

## DECENTWORKCHECK.ORG

Check

Decent Work Check Rwanda is a product of WageIndicator.org and  
www.mywage.org/rwanda



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>





## 06/13 Maternity &amp; Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 08/13 Sick Leave & Employment Injury Benefits

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 09/13 Social Security

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

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41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

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43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

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46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Rwanda scored 36 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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## 01/13 Work & Wages

### Regulations on work and wages:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Minimum Wage

Ministry of Public Service and Labour (MIFOTRA) sets industry-specific minimum wages in the small formal sector. The minimum guaranteed wage (MGW) for different categories of work is determined by an Order of Minister for Labour. However, consultations with relevant social actors (employers and employees) are necessary before issuance of an order. There is no national minimum wage; daily minimum wage is Rwf100 as stipulated in a 1973 law. In practice, workers get much higher wage. The salary applicable to each professional category is determined under a collective labour convention.

Monthly salary is determined by taking into account commissions, allowances or various benefits or representative allowances of these benefits. Payment for annual leave, notice period and damages is calculated on the basis of this salary by making the average of the last twelve months the worker worked for.

If a worker has to travel professionally, outside his/her workplace, he/she is entitled to the transport, per diem and accommodation fees prior to travelling.

Source: Articles 76-78 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)  
Current minimum wage rates can be found in the Minimum Wage section.

### Regular Pay

In accordance with the Labour Code, the salary is the price for the work done. Salary is not paid in the event of absence from work, unless agreed upon between the concerned parties or for cases provided under the law.

Wages must be paid regularly and in legal tender (Rwandan franc). Wage interval must not exceed:

- one day for a worker hired on hourly or daily basis;
- a week or fortnight for a worker hired on weekly or fortnightly basis; and
- a month for a worker hired on monthly basis.

It also requires that wages must be paid within 7 days of the end of wage period, except daily worker who must be paid every day. Employer deposits the salary in a bank or financial institution in account given in writing by the worker. On termination, employers pay the salary and other indemnities soon after the expiry of notice period.

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An employer should provide pay slips on worker's request, showing the calculation of wages along with items including basic salary, other various allowances and bonuses, withholding taxes and the net salary.

An employer is not allowed to deduct or seize the worker's salary or fine a worker except in case of suspension as a disciplinary measure. The worker receives the salary for the number of days he/she has worked. Salary can be deducted according to the provisions of collective agreement or work contract between employer and the worker. Salary may also be deducted by attachment or voluntary transfer but the deduction may not exceed one-third (33%) of the worker's salary. In case of illegal deduction, worker is entitled to the interest for his/her benefit at the average rate as determined by the Central Bank of Rwanda. Interest is computed from the date the worker should have been paid the illegally deducted salary.

Source: Articles 75 & 79-89 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

**Regulations on compensation:**

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

Modalities for the application of the weekly working hours in the private sector

**Overtime Compensation**

In accordance with the Labour Code, the normal working hours are 45 per week. However, worker may be required to work overtime on mutual consensus between the two parties.

The employer fixes the timetable for daily work and rest. The timetable, written in Kinyarwanda and one other official language, is displayed on the staff's notice board after dated and signed by the employer. The daily working hours begin when the worker enters the workplace and ends when he/she gets out. Working hours comprise of hours worked during day, night; Official holidays or weekends and are the same as ordinary hours of work and have the same remuneration cost. Break hours, ordered by the employer, are considered to be a part of normal working hours. At the enterprise level, an employer after consultation with staff representatives must draw a timetable complying with the 45 working hours, including hours at which the working period commences and ends.

Worker may be required to work overtime in case of urgent work, exceptional work, seasonal work, and work done to protect or increase production. Overtime is calculated as hours exceeding the weekly legal working hours (45 hours) or contractual working hours (if agreed as less than 45 hours per week). Overtime hours are registered in a recognized book by the employer indicating the quantity of overtime worked, the day on which overtime occurred and the start and end time for overtime hours. If a worker works beyond the stipulated working hours, i.e., 45 hours a week, he/she is entitled to a rest period equal to the hours worked as overtime.

An employer is required to provide equivalent number of rest hours for the weekly overtime hours within the period of one month. If an employer does not provide the required rest period within 30 days of overtime, a worker is entitled to premium pay for overtime work according to the conditions agreed between the worker and employer in the contract.

Overtime premium pay is calculated on the basis of basic salary, excluding allowances and other benefits. The modalities for extra hours and the rate of remuneration of overtime are determined under a collective labour convention. It must be revised annually. In case working hours are reduced due to an accidental, for example due to a failure to control energy; bad weather; disasters; lack of materials or means of transport, the lost hours are recovered without reduction in salary.

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Lost hours are not recovered if such incident occurred while the employees were at work and the employer did not authorize them to go back home. Lost hours are recovered by extending the normal working hours within a period of thirty (30) days.

Source: Articles 49-51 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 2-12 of ministerial decree no 04/19.19 Of 17/09/2009 determining the modalities for the application of the weekly working hours in the private sector

### Night Work Compensation

No provision could be located in the Labour Code regarding night work. According to a Ministerial Decree, duration of working hours at night are the same as ordinary hours of work and have the same remuneration cost.

