



DECENT WORK CHECK

RWANDA 2023

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The Authors

Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research which is the global labour law office of the WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

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Bibliographical information

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Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email office@wageindicator.org

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial 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 helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, 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).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of the Republic of Rwanda, 2003, revised in 2015
2. Law regulating Labour in Rwanda, 2018 (No. 66/2018)
3. Law N° 05/2015 OF 30/03/2015 Governing the Organization of Pension Schemes
4. Ministerial Order N° 02/MIFOTRA/22 Of 30/08/2022 on Occupational Safety, Employees' and Employers' Organisations, Child Employment, Employment of a Foreigner, the Child And Circumstantial Leave
5. Decree Law of August 22, 1974 Concerning Organization of Social Security
- 6.

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

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

Rwanda has not ratified the Conventions 95, 117 and 131.

Summary of Provisions under ILO Conventions

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

Regulations on work and wages:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

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.

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.

Compliance with the provisions of Labour Code including minimum wages is ensured by the Labour Inspectorate. There are labour inspectors in every district. An employee can consult a labour inspector if he/she is paid less than the required minimum wage, and if unsatisfied, he or she can be referred to MIFOTRA.

Source: §66, 68, 71 & 113 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

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. The Labour Law obliges employers to pay workers their due salaries in a timely manner.

Wages must be paid regularly and in legal tender (Rwandan franc). Wage period or 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.

The 2009 law required that wages must be paid within 7 days of the end of wage period, except daily worker who must be paid every day. However, the 2018 law does not include such provisions which might be added to the forthcoming ministerial orders. Instead of being paid in cash, salaries are paid through accounts maintained by the worker in bank or any other financial institution. On termination, employers pay the salary and other indemnities soon after the expiry of notice period.

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, execution of a court order, for payment of advance (loan) given by the employer, or voluntary transfer but the total deductions may not exceed half (50%) of the worker's salary. Under 2009 law, the overall deductions could 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.

When there is a deduction from the employee's salary in contravention of the law, he is entitled to interests in accordance with the law, starting on the date on which the employee was supposed to be paid.

Source: §39, 66-76 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Rwanda has not ratified the Conventions 01 and 171.

Summary of Provisions under ILO Conventions

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 time (125%) the regular rate.

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.

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

If a worker has to work during the weekend, he/she 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 a worker has to work on a public holiday, he/she 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 away the right to a holiday/ rest.

Regulations on compensation:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

Overtime Compensation

In accordance with the Labour Code, the general 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 being 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 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 or where the work is of special nature. 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 hours

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.

Instead of monetary compensation to workers engaged in overtime work, the labour law requires paid time-off. An employer is required to provide the 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 accident, 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. Lost hours are not recovered if such incident occurred while the employees were at work and the employer did not authorize them to leave the workplace. Lost hours are recovered by extending the normal working hours within a period of thirty (30) days from the date of incident.

Source: §43 & 91(4) of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Ministerial Order No. 005/19.20 of

17/03/2020 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, the duration of working hours at night are the same as ordinary hours of work and has the same remuneration cost.

Source: §2 of Ministerial Order No. 005/19.20 of 17/03/2020 determining the modalities for the application of the weekly working hours in the private sector

Compensatory Holidays / Rest Days

There is no provision for a compensatory rest day when a worker works on a weekly rest day or a public holiday. However, considering that the 2020 Ministerial Order requires compensation for overtime hours in terms of time-off, it can be assumed that workers are given a compensatory rest day if they are required to work on a weekly rest day or a public holiday.

Source: Ministerial Order No. 005/19.20 of 17/03/2020 determining the modalities for the application of the weekly working hours in the private sector

Weekend / Public Holiday Work Compensation

There is no provision for premium payment for a worker engaged in work on a weekly rest day or a public holiday. Employers, however, are required to pay normal wage rate to a worker for engaging them on such days if a paid time-off is not already

provided to workers within the limit of 30 days.

Source: Ministerial Order No. 005/19.20 of 17/03/2020 determining the modalities for the application of the weekly working hours in the private sector

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

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 and 132 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of 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.

