submit to the Minister, an annual report covering the programmes, activities and operations of the Agency for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General and a report on the implementation of the programmes developed under section 16.

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

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

Youth Employment Fund

Establishment of the Youth Employment Fund

21. There is established by this Act, a Youth Employment Fund.

Object of the Fund

22. (1) The objects of the Fund are

(a) to support youth development through skills training and internship; and

(b) to prepare school drop-outs to continue their education.

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Sources of money for the Fund

23. The sources of money for the Fund are
- (a) moneys approved by Parliament for the Fund;
 - (b) fifteen percent of moneys accruing to the District Assembly Common Fund;
 - (c) ten percent of moneys accruing to the National Health Insurance Scheme;
 - (d) five percent of moneys accruing to the Ghana Education Trust Fund;
 - (e) grants, donations, gifts and other voluntary contributions; and
 - (f) any other moneys approved by the Minister responsible for Finance.

Application of the Fund

24. (1) To achieve the objects of the Fund, the Board shall apply the moneys of the Fund

- (a) for the payment of the allowances of the beneficiaries on the internship modules;
- (b) for the training of a beneficiary in a trade or vocation;
- (c) for the payment of Service Providers who have been contracted by the Agency to implement specific modules developed by the Agency; and
- (d) for the administrative expenses of the Agency as approved by the Minister responsible for Finance.

(2) The Board shall apply two percent of the Fund for oversight coordination and supervision by the Ministry.

Management of the Fund

25. The Board shall manage the Fund.

Bank account for the Fund

26. The Board shall pay moneys for the Fund into a bank account opened by the Board with the approval of the Minister responsible for Finance.

Regional Committees and District Committees

Establishment of Regional Committees

27. (1) The Board shall, in consultation with the Minister responsible for a region, establish in each region, a Regional Committee consisting of

- (a) a chairperson who is the Regional Minister;

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- (b) the Regional Director of the Agency;
- (c) the Regional Director of the Ministry of Employment and Labour Relations or a representative;
- (d) the Regional Director of the Ghana Education Service or a representative;
- (e) the Regional Director of the National Youth Authority or a representative;
- (f) a representative of the Regional Co-ordinating Council not below the rank of a Director;
- (g) two persons, each nominated by one of the following organisations:
 - (i) the Private Enterprise Foundation; and
 - (ii) the Organisation of Persons with Disability;
- (h) three persons nominated by the Regional Minister, one of whom is a woman.

(2) A Regional Committee shall meet at least once every three months for the conduct of business at the times and in the places determined by the chairperson.

(3) A Regional Committee may prescribe its own procedure for the conduct of meetings.

Functions of Regional Committees

28. A Regional Committee shall assist the Board in carrying out the functions of the Board and shall, subject to the directions of the Board,

- (a) be responsible for the implementation of the policies of the Agency in the region; and
- (b) oversee the activities of the Agency in the Region.

Establishment of District Committees

29. (1) The Board shall, in consultation with the respective District Assembly for each District, establish in each district, a District Committee consisting of

- (a) a chairperson who is the District Chief Executive;
- (b) the District Director of the Agency;
- (c) the District Director of the Ministry of Employment and Labour Relations or a representative;
- (d) the District Director of the Ghana Education Service or a representative;

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- (e) the District Youth Co-ordinator of the National Youth Authority or a representative;
- (f) a representative of the District Assembly not below the rank of a Deputy Director;
- (g) one person nominated by each of the following organisations:
 - (i) the Private Enterprise Foundation;
 - (ii) the Organisation of Persons with Disability; and
- (h) three persons nominated by the District Chief Executive, one of whom is a woman.

(2) A District Committee shall meet at least once every three months for the conduct of business at the times and in the places determined by the chairperson.

(3) A District Committee may prescribe its own procedure for the conduct of meetings.

Functions of District Committees

30. The District Committee shall oversee the activities of the Agency in the District.

Miscellaneous provisions

Regulations

31. The Minister may, on the advice of the Board, by legislative instrument, make Regulations

- (a) to prescribe the forms to be used under this Act;
- (b) for the procedure for the disbursement of the Fund; and
- (c) generally for the effective implementation of the provisions of this Act.