Source: Article 4 of ministerial decree no 04/19.19 Of 17/09/2009 determining the modalities for the application of the weekly working hours in the private sector

### Compensatory Holidays / Rest Days

There is no provision for compensatory rest day when a worker works on a weekly rest day however he is entitled to premium wage rate.

Source: Article 6 of ministerial decree no 04/19.19 Of 17/09/2009 determining the modalities for the application of the weekly working hours in the private sector

### Weekend / Public Holiday Work Compensation

There is a provision for premium pay for working on weekly rest day and public holidays. Wage rate for working on a weekly rest day or public holiday is 200% of the normal wage rate.

Source: Article 6 of ministerial decree no 04/19.19 Of 17/09/2009 determining the modalities for the application of the weekly working hours in the private sector.



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## 03/13 Annual Leave & Holidays

### Regulations on annual leave and holidays:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Paid Vacation / Annual Leave

The Labour Code provides for annual leave to all workers on completion of one year of service. A fulltime worker is entitled to 18 working days of paid annual leave (one and a half working day for one month of service). If a worker works less than 45 hours a week, his annual leave is determined on the pro-rata basis. A Young worker, under 18 year of age, is entitled to two working days per month (24 working days per year) of annual leave.

Annual leave also increases with the length of service. The increase in annual leave is one day of extra leave for every 3 years of continuous service. Annual leave may not exceed 21 working days in any case.

Worker can enjoy his annual leave within two years of its qualification. Payment in lieu of annual leave is prohibited except in the case of contract termination or expiry before the worker benefited from his annual leave. The payment for annual leave is based either on worker's average actual earnings inclusive of all the benefits he/she is entitled, during the year prior to taking leave.

Public holidays are not part of the annual leave. A compensatory leave is granted if a public holiday falls during annual leave or a worker has to work during annual leave. The days of incidental leave may be deducted from annual leave upon mutual consensus between the worker and the employer.

Source: Articles 53-58 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Pay on Public Holidays

Workers are entitled to fully paid holidays during Festival (public and religious) holidays. These holidays, determined under the Presidential Order, are usually 11 in number.

Public holidays includes; New Year's Day (January 01), Day after the New Year's Day (January 02), National Heroes' Day (February 01), Good Friday (March 29), Tutsi Genocide Memorial Day (April 07), Labour Day (May 01), Rwandan Independence Day (July 01), Rwandan Liberation Day (July 04), Umuganura Day (first Friday of August), Eid-el-Fitr, Assumption Day (August 15), Eid-al-Adha, Christmas Day (December 25) and Boxing Day (December 26).

Dates of Muslim festivals are subject to sighting of moon and thus are liable to change. If a public holiday falls on a non-working day, the next or previous working day may be appointed as a public holiday.

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Except the public holiday on 7th April (Genocide against the Tutsi Memorial Day), if an official holiday falls on the weekend, the following working day is declared an official holiday. If two consecutive official holidays fall on a day of weekend, the two official holidays are compensated in giving holiday on the one working day that follows. In case of coincidence of two official holidays, the following working day is an official holiday.

Source: Article 59 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code); Presidential Order N°42/03 of 30/06/2015 Determining Official Holidays

### Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Labour Code requires that weekly rest day, in principle, should be Sunday for all employees. Weekly rest should be granted at the same time for all the workers in the enterprise, if possible.

Source: Article 52 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

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## 04/13 Employment Security

### Regulations on employment security:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Written Employment Particulars

According to the Labour Code, employment contract is any contract, either oral or written, by virtue of which a person agrees to work for an employer in return for pay. It can be concluded for a fixed term, opened ended or for a well defined task, basing on employer and worker's mutual consent. However, an employment contract must be in writing written if it is concluded for a period of 6 or more months; or if the work can't be completed in 6 months; or the employment contract, signed in Rwanda, is implemented in a foreign country.

A written contract must contain the information on: its legal basis; complete identity of both parties and workplace; nature and duration of contract; nature of job; probation period; notice period; salary, allowance and deductions, date and place of payment; rate of overtime remuneration; relevant collective labour convention; and internal rules and regulations; employment category and level of occupation; weekly working hours; and other clauses favourable to the worker.

An employment contract has to be concluded in Kinyarwanda and in any other official language. If a contract is concluded in more than one language, a language is indicated which is referred to in resolution of a dispute that may arise in contract implementation.

Obligations of employer and worker are also mentioned in the contract and their commitment to respect them in good faith in conformity with the Law. Employment contract also contain provisions related to contract termination and conflict resolution in the execution of the employment contract of both parties and the competent courts to refer to in resolution of the conflict.

Source: Articles 1, 14-17 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 2-7 Ministerial Order N°05 Of 13/07/2010 Determining The Major Contents And Modalities For A Written Contract

### Fixed Term Contracts

Rwandan labour Law allows hiring fixed term contract workers for tasks of permanent nature. A worker hired for a fixed-term or an unspecified period that lasts more than six (6) consecutive months with the same employer is considered a permanent worker. The Labour Code neither requires a valid reason for the use of fixed term contracts nor does it place a statutory limitation on the maximum duration of successive fixed term contracts. A fixed term contract can be renewed as many times as agreed upon between the parties.