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

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

Regulations on annual leave and holidays:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

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 (16-18 years) 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 with the same employer. 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 entitlement. Payment in lieu of annual leave is prohibited except in the case of contract termination or expiry before the worker benefited from their annual leave. The payment for annual leave is based 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. 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.

The labour legislation allows for splitting of annual leave in two parts. Considering the work needs of enterprise, employer may require a worker to come back to work and resume the remainder of annual leave within six months.

Source: §46-50 & 62 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

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 13 in number.

Public holidays include; New Year's Day (January 01), Day after the New Year's Day (January 02), National Heroes' Day (February 01), Good Friday, Easter Monday, 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.

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 the weekend, the two official holidays are compensated by giving a holiday on the one working day that follows. In case of a coincidence of two official holidays, the following working day is an official holiday. An employee who works on an official public holiday is entitled to a rest day equivalent to an official public holiday on which he/she has worked within the next thirty (30) days.

Source: §53 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Presidential Order N° 54/01 of 24/02/2017 Determining Official Holidays

Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Under the 2009 Labour Code, the weekly rest day used to be Sunday for all workers. The 2018 Labour Law has no such provision.

No provision could be located in the law regarding daily rest periods and rest breaks.

The time for weekly rest is 24 hours and is not counted in the working hours provided under the minimum hours of work in a week.

Source: §43-44 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Rwanda has not ratified the Convention 158.

Summary of Provisions under ILO Convention

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.

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

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

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

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).

Regulations on employment security:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

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, based on employer and worker's mutual consent. However, an employment contract must be in writing written if it is concluded for a period of three or more months. A foreign worker, working in Rwanda, must also be given a written employment contract.

A written contract must contain the information on: its legal basis; complete identity of both parties and place of work; 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 must be concluded in any of the official languages in Rwanda (Kinyarwanda, Swahili, English, French). If a contract is concluded in more than one language, a language must be indicated which is referred to in resolution of a dispute that may arise in contract implementation. An employment contract must be drafted in a language that both parties can understand. If parties do not understand the same language, the employment contract must be concluded in

two languages, where one language is understood by each party to the contract.

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 the resolution of the conflict. Under the labour law, it is the responsibility of employer to provide an employee with a written employment contract and its copy.

Source: §11 & 39 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Ministerial Order N° 007/19.20 of 17/03/2020 determining the Core elements of a written employment contract

Fixed Term Contracts

Rwandan labour Law allows hiring fixed-term contract workers for tasks of permanent nature. The 2018 labour law allows for fixed term contracts. Under the earlier law, a worker hired for a fixed-term or an unspecified period that lasted more than six (6) consecutive months with the same employer was considered a permanent worker.

The 2009 and 2018 versions of labour law do not require 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: §11 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Probation Period

The objective of probation period, 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 three months. However, after the written evaluation of an employee's performance at the end of three months, that is communicated to the employee, employer can require the employee to retake the probation period for a maximum of three months. The valid reasons for extension or retaking of probation period must related to the nature of work, or an employee's performance and conduct.

Source: §13 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

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 fixed term contract before its expiry must have legitimate reasons for contract termination. In case of resignation before the expiry of the 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 or gross misconduct. In the case of gross misconduct, the party terminating the contract must notify the other party of the evidence of gross misconduct specifying the grounds for contract termination within 48 hours of the occurrence of misconduct. Under a 2020 Ministerial Order, gross misconduct includes, but is not limited to, theft, fraud, fighting at workplace, discrimination at workplace, sexual harassment, gender-based violence at workplace, illegal strike, etc. In cases of gross misconduct, no written contract termination notice is required.

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 notices, 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.

Employment contract cannot be terminated during the suspension period of an employment contract or when an employee is on leave. During the term of notice, employee is allowed to be absent from work once a week to look for a new job.

Employers are liable to pay damages in the event of unlawful dismissals. The damages for unfair dismissal range between three to six months of salary, rising to a maximum of nine months' salary for workers with more than 10 years of service with the same enterprise. Damages are also payable by workers if they terminate their employment contract unlawfully.