Interpretation

32. In this Act, unless context otherwise requires,

“Agency” means the Youth Employment Agency established under section 1;

“Board” means the governing body of the Agency established under section 4;

“Fund” means the Youth Employment Fund established under section 21;

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- “Minister” means the Minister responsible for Employment and Labour Relations;
- “Private Sector Partner Service Provider” includes a company or organisation specialised in a trade or vocation that is identified and procured by the Authority to facilitate the implementation of specific modules under the programme;
- “school drop-out” means a person who for one reason or the other cannot continue formal education; and
- “youth” means a person between the ages of fifteen and thirty-five years.

Date of *Gazette* notification: 24th October, 2014.

YOUTH EMPLOYMENT AGENCY BILL, 2014

MEMORANDUM

The object of the Bill is to establish the Youth Employment Agency to develop, coordinate, supervise and facilitate the creation of jobs for the youth.

Following a series of Cabinet discussions aimed at responding to the employment needs of the youth, it has become necessary to enact the Youth Employment Agency Bill. The Agency is expected to coordinate all youth employment and entrepreneurial programmes.

Clause 1 establishes the Youth Employment Agency. The Agency is a body corporate with perpetual succession and may, for the performance of its functions, acquire and hold movable and immovable property and enter into a contract or any other transaction.

Clause 2 states the object of the Agency. The Agency is to develop, coordinate, supervise and facilitate the creation of jobs for the youth in the country. The functions of the Agency are provided in *clause 3* and include setting standards and procedures for the employment and development of the youth in the country; training the youth and providing them with the requisite skills for the labour market; creating employment for the youth and facilitating and monitoring the employment of the youth in the country; advising the Minister on matters that relate to the employment and development of the youth and performing any other function that is necessary for the attainment of the object of the Agency.

Clause 4 provides for the governing body of the Agency which is a Board consisting of nine members. The members of the Board are a chairperson, the Chief Executive Officer of the Agency, one representative of the Ministry responsible for Employment and Labour Relations who is not below the rank of Director, one representative of the Ministry responsible for Finance who is not below the rank of Director, one representative of the Ministry responsible for the Interior who is not below the rank of Director, one representative of the Ministry responsible for Local Government and Rural Development who is not below the rank of

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Director, the Coordinator of the National Youth Authority or a representative of the Coordinator of the National Youth Authority and two persons from the private sector nominated by the Minister, one of whom is a woman. The President shall appoint the members of the Board in accordance with article 70 of the Constitution. The Board is required to ensure the proper and effective performance of the functions of the Agency.

The functions of the Board are provided in *clause 5*. The Board is required to advise on the objects of the Act and also to ensure its implementation. Furthermore, the Board is to approve plans for the development and maintenance of youth employment and to generally control the management of the Agency on matters of policy.

Standard provisions on the tenure of office of members, meetings of the Board and disclosure of interest are dealt with in *clauses 6, 7 and 8* respectively. *Clause 9* deals with the establishment of committees. Members of the Board and members of a committee of the Board are to be paid allowances approved by the Minister in consultation with the Minister responsible for Finance, *clause 10*. *Clause 11* provides for ministerial directives.

Clause 12 provides for the appointment of a Chief Executive. The functions of the Chief Executive are provided in *clause 13*. *Clauses 14 and 15* provide for the appointment of other staff and regional and district offices of the Agency respectively.

Clause 16 deals with the development of programmes. The Agency is to develop programmes and employment modules for youth employment and development on a yearly basis. *Clause 17* provides for the engagement of a private sector partner service provider.

Clause 18 deals with funds of the Agency. The funds of the Agency include moneys approved by Parliament; sixty per cent of communication service tax, loans contracted by the Agency; donations, gifts and grants; and any other moneys that are approved by the Minister responsible for Finance.

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Clauses 19 and 20 deal with the standard provisions of accounts and audit, annual report and other reports respectively. *Clause 21* establishes the Youth Employment Fund. The object of the Fund is to support youth development through skills training and internship and to prepare school drop-outs to continue their education, *clause 22*. *Clauses 23, 24, 25 and 26* deal with sources of money for the Fund; application of the Fund; management of the Fund and bank account for the Fund respectively.

The establishment of Regional Committees and their functions are provided for in *clauses 27 and 28* respectively. *Clauses 29 and 30* provide for the establishment of District Committees and their functions respectively.

Clause 31 deals with Regulations. Finally, *clause 32* is on interpretation.

HON. HARUNA IDDRISU, MP
Minister responsible for Employment and Labour Relations

Date: 27th October, 2014.