Source: Articles 15 & 16 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

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## Probation Period

The objective of the employment contract, with a view to conclude a definitive contract, is to decide beforehand to make an agreement whereby the employer examines the quality of the worker's services and output while the worker looks at the conditions of work, living, pay, health and security at work as well as the social climate among the workers.

In accordance with the Labour Code, probation/trial period may not exceed 6 months. The Labour Code also requires that initial probation period and its renewal must be recorded in writing.

Source: Article 20 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

## Notice Requirement

A fixed term contract terminates at the end of its term or by cancellation by either of the parties. The cancellation is either by agreement or in case of gross negligence. The party terminating the contract on gross negligence must notify the other party within forty eight (48) hours. In case of resignation before expiry of contract or dismissal on the basis not provided under the law, the party initiating the termination has to pay an indemnity equivalent to the remuneration for the remaining contract period along with the other compensation which must be paid.

An indefinite term (open ended) contract may be terminated by either of the parties by serving a notice or paying in lieu of notice. The employment may be terminated for legitimate reasons.

Labour Code does require an employer to serve a contract termination notice to the workers except when they are dismissed due to serious misconduct. The termination notice must be in writing and contain the reasons for termination.

For terminating an indefinite term contract, the required notice period depends on the worker's length of service as follows:-

- i. 15 days for a worker who has worked for less than a year; and
- ii. 1 month for a worker who has worked for more than a year.

Notice is not required in case of mutual agreement between parties or in case of gross negligence or if the employment contract is terminated during probationary period.

Payment in lieu of notice, by either party, is equivalent to the salary and other benefits from which the worker would have benefited during the notice period that has not been effectively respected. The notice allowance doubles in case of termination of the employment contract during paid leave or suspension period by the employer.

Source: Articles 27-32 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

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## Severance Pay

"In accordance with the Labour Code, a worker is entitled to severance pay (dismissal compensation) upon dismissal, provided that they have completed at least one year of continuous service with the employer.

Severance pay is payable at the following rates:

- one-month salary for less than 5 years of service;
- two-month salary for 5 to 10 years of service;
- 3-month salary for 10 to 15 years of service;
- 4-month salary for 15-20 years of service;
- 5-month salary for 20-25 years of service; and
- 6-month salary for more than 25 years of service.

The average monthly salary is calculated by dividing by twelve the total salary the worker has received for the last twelve (12) months exclusive of allowances allocated to the worker to enable him/her to discharge his/her duties.

An employer may terminate workers on individual or collective basis due to economic reasons, internal organization or consecutive restructuring for economic difficulties or technological transfers with the aim of protecting the competitiveness of the enterprise. (Art. 34-35 of Labour Code)"

Source: Articles 34-35 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

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**05/13 Family Responsibilities****Regulations on family responsibilities:**

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

**Paternity Leave**

Under article 02 of the Ministerial Order N°03 of 13/07/2010 Determining Circumstantial Leaves, a worker is entitled to four working days' circumstantial leave (paternity leave, in this case) on the birth of a child (worker's wife delivery).

Source: Article 02 of the Ministerial Order N°03 of 13/07/2010 Determining Circumstantial Leaves

**Parental Leave**

No provisions could be located in the law supporting parental leave for new parents after exhaustion of maternity leave.

**Flexible Work Option for Parents / Work-Life Balance**

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

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## 06/13 Maternity & Work

### Regulations on maternity and work:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Free Medical Care

There is no provision for medical benefits for pregnant women and new mothers in the Labour Code.

### No Harmful Work

There is a provision in the Labour Code that pregnant and breastfeeding women cannot be employed in dangerous or unhealthy work which can be harmful to their lives or to those of their babies. An order of the Ministry of Labour determines the nature of work prohibited pregnant and breastfeeding women.

Source: Article 74 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Maternity Leave

Female workers are entitled to a maximum of twelve weeks of maternity leave with pay. Working woman are required to provide medical certificates signed by a doctor, confirming the expected date of delivery before starting of the maternity leave; and the exact date of delivery after childbirth. A woman may start her leave two weeks before the tentative date of delivery. A woman worker who delivers a still-born or whose infant dies within one month of birth also benefits from a leave of four weeks from the day such event occurred (total of 06 weeks).

Under Social Security Policy, a woman on maternity leave can extend the leave by an additional 6 months following medical certification of her inability to resume work. However, this Policy was adopted in February 2009 while the new Labour Code was promulgated in May 2009 and this new Code has no such provision.

Source: Articles 64 & 68 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 4(3) of the Social Security Policy

### Income

Women workers are entitle to fully paid maternity leave for the first 6 weeks. While for the last 6 weeks, a new mother may resume work (and receive full salary) or receive 20% of her salary for these 6 weeks and remain at home.

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The government of Rwanda has submitted a bill in parliament that sets up a national fund which will cover full monthly pay for working mothers during maternity leave of 12 weeks. With the proposed bill, the employer will pay half the salary while the fund covers the remaining half, this will allow mothers to stay home much longer during the time babies need them most.