Source: §24-30 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Severance Pay

In accordance with the Labour Code, a worker is entitled to severance pay (dismissal compensation, terminal benefits) upon dismissal, provided that they have completed at least one year of continuous service with the employer. The termination of employment contract must have been triggered by economic reasons, technological transfer, or sickness. The severance pay is payable at the following rates, depending on a worker's length of service with the same enterprise:

- (i) 2 months' salary for less than 5 years of service;
- (ii) 3 months' salary for 5 to 10 years of service;
- (iii) 4 months' salary for 10 to 15 years of service;
- (iv) 5 months' salary for 15 to 20 years of service;

- (v) 6 months' salary for 20 to 25 years of service; and
- (vi) 7 months' 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. The terminal benefits must be paid within seven working days of dismissal. Under the 2018 law, the terminal benefits are raised from one month salary to a minimum of two months' salary for workers with less than five years of service with the same employer.

A retiring employee receives retirement benefits in the same manner as terminal benefits. However, retirement benefits are not payable cumulatively with terminal benefits.

Source: §31-32 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Rwanda has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) 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 the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

Paternity Leave

Under the Labour Law, an employee has the right to circumstantial leave and to their full salary in case of fortunate or unfortunate events that have occurred in the family.

Under a 2022 Ministerial Order, a worker is entitled to a fully paid four working days' circumstantial leave (paternity leave, in this case) on the birth of a child (worker's wife delivery). Workers are entitled to their salary and all fringe benefits in the duration of paternity leave. In the event of any complications related to the child delivery, the above leave can be extended by five working days, totalling nine working days in the event of childbirth.

Source: §52 of the Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employees' and Employers' Organizations, Child Development, Employment of a Foreigner, the Child, and Circumstantial Leave

Parental Leave

No provisions could be located in law providing for parental leave to either of the parents on exhaustion of maternity and paternity 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.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. 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 the Convention 103 and 183.

Summary of Provisions under ILO Convention

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

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

The total maternity leave should last at least 14 weeks.

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

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

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

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

Free Medical Care

There is no provision for medical benefits for pregnant women and new mothers in the Labour Code. There is an option of community-based health insurance and public health insurance where members have access to certain medical benefits. For more information on this, please refer to the section on medical care.

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. A woman worker, however, must present a medical certificate from a recognised medical doctor supporting her transfer from dangerous or unhealthy to safe work.

In the case of imminent health risks to the health of a pregnant or nursing woman, the following measures are taken: removing what can cause such risks and facilitating the exercise of her work.

Generally, an employee can refuse to work in a dangerous workplace if they perceive that such place is dangerous for work or will adversely affect their health. Employers are prohibited from taking disciplinary action (suspension of contract or imposing of other sanctions) against a worker who refuses to work on safety concerns.

Source: §63 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §3 & 7 of the

Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employees' and Employers' Organizations, Child Development, Employment of a Foreigner, the Child, and Circumstantial Leave

Maternity Leave

Female workers are entitled to a maximum of twelve weeks (2 weeks prenatal and 10 weeks postnatal leave) 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. When there are complications in childbirth, a female employee, after getting ascertained by a recognized medical doctor, can get an additional leave of up to one month which will be paid in accordance with the law.

On giving birth to a stillborn child after the 20th week of pregnancy, such a woman worker is entitled 8 weeks of maternity leave from the day the baby dies. A female employee whose child dies after birth is entitled to a leave equal to the remaining days of her maternity leave. In the event of premature birth, the woman worker is entitled to a leave equivalent to the remaining days to normal delivery period of 9 months. A female employee who has a miscarriage before 20 weeks of pregnancy is granted a sick leave in line with the relevant laws. Please see section on sick leave.

Source: §56-57 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §53 – 55 of the Ministerial Order N°

02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

Income

Women workers are entitled to fully paid maternity leave for the 12 weeks. During the first 6 weeks of maternity leave, employer pays the full salary while the salary for the remaining six weeks is paid by the Social Security Administration. Maternity leave benefits are equal to the woman worker's last salary on which the contribution was paid. Payment of maternity leave benefits from the Social Security Administration commences with the seventh week of the maternity leave. In case of death of a mother before expiry of maternity leave, the Social Security Administration continues to pay to the father or guardian of the surviving newborn the balance of maternity leave benefits that the deceased worker was entitled to.

