NATIONAL PENSIONS REGULATORY AUTHORITY

NPRA/GD/RGEX/OI/17

GUIDELINES FOR THE REGISTRATION OF EXPATRIATE (FOREIGN) WORKERS

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1. INTRODUCTION

1.1. IN exercise of the powers conferred on the Authority under Section 208 of the National Pensions Act, 2008 (Act 766) as amended by Act 883 and Regulations made under the Act, these Guidelines are issued this day of 2017.

1.2. The purpose of these Guidelines is for the registration of qualified Expatriate Workers under the National Pensions Act, 2008 (Act 766) as amended by Act 883 in situations where Ghana does not have a Reciprocal Agreement with a country of citizenship of the Expatriate Worker in the field of social security pursuant to the provisions of the National Pensions Act, 2008 (Act 766) as amended by Act 883 hereinafter referred to as the Act and Regulations made pursuant to the Act.

1.3. These guidelines may be cited as the Expatriate Registration Guidelines and are applicable for the registration of different categories of foreign citizens working in Ghana under appropriate legislations.

1.4. These Guidelines are subject to change by the Authority. Reference should be made to the Act and to Regulations made under the Act when and where necessary.

2. DEFINITIONS

2.1. For the purpose of these Guidelines and unless otherwise explained by other relevant statutes, words used will have the same meaning within appropriate contexts to similar words and phrases used in the Act. No interpretation of a word or phrase shall be made to be inconsistent with the meaning of such or similar words or phrases in the Act.

2.2. The following words and phrases shall have the meaning stated herein:

"Act" means the National Pensions Act, 2008 (Act 766); as amended by Act 883 of2017

"Authority" means the National Pensions Regulatory Authority established under Section 5 of Act 766;

"Benefits" means any pension or benefit in cash, including any supplements or increases applicable under the Act;

"Contribution" means mandatory contributions as provided under sections 63 and 96 including Section 109 (2) of Act 766;

"Employee" *or worker* means a person who is employed by an *establishment* as well as any person who is deemed equivalent to an employed person by applicable legislation and particularly *as defined in* Section 211 of Act 766;

"Employer" means the owner of an establishment or enterprise or the person who, or the Board which, has the ultimate control over the affairs of the establishment or enterprise and where such affairs are entrusted to a manager, managing director or managing agent, such manager or agent;

"Enterprise" means an industry, project, undertaking, or business or any part of that industry, undertaking, project or business;

"Expatriate Worker" means a qualified non-Ghanaian citizen duly employed by an enterprise ***or establishments*** in Ghana;

"Exemption" means persons or conditions not to be covered under the provisions of these Guidelines;

"First Tier scheme" means the mandatory Basic National Social Security scheme;

"Foreign Worker" means an Expatriate Worker;

"Laws" means the National Pensions Act 2008 (Act 766) as amended by Act 883, the Labour Act, and any other relevant legislation applicable to foreign employers and workers for the time in force;

"Occupational Pension Scheme" means a Pension Scheme offered through an individual's employment to private or public sector workers. Benefits are generally paid as lump sum, but could also be paid as an annuity or a combination of lump sum and annuity.

"Pension Scheme" means an employee benefit scheme which provides retirement benefits by the establishment of a trust fund or the purchase of insurance or annuity contracts or a combination of both and benefits may be paid either as an annuity or a lump sum;

"Provident Fund" means a fully funded, defined contribution scheme in which funds are managed privately and benefits paid as lump sum to the employee or his dependants in case of death. In some cases it is possible for the employee to draw income prior to retirement to meet specific needs;

"Registration" means the process of enrolment of a qualified Expatriate Worker to the membership of a scheme;

"Second Tier Scheme" means mandatory fully-funded and privately-managed Occupational pension scheme;

"Short contract" means a contract of employment not more than three (3) years in duration;

"SSNIT" means the Social Security and National Insurance Trust established under Section 32 of Act 766.

3. EQUAL TREATMENT

3.1. Unless otherwise provided in the Act or these Guidelines, an Expatriate Worker who ordinarily resides in Ghana, shall receive equal treatment with Ghanaian workers in the application of the Act and any Regulations made thereunder.

3.2. Unless otherwise provided in these Guidelines, a person who works as an employee or a self-employed person in Ghana shall, with respect to that employment or self-employment, be subject to the Act and these Guidelines.

4. EXEMPTION IN SOME CASES

4.1. An Expatriate who resides and is employed in Ghana for a period not exceeding 36 months and has shown proof of membership of a scheme of another country shall be exempt from the application of the Act and these Guidelines/or *that period.*

*4.2. NPRA shall issue an exemption certificate for a 2"*tier Scheme to an Expatriate worker who has demonstrable evidence of belonging to a Pension Scheme in their home country and are on a short contract of employment in Ghana.*

4.3. SSNIT shall issue an exemption certificate to an Expatriate worker who is exempted from the Basic National Social Security Scheme as provided for under Regulation 53(6) of L.I. 1989.

4.4. These Guidelines shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18,1961 or the Vienna Convention on Consular Relations of April 24,1963.

5. REGISTRATION REQUIREMENTS

5.1. Subject to Section 4 above and in accordance with Section 58 of the Act 766 as amended, the Three Tier Scheme shall apply to every qualified Expatriate employer and each Expatriate Worker employed by the establishment or in any enterprise where an employer - employee relationship exists.

5.2. An enterprise *or establishment* employing an Expatriate Worker in Ghana shall satisfy the following pre-conditions for the registration of that worker under a Scheme under the Act:

5.2.1. The Expatriate Worker shall not be prohibited under any scheme in his home country from joining the Three Tier Pension Scheme in Ghana.

6. ENTRY AGE AND OTHER REQUIREMENTS

6.1. The minimum age at which an Expatriate Worker may join or be registered under the Basic National Social Security Scheme managed by SSNIT is fifteen (15) years and a maximum age of forty-five (45) years.

6.2. A qualified expatriate worker who works in Ghana and is aged fifteen (15) years and not more than forty-five (45) years shall be registered under the Basic Social Security Scheme.

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