([www.mifotra.gov.rw/index.php?id=79&tx\\_ttnews\[tt\\_news\]=300&cHash=89f7e4ef39251f75da8b942b0b324f40](http://www.mifotra.gov.rw/index.php?id=79&tx_ttnews[tt_news]=300&cHash=89f7e4ef39251f75da8b942b0b324f40))

Source: Article 65 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Protection from Dismissals

A women worker cannot be dismissed during the period of her maternity leave. Her contract is suspended during maternity leave.

Source: Articles 25(3) & 67 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Right to Return to Same Position

There is a provision in the law which gives a female worker the right to return to same position after availing her maternity leave. A woman worker resumes her work after availing maternity leave or is given another post with the same position and salary as she used to have prior to her maternity leaves.

Source: Article 67 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Breastfeeding

During the 12 months on the birth of a child, fully paid nursing breaks of one hour duration on daily basis are allowed to female workers to breastfeed their child(ren). The breastfeeding breaks of 2 hours are allowed to workers who join work in the last 6 weeks of maternity leave.

Female workers are entitled to paid nursing breaks, of one hour duration, for new mothers to breastfeed their child(ren) until a child is twelve (12) months old. The breast-feeding/nursing breaks are paid and included in the normal working hours.

The nursing break of 2 hours duration for six weeks is entitled to the mothers who resume their work after six weeks of maternity leave. After six weeks, the duration of nursing breaks reduces to one hour.

Source: Article 65 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)



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## 07/13 Health&Safety

### Regulations on health and safety:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Employer Cares

In accordance with the Labour Code, an employer is responsible to maintain health and safety of the workers at workplace. Employer is required to keep the workplace in a common state of cleanliness and presentation of hygiene & safety necessary for the health and safety of workers.

The employer may also create a committee on health and safety at workplace and devise modalities for its functioning. Workers must also be provided with a first aid box, needed in case of emergency. In case of work accident, the employer must evacuate the injured and take them to the nearest health centre.

An employer is required to ensure the health, safety and welfare of all persons working in his/her workplace. Employer is required to: provide workers with work premises and tools appropriate for the work; assure workers of the reliable and timely renewal of collective and individual means of protection; conduct a risk and hazard analysis and take effective protective measures; inform employees about any risks likely to result from the use of technologies and any other imminent danger; ensure that safety information is displayed in readable language in all premises; make no deductions from an employee's remuneration or charge an employee in respect of anything done or provided in pursuance of the order on OSH; and notify the labour inspectors of any dangerous occurrence or occupational accident within four days of such incident.

Source: Articles 90-96 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 4 of the Ministerial Order N°02 Of 17/05/2012 Determining Conditions For Occupational Health And Safety); Ministerial Order N°01/Mifotra/15 Of 15/01/2015 Determining Modalities Of Establishing And Functioning Of Occupational Health And Safety Committees

### Free Protection

Labour Code requires employer to provide free protective equipment (PPE) to workers involved in hazardous work. The type of PPE needed varies depending on the nature of work being performed. The right use of PPE reduces risk of accident and illness. The employer is required to take all necessary steps to ensure that protective equipment is properly used, by maintaining and protecting it against any contamination that may be dangerous to the health of the worker. The worker should also be trained and sensitized on the need to use any protective equipment available to him/her. The personal protective equipment should be easy to handle and must not hinder any task accomplishment. The relevant protective equipment includes a helmet and welding glasses; appropriate respirators to protect against dust, gas, vapors or other noxious fumes; sunglasses; lead-coated blouses; noise control devices; gloves, sleeves, knee pads and headgear; special shoes and protective clothing.

Source: Article 91 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 28 of the Ministerial Order N°02 Of 17/05/2012 Determining Conditions For Occupational Health And Safety)

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## Training

An employer is obliged to train workers on health and safety at workplace and correct use of equipment. The Workplace Health and Safety Committee is responsible to provide advice on health and safety training programmes and adjustment of such programmes; to examine documents specifying, for each training activity, the duration and the means allocated to achieve it and to ensure its effective implementation; and to ensure that all appropriate measures are taken to provide training of workers and upgrade their skills in the field of occupational health and safety.

Source: Articles 90-91 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), §7 of the Ministerial Order N°02 of 17/05/2012 Determining Conditions For Occupational Health And Safety)

## Labour Inspection System

Labour Inspection System is provided under the Labour Code.

Labour Directorate is in charge of designing, carrying out and implementing the national policy and legislation governing employment. Labour Inspectorate, dependent on Labour Directorate, monitors compliance with the labour code and the provisions of collective conventions as well as social security laws. The Labour Inspector informs and advises employers and workers concerning the most effective means of complying with the legal provisions. He/she reports on all the activities that are not in compliance with the provisions of the labour code and the social security.

Labour inspector may enter, during working hours whether at night or during the day, any firm of his/her area for inspection with or without prior notice. Inspector may request to be accompanied, by one staff member of his/her choice within the institution. Labour inspector is responsible to secure the enforcement of provisions relating to working hours, wages, hygiene, social security and safety at work place, and the control of child labour at the workplace. He/she adjudicates disputes between workers and employers.