Employers are required to register an employee with the Social Security Administration within 7 days of the start of employment. The maternity benefits for post-natal maternity leave (6 weeks) are now covered by the Social Security Administration. The benefits are payable from the seventh week of maternity leave.

The maternity benefits are payable if the female worker was registered with the Social Security Administration within 6 months from the date of leave commencement; the woman worker must have paid contribution to the scheme for at least a month; and the presentation of a medical certificate of delivery.

The contribution rate is 0.3% of the gross salary, payable by the worker and employer each (0.6% in total).

The employer pays the woman maternity leave benefits due and those benefits are reimbursed by Social Security Administration within thirty (30) days of the receipt of request of reimbursement.

Maternity leave benefits are granted in accordance with the law in accordance to the law to women in Rwanda.

Source: §58 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Law N°003/2016 of 30/03/2016 Establishing and Governing Maternity Leave Benefits Scheme; §23 of the Ministerial Order No. 007/16/10/TC of 28/10/2016

Protection from Dismissals

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

A termination notice cannot be given to an employee who has given birth and is on maternity leave.

Source: §61 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

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: §61 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Breastfeeding

During the 12 months of the birth of a child, fully paid nursing breaks of one-hour duration on daily basis are allowed for female workers to breastfeed their child(ren).

The breastfeeding/nursing breaks are paid and included in the normal working hours.

Source: §59 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

07/13 HEALTH & SAFETY

ILO Conventions

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.

Summary of Provisions under ILO Conventions

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

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

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

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

Regulations on health and safety:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)
- Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

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 the 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 a 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. The 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 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 the 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.

An employer holds the responsibility to ascertain the health of his workers, provide them with suitable premises and tools to protect them, that the workers use necessary occupational health and safety protective equipment, identify the risks emanating from the nature of the work being done, train the employees on matters of occupational health and security, to record, report, and ensure safety from occupational hazards, and to ascertain that the workplace and the employees working there have the means, awareness and training to keep the place neat and clean.

The employer is also responsible to take prudent steps for the safe use of machinery and other equipment, for hoists and lifts, for fire prevention, for fighting, and against inappropriate use of chemical products, and other such aspects.

Source: §77 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §3, 6, & 11-14 of the Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

Free Protection

Labour Code requires the employer to provide free protective equipment (PPE) to workers involved in hazardous work. The type of PPE needed varies depending on the nature of the work being performed. The

right use of PPE reduces the risk of accidents 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, vapours, or other noxious fumes; sunglasses; lead-coated blouses; noise control devices; gloves, sleeves, knee pads, and headgear; special shoes and protective clothing.

It is the responsibility of an employer to provide personal protective equipment to all the permanent and non-permanent employees that enter an enterprise. Under the Labour Law, an employee is not required to pay any cost in connection with measures aimed at ensuring occupational health and safety.

Source: §77 & 79 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §9 of the Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

Training

An employer is obliged to train workers on health and safety at the workplace and the

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 programs; examining 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.

It is the duty of the employer to train the employees vis-à-vis health and safety matters at work at least once a year. Employer must also inform workers about the risks of the work they are doing along with the assessment, knowledge, and dealing with risks that might surface with the use of new technology.

Source: §78 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §3, 6 & 21 of the Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

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 workplace, and the control of child labour at the workplace. He/she adjudicates disputes between workers and employers.

The employer has to report occupational hazards, diseases, and deaths to the Labour Inspector of the area of the workplace and to the social security organ.

The employer, the labour inspector, and the person in charge of occupational health and safety at the national level are responsible for the monitoring and functioning of the occupational health and safety committee.

Obstruction in the work of the labour inspectorate can result in the form of a fine of FRW 100, 000 and FRW 2, 000, 000.