Source: Articles 156-160 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), USDOS Human Rights Report 2013, Articles 3-6 Ministerial Order N°07 of 13/07/2010 Determining the Modalities of Functioning of the Labour Inspector

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**08/13 Sick Leave & Employment Injury Benefits****Regulations on sick leave& employment injury benefits:**

Law regulating Labour in Rwanda, 2009 (aka Labour Code)

Decree Law of August 22, 1974 Concerning Organization of Social Security

**Income**

In accordance with the Labour Code, a worker is entitled to sick leave of up to 6 months, if certified by the doctor. The employer may require the worker to submit a certificate signed by three recognized medical doctors if the illness goes beyond 15 days. Employer is not obliged to pay the worker who is absent for more than 2 days without providing medical certificate. Of the maximum 6 months of sick leave, the first three months are paid while the last three months are unpaid.

Source: Articles 61-62 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

**Medical Care**

Medical benefits are available for insured workers and these include general medical care, surgical and dental care, medicine, hospitalization, rehabilitation, and transportation.

Source: Article 14 of Law N° 06/2003 of 22/03/2003 Modifying and Completing the Decree Law of August 22, 1974 Concerning Organization of Social Security

**Job Security**

Employment of a worker is secure during the period of sick leave, i.e., six months. The employment contract is suspended for absence due to illness when it is certified by a qualified doctor.

Source: Article 25(1) of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

**Disability / Work Injury Benefit**

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, the benefit is 85% of a worker's average earnings in the 3 months before the disability began. 40% of the insured worker's pension is paid if the worker requires the constant attendance of others to perform daily functions.

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In the case of permanent partial disability (when assessed degree of disability is 15% or above), amount of compensation depends on the assessed degree of disability and a percentage of full pension is paid accordingly. For assessed degree of disability of 1% to 14%, a lump-sum of 3-year pension is paid.

In the case of temporary disability, 75% of worker's average wages (in the 3 months before the disability began) are paid until full recovery or certification of permanent disability. Temporary disability benefit is paid for the maximum of 180 days.

In the case of fatal injury, dependents receive survivors' pension. 30% of a worker's average earnings is paid to a spouse (widow/widower) and 15% of a deceased worker's earnings are paid to each orphan under 18 years of age (age limit is 25 years in case of a student, no age limit in case of disabled). A full orphan receives 20% of the survivors' pension. Parents receive 10% of pension. Total survivors' benefits cannot exceed 100% of a deceased worker's permanent disability pension.

Funeral Grant is paid as a lump sum of 100 times the legal monthly minimum wage, which varies by sector.

Source: Articles 15-17 of Law N° 06/2003 of 22/03/2003 Modifying and Completing the Decree Law of August 22, 1974 Concerning Organization of Social Security

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## 09/13 Social Security

**Regulations on social security:**

Social Security Code, 1974  
Law No. 6/2003 of 03/22/2003

**Pension Rights**

Law provides for both full and early pension. For full pension, a worker must have attained 55 years of age (younger if prematurely aged) with at least 180 months (15 years) of contributions. Minimum pensionable age is 55 years.

The pension is 30% of a worker's average monthly earnings in the last 3 or 5 years (whichever is higher) plus 2% of average monthly earnings in each 12-month period of coverage exceeding 180 months. The minimum monthly pension is 50% of legal minimum wage. Workers who do not meet the requirements of old age pension are entitled to old age allowance, paid as a lump sum of the insured's average monthly earnings in the last three or five years (whichever is greater) multiplied by the number of years of contributions.

Source: Articles 20 of Law N° 06/2003 of 22/03/2003 Modifying and Completing the Decree Law of August 22, 1974 Concerning Organization of Social Security

**Dependents' / Survivors' Benefit**

The Social Security law provides for survivor benefit for dependents including widow, widower and children under 18 years of age (age limit is 25 years in case of a student, no age limit in case of disabled) and parents (including adoptive parents if there is no surviving spouse or orphan). If a worker dies and he/she meets the requirements of entitlement to old age or invalidity pension or was already getting it, 50% of the deceased's pension is paid to a widow/widower as a survivor's benefit. 25% of the deceased worker's pension is paid to each orphan. If there are full orphans, 40% of the pension is paid to each full orphan. Dependent parents get 25% of pension if there are no other eligible survivors. Total survivors' benefits can't exceed 100% of a deceased worker's pension.

If an insured worker dies but he/she is not entitled to invalidity pension and does not fulfill other requirements, the survivors are entitled to the survivor's allowance, provided as a lump sum of one month of pension for each six-month period of coverage is paid to the widow(er) and a lump sum of 50% of the survivor settlement is paid to each eligible orphan. The total settlement paid to orphans must not exceed twice the survivor settlement.

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## Unemployment Benefits

There is no provision for unemployment benefit under Rwandan labour laws.

## Invalidity Benefits

The social security law provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If a worker is assessed with at least 50% of loss in earning capacity, the pension is 30% of a worker's average monthly earnings in the last 3 or 5 years (whichever is higher) plus 2% of average monthly earnings in each 12-month period of coverage exceeding 180 months. The minimum monthly pension is 50% of legal minimum wage. Disability pension ceases at age 55 with the start of old-age pension.

Source: Article 21 of Law N° 06/2003 of 22/03/2003 Modifying and Completing the Decree Law of August 22, 1974 Concerning Organization of Social Security

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## 10/13 Fair Treatment

### Regulations on fair treatment:

Constitution of the Republic of Rwanda, 2003, revised in 2015  
Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Equal Pay

Constitution of Rwanda supports the principle of equal pay by stating that persons with the same competence and ability have a right to equal pay for equal work without discrimination.

In accordance with the article 12 of the Labour Code, the principle of equal remuneration for work of equal value between workers applies without any discrimination on the basis of origin, sex, colour, race, marital status, etc.

Source: Article 30 of the Constitution of the Republic of Rwanda 2003 revised in 2015; Article 12 of the Law regulating Labour in Rwanda 2009 (aka Labour Code)

### Sexual Harassment

Labour Code prohibits sexual harassment of women at workplace. Labour code prohibits any kind of physical, psychological or sexual gestures or actions directed at a person or an assault on their property on the grounds of their sex. Such action or gesture deprives them of their rights and negatively affects them

If a worker resigns after being victim of violence and sexual harassment at work, the dismissal is considered unfair dismissal. A worker must not be dismissed on reporting or having testified of violence.

Any employer or any other person guilty of exercising sexual harassment by way of orders, intimidation and terrorizing a person he/she leads is liable to imprisonment of two years to five years and a fine between one hundred thousand Rwandan francs and two hundred thousand Rwandan francs.

Source: Articles 9-11 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code), Article 24 of the N°59/2008 of 10/09/2008 Law on prevention and punishment of gender- based violence

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## Non-Discrimination

In accordance with article 11 of the Constitution, all Rwandans are born and remain free and equal in rights and duties. All forms of discrimination on the basis of, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.

The labour code also prohibits discrimination on the ground of race, color, origin, sex, marital status, family responsibilities, religion, beliefs, political opinions, social or economic conditions, country of origin, disability, previous, current or future pregnancy and in any other form. Discrimination at workplace with regard to the disabled people is also forbidden.

Sources: Article 11 of the Constitution of the Republic of Rwanda 2003 revised in 2015; Articles 12 & 97 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

## Equal Choice of Profession

The constitution of Rwanda grants the right to work to all citizens. The constitution states that every person has the right to free choice of employment.

Women can work in the same industries men as no restrictive provision could be located in the law.

Source: Article 37 of the Constitution of the Republic of Rwanda 2003 revised in 2015



**Regulations on minors and youth:**

Constitution of the Republic of Rwanda, 2003 revised in 2015  
Law regulating Labour in Rwanda, 2009 (aka Labour Code)

**Minimum Age for Employment**

Minimum age for employment is 16 years. A child aged between sixteen (16) and eighteen (18) may be employed under certain conditions that the daily rest period for a child worker must be at least 12 consecutive hours. A child has to be employed in work which is proportionate to his/her capacity. A child cannot be employed in the nocturnal, laborious, unsanitary or dangerous services for his/her health as well as his/her education and morality. A labour inspector may also request the examination of child by a recognized doctor to verify that the work entrusted to him is not beyond his capacity and is not toiling upon his health. If a child is not employed in suitable work, the employment has to be terminated and notice pay has to be paid to the child.

It is responsibility of the State to provide free education and to make sure that it is equally accessible to all. Compulsory education age is 15 years.

A parent or guardian who does not send his/her child to school while the child has reached the required age to start primary school is reprimanded in a village meeting and is ordered to send the child to school.

In case a parent or a guardian prevents the child from continuing his/her education, the parent or guardian is summoned to school to receive explanations on the importance of education and is obliged to bring the child back to school.

In the event of parent's failure to comply with such orders, the school authorities can appeal to the Cell authorities where the child lives in order to bring the child back to school.

Similarly, anyone who engages a child into work that prevents him/her from going to school or encourages him/her to drop out of school is dealt with by the authorized bodies in accordance with the law and the child is brought back to school by the Cell authorities.

Source: Article 20 of the Constitution of the Republic of Rwanda 2003 revised in 2015; Articles 4-7 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code); Articles 2-3 of Ministerial Order No 001/2016 Of 08/01/2016 Providing Sanctions Against Parents Who Do Not Send Their Children to School and Against Other Persons Who Employ Children in Work Preventing Them from Going to or Encouraging Them to Drop Out of School

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## Minimum Age for Hazardous Work

Minimum Age for hazardous work is set as 18 years. Ministerial Order 2010-06 sets forth a list of the worst forms of child labor by dividing it into three categories: worst forms of child labour (use of children in slavery, debt bondage, forced labour, armed conflict, prostitution and drug trafficking); work that may affect the healths and security or morality of a child (includes work in mining or quarrying; drainages, work carried out in unhygienic conditions exposing a child to dangerous products or chemicals and work related to demolitions) and work that may be dangerous for the health of a child ( work related to fishing, domestic work, carrying loads, work carried out in long hours and at night between 08 p.m. and 06 a.m., and construction work).