Source: §112-113 & 120 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §3, & 26 of the Ministerial Order N° 02/MIFOTRA/22 of 30/08/2022 on Occupational Safety, Employee's and Employers' Organizations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

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.

Summary of Provisions under ILO Conventions

A worker's 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, a worker 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). A worker must be entitled to paid sick leave.

During illness, a worker 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.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must 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.

Regulations on sick leave & Employment Injury Benefits:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)
- Decree Law of August 22, 1974 Concerning Organization of Social Security

Income

In accordance with the Labour Code, there are two types of sick leave in Rwanda (short-term sick leave, and long-term sick leave) and a worker can avail either of these depending on his or her condition.

On presenting a medical certificate by a recognized medical doctor justifying the worker's incapacity to work, employer may grant a worker a maximum leave of 15 days. If sick leave exceeds 15 days, the worker's incapacity must be ascertained by a medical committee composed of three recognized medical doctors. In this case, long term sick leave starts for a maximum period of six months. A worker is entitled to fully paid sick leave during the first 3 months of long-term sick leave while the next three months are unpaid. The employment contract is suspended during these three months of unpaid leave.

Source: §54-55 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Medical Care

In case of community-based health insurance (social insurance), Government health centers, district hospitals, and referral hospitals provide medical services. Benefits include vaccinations, general care, surgery, dental care, X-rays and imaging,

laboratory services, rehabilitation services, hospitalization, medicine, maternity care, ambulance fees, and prostheses. Cost sharing is required for 10% of billable costs for services at the district level.

In case of public health insurance (social insurance), 85% of the costs for covered medical treatments and prescribed drugs are paid. These treatments include surgical interventions, hospitalization, chemotherapy, medical imaging, laboratory tests, physiotherapy, dental care, eye treatment, limb prosthesis and orthosis, dialysis, and full medical check-ups (for women aged 36 or older and men aged 41 or older).

If a worker is registered with the Rwanda Social Security Board and necessary contributions have been paid by the employer, worker gets access to free medical care.

Job Security

Employment of a worker is secure during the period of long-term sick leave, i.e., six months. While the first three months are fully paid, the employment contract is suspended during the next three months.

If a worker remains sick after this three-month contract suspension period, the employer can terminate the employment contract in accordance with the provisions of this Law.

Source: §55 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Disability / Work Injury Benefit

Work injuries (occupational accidents and diseases) can lead to the following four

situations: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

An employee who has an occupational accident or disease while his/her employer has contributed for him/ her in Rwanda Social Security Board (2% of gross salary), he/she is entitled to compensation in accordance with Laws governing social security in Rwanda. An employee not registered with the Rwanda Social Security Board, receives from the employer compensation equivalent to the social benefits he/she would have received from the Board if the employer had contributed for him/her, including medical and related expenses. An employee cannot be dismissed as a result of occupational accident unless a recognized doctor declares him/her unfit to resume service in the employment he/she held prior to the accident.

In 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.

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

In 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 a 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 (the 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 the pension. Total survivors' benefits cannot exceed 100% of a deceased worker's permanent disability pension.

If a worker passes away while still in service, the employer pays to the deceased employee's family funeral expenses equal to the deceased worker's gross monthly salary. The minimum amount of funeral expenses is two hundred thousand Rwandan francs (FRW 200,000). There is also a provision for death allowance. The dependents of the deceased worker get death allowance equivalent to three-month salary.

Source: §19 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Ministerial Order N° 009/19.20 of 17/03/2020 determining Funeral Expenses and Death Allowances for an Employee

09/13 SOCIAL SECURITY

ILO Conventions

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 Conventions 102, 121, 128, 130 and 168.

Summary of Provisions under ILO Conventions

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.

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.

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 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.

Regulations on social security:

- Law N° 05/2015 OF 30/03/2015 Governing the Organization of Pension Schemes

Pension Rights

Law provides for both full and early pension. For full pension, a worker must have attained 60 years of age (younger if prematurely aged and certified by medical doctor) with at least 180 months (15 years) of contributions. Minimum pensionable age is 60 years. In order to be eligible for pension, worker must also have ceased all remunerated activity.