A person who violates the child labour related provisions is liable to a term of imprisonment ranging from six (6) months to twenty (20) years and a fine of five hundred thousand to five million Rwandan francs or to either of these penalties.

Sources: Ingingo ya 72 & 168 of Labour Code, Ministerial Order N°06 Of 13/07/2010 Determining The List of Worst Forms of Child Labour, Their Nature, Categories of Institutions That Are Not Allowed To Employ Them And Their Prevention Mechanisms

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## 12/13 Forced Labour

### Regulations on forced labour:

Law regulating Labour in Rwanda, 2009 (aka Labour Code)  
Constitution of the Republic of Rwanda, 2003, revised in 2015

### Prohibition on Forced and Compulsory Labor

Forced Labour is prohibited under the Labour Code and is a liable offence. Forced labour do not include work executed in accordance with the law governing military service; work executed for the purpose of implementing the civic education; work or service which is part of the normal civic obligations of the citizens of Rwanda; work or service required of a person according to a decision of the court and which is executed under the responsibility and control of a public institution or authority; and work or service required in case of an emergency such as during the time of war or disaster.

A person who violates the forced labour related provisions is liable to an imprisonment from three (3) years to five (5) years or for a fine from five hundred thousand (RwF 500,000) to two million Rwandan Francs (RwF 2,000,000) or either of these penalties.

Source: Articles 8 & 167 of the Law regulating Labour in Rwanda, 2009 (aka Labour Code)

### Freedom to Change Jobs and Right to Quit

According to the constitution of Rwanda, every citizen has a right to choose the employment of their choice. Labour law states that workers have the right to change jobs after serving due notice on their employer. The duration of notice period depends on the length of service of the worker. For more information on this, please refer the section on employment security.

Source: Article 30 of the Constitution of the Republic of Rwanda 2003, Article 27 of the Law regulating Labour in Rwanda 2009 (aka Labour Code)

### Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-five hours per week. However, total hours of work inclusive of overtime are not specified by the labour code.

For more information on this, please refer to the section on compensation.

Source: Article 49 of the Law regulating Labour in Rwanda 2009 (aka Labour Code)

**Regulations on trade unions:**

Law regulating Labour in Rwanda, 2009 (aka Labour Code)  
Constitution of the Republic of Rwanda of 2003 revised in 2015

**Freedom to Join and Form a Union**

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions for the defense and the promotion of legitimate professional interests.

The right to form and join a union is regulated by the labour code. Trade union is an association of workers executing similar or related professions with the exclusive purpose of studying and defending their economic and social interests. Trade unions are independent, that is, they are not established or run by the employer or do not receive budget support from the Government. The trade unions are not involved in political activities.

Union members are free to elect their representatives and formulate their work program. They may draw up their own statutes, administrative regulations, organize their management and their activity and design their plan of action as long as these are not contrary to laws in effect and public order.

The unions must get registered with the Ministry by filing their statutes. The statutes must be written in three official languages and signed by a public notary of the District in which a Trade Union or an Employers' Professional Organisation has its head office. Ministry in charge of labour responds to these statutes within 90 days of their reception and provides written observation, if necessary, to the representatives of the trade union. If the Ministry of Labor does not reply within this period, the interested parties may address their concerns to the relevant authorities. The publication of Statutes of a Trade Union in the Official Gazette grants it legal personality.

Employer may deduct union dues from the wages of the members only after their written consent. Discriminatory behavior is prohibited for the employer on the basis of union affiliation or participation in union activities. Employer is not allowed to use any means of pressure for or against any trade union organization.

Sources: Articles 31 of the Constitution of the Republic of Rwanda of 2003 revised in 2015; Articles 101-118 of the Law regulating Labour in Rwanda 2009 (aka Labour Code), Ministerial Order N° 11 Of 07/09/2010 Determining The Modalities And Requirements For The Registration Of Trade Unions Or Employers' Professional Organizations

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## Freedom of Collective Bargaining

Right to collective bargaining is recognized by the labour code. Public servants are not allowed to bargain collectively.

According to the Constitution, trade unions and employers' associations have the right to enter into general or specific agreements regulating their working relations. The modalities for making these agreements are determined by the Law.

In accordance with the Labour Code, collective negotiation (collective bargaining) is a discussion between one or several employers and representatives of one or several registered trade unions that can take place at national level or at the levels of categories of similar professions or service firms.

A collective agreement may contain provisions that are more favourable for workers than those provided by the laws. Worker and employer may not agree on provisions that are contrary or less favourable than those of laws and regulations in force.

A collective agreement may be signed for a specified or unspecified period of time. In case where there are no contrary provisions, the convention for a specified period that expires remains effective as if it is a convention for unspecified period.

The collective labour convention (collective agreement) is deposited with the clerk of the court competent in labour related matters for registration. The convention is submitted with 5 original copies by one of the parties, immediately furnished with acknowledgement of receipt. These provisions are applicable to any worker and employer within the concerned area and profession, in accordance with the period and procedure stipulated in the convention.