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. If the insured worker did not contribute for five years immediately preceding the date of pension entitlement, the average monthly earnings are based on the total number of months of contributions from the last five years of employment. The minimum monthly pension is 50% of the legal minimum wage.

Workers who reached the age of 60 years with less than 180 months of contribution are entitled to an 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.

If the insured is entitled to two or more pensions (including work injury benefits), each benefit is paid fully.

Source: §18, 19, and 22 of the Law N° 05/2015 OF 30/03/2015 Governing the Organization of Pension Schemes

Dependents' / Survivors' Benefit

The Pension Law provides for a survivor benefit for dependents including the widow, widowers, and children under 18 years of age (the age limit is 25 years in the case of a student, no age limit in the 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, 50% of the pension is paid to each full orphan. Dependent parents get 25% of the pension if there are no other eligible survivors. Total survivors' benefits cannot exceed 100% of a deceased worker's pension.

If an insured worker dies but he/she is not entitled to an invalidity pension (15 years/180 months of contributions) 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 benefit paid to the surviving spouse is paid to each eligible orphan. The total settlement paid to orphans must not exceed twice the amount paid to the surviving spouse. In case where deceased worker leaves no spouse or child behind, each parent of the deceased worker shall be paid 50% of the benefit that would have been paid to the surviving spouse.

Source: §28-30 of the Law N° 05/2015 OF 30/03/2015 Governing the Organization of Pension Schemes

Unemployment Benefits

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

Invalidity Benefits

The social security law provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting in permanent invalidity. A worker is entitled to invalidity benefit if he/she is assessed with at least 50% of loss in earning capacity and has at least three years of contributions, including six months of contributions in the 12 months before the disability began. The worker must have ceased to perform any remuneration activity. The disability must be certified by a recognized medical doctor and confirmed by medical officer for the public entity in charge of pension scheme (Rwanda Social Security Board). The invalidity benefit is calculated similarly as old age pension. The invalidity pension is 30% of a worker's average monthly earnings in the last 5 years 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 60 with the start of old-age pension.

The payment of disability benefits starts from the date of healing or stabilization of disability or from the expiration of a period of six (6) months from the occurrence of disability and when it appears that this disability will last for at least six (6) months

as certified by a recognized medical doctor or from the date on which the insured ceases to work if the date of healing or stabilization is unknown.

Source: §24-27 of the Law N° 05/2015 of 30/03/2015 on Governing the Organization of Pension Scheme

10/13 FAIR TREATMENT

ILO Conventions

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

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

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Rwanda has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

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.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An 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)

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

Regulations on fair treatment:

- Constitution of the Republic of Rwanda, 2003, revised in 2015
- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

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 article 9 of the Labour Code, every employer must pay its employees an equal salary for work of equal value without discrimination of any kind. Under the Labour Code, it is a right of a worker to receive equal salary for works of equal value without any discrimination.

Source: Article 30 of the Constitution of the Republic of Rwanda 2003 revised in 2015; §9 & 40 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

Sexual Harassment

Labour Code prohibits sexual harassment of women in the 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 the victim of violence and sexual harassment at work, the dismissal is considered unfair dismissal. A worker must not be dismissed for 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.

Law N°68/2018 of 30/08/2018 has detailed provisions on sexual harassment and punishments. The legislation defines sexual harassment as “repeated remarks or behaviour of sexual overtones towards a person that either undermine, violate his/her dignity because of their degrading or humiliating character which create against him/her an intimidating, hostile or unpleasant situation”. If sexual harassment is done in an employment relationship (where an employer or any other person who uses his/her responsibility to practice acts of sexual harassment on a subordinate through instructions, threats or intimidation with intention to achieve sexual pleasure), the perpetrator is liable to imprisonment for a term ranging between one to two years and a fine ranging between two hundred thousand Rwandan francs (FRW 200.000) to three hundred thousand Rwandan francs (FRW 300.000).

Sexual harassment against the employee(s) is prohibited, its reporting or testifying is not a valid ground for dismissal, and if an employee is dismissed due to being the victim of sexual harassment, such dismissal will not be valid. Sexual harassment from an employer towards a sub-ordinate through orders, threats, terror, etc. for having sexual pleasure will be punished with incarceration of six to twenty-four months, and a fine of 100, 000 to 200, 000 Rwandan francs.

Source: §8 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §24 of the N°59/2008 of 10/09/2008 Law on prevention and punishment of gender-based violence; §149 of the Law N°68/2018 of 30/08/2018 on offences and penalties; §203 of the Organic Law N° 01/2012/OL Of 02/05/2012 Instituting the Penal Code

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 ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination.

According to the 2018 law, discrimination includes all those acts that are aimed at denying a person or a group of people their rights granted under the Rwandan law or international conventions ratified by Rwanda, on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance.

A person convicted of committing discrimination is liable to imprisonment for a term of 5-7 years and a fine of 0.5-1 million Rwandan francs.

Source: Article 11 of the Constitution of the Republic of Rwanda 2003 revised in 2015; §9 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §163 of the Law N°68/2018 of 30/08/2018 on offences and penalties

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 as 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

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Rwanda has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

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

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.

Regulations on minors and youth:

- Constitution of the Republic of Rwanda, 2003 revised in 2015
- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)

Minimum Age for Employment

Minimum age for employment is 16 years though children between 13 to 15 years of age can do light work in the context of apprenticeship. Children can do light work that is not detrimental to their health and education. However, work that is part of the training is aimed at civic and patriotic education.

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 the responsibility of the State to provide free primary education and to make sure that it is equally accessible to all. Primary education is free and compulsory to the age of 13 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 the 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 in 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: §3 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §55-58 of the Law Determining the Organisation of Education, 2021

Minimum Age for Hazardous Work

The minimum age for hazardous work is set at 18 years. The Labour Code prohibits employment of children under 18 in the following forms of work:

- i. forms of work which are physically harmful to the child;
- ii. work underground, under water, at dangerous heights or in confined spaces;
- iii. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

- iv. work in an environment which exposes the child to temperatures, noise levels or vibrations damaging to his/her health;
- v. work for long hours or during the night or work performed in confined spaces.

A child below the age of 18 cannot do hazardous work prohibited under the law. These prohibited works include: domestic work, slaughtering animals, melting metals, extracting mines and quarries, teaching swimming, processing and polishing stones, excavation work, demolition work, burning using clay ovens, fishing, acting in psychologically affecting movies, film projection, forest harvesting, lifting of heavy weights beyond the physical capacity of a child, forest harvesting, working as guard or watchman, working in bars, selling of alcoholic beverages, and working in areas where chemical products are used.

A child between the age of thirteen to fifteen can do light work in the private sector. He can help a parent or another person to receive customers in a family shop, assist in other small businesses, assist parents in household activities, assist in hair weaving, assist in work hair cut styling, assist in artistic work, assist parents in other small activities, or any other work that is not detrimental for the physical or mental health of the child.

If an individual forces a child to do works that are prohibited under the law, it amounts to of an offence. The individual guilty of such offence can be incarcerated for two to five years and a fine between 0.5-5 million Rwandan francs can be imposed.

Source: §6 & 117 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018);

§38, 39, Annex I, and Annex II of the Ministerial Order N° 02/MIFOTRA/22 Of 30/08/2022 on Occupational Safety, Employees' and Employers' Organisations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

12/13 FORCED LABOUR

ILO Conventions

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.

Summary of Provisions under ILO Conventions

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

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

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

Regulations on forced labour:

- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)
- Constitution of the Republic of Rwanda, 2003, revised in 2015

Prohibition on Forced and Compulsory Labour

Forced Labour is prohibited under the Labour Code and is a liable offence. Forced labour does not include work executed in accordance with the law governing military service; work executed for the purpose of implementing 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.

According to the Penal Code, a person who imposes forced labour on another person shall be liable to a term of imprisonment of six to twenty-four months and a fine of 0.5-2 million Rwandan francs or either of these penalties.