Sources: Article 32 of the Constitution of the Republic of Rwanda 2003 revised in 2015; Articles 119-132 of the Law regulating Labour in Rwanda 2009 (aka Labour Code)

## Right to Strike

Strike is interruption of work or late arrival for work by some or all workers with a purpose to oblige the employer or any other organization, to which the employer is affiliated to accept, modify or abandon a certain decision.

Right to strike is enshrined in the Constitution and regulated by the Labour Code. According to the Constitution, all workers have right to strike and it should be exercised within the limits provided for by the Law, but the exercising of this right should not interfere with the freedom to work which is guaranteed for every individual.

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Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail. Strikers must inform the employer and the Ministry of Labour at least 4 days prior to the proposed date of strike.

Competent court decides whether the strike is legal or illegal. Illegal strike may result in legal action against workers, trade union and all others directly or indirectly involved in it. Strikers have to pay compensation for the damages deliberately caused to goods and equipments.

Workers employed in essential services have to follow particular procedures to exercise their right to strike. These procedures permit the maintenance of the necessary minimum service for the security of people and their goods. Essential services are those meant to safeguard peoples' basic rights and freedoms such as the right to life, health, freedom and security, freedom of movement and freedom of communication and information. Strike or lockout cannot interrupt or stop the following essential services: services and works done by aid agencies; firefighting services; hospitals; water distribution and other related services; electricity distribution or works on water dams; public transportation of people on land, water and air; activities linked to supplying, distributions and selling of fuel and oil and activities carried out at airports and air traffic control.

An excessively long list of indispensable/essential services is provided under Ministerial Order N°04 Of 13/07/2010 Determining Essential Services That Should Not Stop And The Terms And Conditions Of Exercising The Right To Strike In These Services.

Sources: Article 33 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, Articles 151-155 of the Law regulating Labour in Rwanda 2009 (aka Labour Code); Ministerial Order N°04 of 13/07/2010 Determining Essential Services That Should Not Stop and The Terms and Conditions of Exercising The Right To Strike In These Services

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## 01/13 Work &amp; Wages

**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

***Rwanda has not ratified the Convention 95, 117 & 131 only.***

**Minimum wage**

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

**Regular Pay**

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## 02/13 Compensation

**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

***Rwanda has not ratified the Convention 01 & 171.***

**Overtime Compensation**

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

**Night Work Compensation**

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

**Compensatory Holidays/Rest Days**

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

**Weekend/Public Holiday work Compensation**

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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## 03/13 Annual Leave &amp; Holidays

**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

***Rwanda has ratified the Conventions 14 & 132 only.***

**Paid Vacation/Annual Leave**

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

**Pay on Public Holidays**

You should be entitled to paid leave during national and officially recognized public holidays.

**Weekly Rest Day**

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

## 04/13 Employment Security

**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

***Rwanda has not ratified the Convention 158.***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

**Written Employment Particulars**

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

**Fixed Term Contracts**

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

**Probation Period**

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

**Notice Requirement**

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

**Severance Pay**

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).



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## 05/13 Family Responsibilities

### ILO Conventions on family responsibilities

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***Rwanda has not ratified the Conventions 156 & 165.***

### Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

### Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

### Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

## 06/13 Maternity and Work

### ILO Conventions on maternity and work

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

***Rwanda has not ratified both Conventions 103 & 183.***

### Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

### No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

### Maternity leave

Your maternity leave should last at least 14 weeks.

### Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

### Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

### Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

### Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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## 07/13 Health &amp; Safety

**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

***Rwanda has ratified the Convention 81 only.***

**Employer cares**

Your employer, in all fairness, should make sure that the work process is safe.

**Free protection**

Your employer should provide protective clothing and other necessary safety precautions for free.

**Training**

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

## 08/13 Sick Leave &amp; Employment Injury Benefits

**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

***Rwanda has not ratified the Conventions 102, 121 & 130.***

**Income/Paid Sick Leave**

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

**Medical Care**

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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## 09/13 Social Security

**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

***Rwanda has not ratified the Convention 102, 121, 128, 130 & 168.***

**Pension Rights**

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

**Dependent's/Survivors' Benefit**

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

**Unemployment Benefit**

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

**Invalidity Benefits**

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## 10/13 Fair Treatment

**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

***Rwanda has ratified both Conventions 100 & 111.***

**Equal Pay**

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

**Sexual Harassment**

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

**Non-Discrimination**

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

**Equal Choice of Profession**

People have the right to work and there can't be occupational segregation on the basis of gender.

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**11/13 Minors & Youth****ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***Rwanda has ratified both Conventions 138 & 182.***

**Minimum Age for Employment**

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

**Minimum Age for Hazardous Work**

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

**12/13 Forced Labour****ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

***Rwanda has ratified both Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## 13/13 Trade Union

### ILO Conventions on Trade Union Rights

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

***Rwanda has ratified both Conventions 87 & 98.***

### Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

### Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

### Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Rwanda. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

WageIndicator.org and Iftikhar Ahmad

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