Forced labour is the work done by an individual against his/her will by force or undue threat. It is prohibited under labour law. The scope of labour law encompasses the responsibility of the government to protect the people of Rwanda from forced labour.

Source: §2, 3, 7 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §178 of the Organic Law N° 01/2012/OL of 02/05/2012 Instituting the Penal 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 the notice period depends on the length of service of the worker. For more information on this, please refer to the section on employment security.

Source: Article 30 of the Constitution of the Republic of Rwanda 2003; §24 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

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.

The usual working hours in Rwanda are forty-five hours per week, while the overtime hours and their compensation are decided under the provisions of the respective collective agreements.

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

Source: §43 & 91 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018)

13/13 TRADE UNION

ILO Conventions

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.

Summary of Provisions under ILO Conventions

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.

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).

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.

Regulations on trade unions:

- Constitution of the Republic of Rwanda of 2003 revised in 2015
- Law regulating Labour in Rwanda, 2018 (No. 16 of 2018)
- Ministerial Order N° 02/MIFOTRA/22 Of 30/08/2022 on Occupational Safety, Employees' and Employers' Organisations, Child Employment, Employment of a Foreigner, the Child And Circumstantial Leave

Freedom to Join and Form a Union

Constitution and labour law provides for freedom of association and allows workers and employers to join and form unions for the defence and promotion of legitimate professional interests.

The right to form and join a union is regulated by the labour code. A 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, and 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. The 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 Labour 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.

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

Source: §6, 83-85 & 87 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §27-35 of the Ministerial Order N° 02/MIFOTRA/22 Of 30/08/2022 on Occupational Safety, Employees' and Employers' Organisations, Child Employment, Employment of a Foreigner, the Child and Circumstantial Leave

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 the 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 cases where there are no contrary provisions, the convention for a specified period that expires remains effective as if it is a convention for an 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 acknowledgment 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.

The National Labour Council is a tripartite committee that consists of fifteen members with five representatives each from the government, workers, and employers. The Council comments and gives its advice on labour law, minimum wage, and other

labour-related matters. Committees established by the council are to act as arbitrators and settle collective labour disputes when the parties cannot reach a settlement.

Source: Article 32 of the Constitution of the Republic of Rwanda 2003 as revised in 2015; §91-95 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); §163 of the Law regulating Labour in Rwanda 2009 (National Labour Council)

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.

The right to strike is enshrined in the Constitution and regulated by the Labour Code. According to the Constitution, all workers have the 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.

A 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 the strike.

A competent court decides whether the strike is legal or illegal. The illegal strike may result in legal action against workers, trade unions, and all others directly or indirectly involved in it. Strikers have to pay

compensation for the damages deliberately caused to goods and equipment.

Lawful strike or lockout must not affect the employment relationship between the employer and employee. An employer or an employee is not allowed to terminate employment contract as a result of lawful strike or lockout.

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: medical services; water distribution; electricity distribution; business services and activities related to the purchase of basic food stuffs; services and activities related to the collection and transport of waste; transmission and telecommunication services like radio and television, internet and other means of communication and distribution of information for public interest.

Strike or lock-out must not interrupt or stop the following services related to freedom of movement of people, rescue and education: transportation; supply, distribution and selling of fuel or any other petroleum product used by vehicles, ships and airplanes; activities carried out at airports and those connected to air traffic control; emergency services and relief

activities carried out by humanitarian organisations or associations involved in humanitarian activities; services and activities related to fire extinguishing; education 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.

Source: Article 33 of the Constitution of the Republic of Rwanda of 2003 revised in 2015; §91-95 of the Law regulating Labour in Rwanda, 2018 (No. 66/2018); Ministerial Order N° 004/19.20 Of 17/03/2020 Determining Essential Services that should not be Interrupted during Strike or Lock-Out

QUESTIONNAIRE

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Check

DecentWorkCheck Rwanda is a product of
wageindicator.org and www.mywage.org/rwanda



National Regulation exists



National Regulation does not exist

01/13 Work & 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 & 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 & 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"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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
<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

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 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

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

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

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"/>

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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 40 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.