



Economic and Social Council

Distr.
GENERALE/1984/6/Add.4
9 February 1984
ENGLISH
ORIGINAL: FRENCH

First regular session of 1984

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant
concerning rights covered by articles 6 to 9, in accordance
with the first stage of the programme established by the
Economic and Social Council in its resolution 1988 (LX)

Addendum

RWANDA

[3 October 1983]

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. ARTICLE 6: THE RIGHT TO WORK	1 - 12	3
A. Principal laws	1	3
B. Employment	2 - 9	3
C. Available information on the level of employment and extent of unemployment	10 - 12	4
II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK	13 - 40	4
A. Remuneration	13 - 18	4
B. Safe and healthy working conditions	19 - 24	5

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
C. Equal opportunity for promotion	25 - 32	5
D. Rest, leisure, limitation of working hours, and holidays with pay	33 - 40	6
III. ARTICLE 8: TRADE-UNION RIGHTS	41 - 47	7
A. Principal laws	41 - 42	7
B. Right to form and join trade unions	43	7
C. Right of trade unions to federate	44	8
D. Right of trade unions to function freely	45	8
E. Right to strike	46	8
G. Difficulties	47	8
IV. ARTICLE 9: THE RIGHT TO SOCIAL SECURITY	48 - 72	8
A. Principal laws	48 - 49	8
B. Main features of the schemes in force	50 - 70	9
C. Difficulties	71 - 72	11
<u>Annex.</u> Classification of industrial accidents by nature of injury, 1976-1980		12

/...

I. ARTICLE 6: THE RIGHT TO WORK

A. Principal laws

1. The right to work is protected by the Constitution of the Rwandese Republic (art. 30).

B. Employment

2. Article 30 of the Constitution of the Rwandese Republic provides that "everyone has the right to work, to choose his work freely and to equitable and satisfactory conditions of work."

3. The policies and techniques to achieve steady development include those set forth in the Economic, Social and Cultural Development Plan.

4. Among the major objectives of the Third Five-Year Plan (1982-1986) is the promotion of employment, which is intended to "fulfil three economic functions simultaneously, by:

"Contributing to economic production in terms of goods and services, with a view to enabling workers and their families to find on the market the goods and services to satisfy their basic needs;

"Providing a source of adequate income so that the resulting purchasing power might create a market for what is produced;

"Promoting the distribution and redistribution of overall economic resources so as to prevent socially unacceptable inequalities and the emergence of pockets of dire poverty."

5. At the same time, "the employment generated should afford an opportunity for the social uplift of the worker, ruling out exploitation and offering prospects of career development through a gradual process of training."
6. Measures to ensure the best possible organization of the employment market are set forth in Presidential Decree No. 111/09 of 17 April 1978, which relates to the organization of services for the placement of workers and the control of employment.
7. According to article 1 of the Decree, the mandate of the Minister responsible for labour affairs includes the centralization of job applications and vacancies, the placement of workers, the preparation of statistics on the employment market, the preparation of an annual estimate of the demand for and supply of labour, in co-operation with the Ministers responsible for planning and education, and the co-ordination of the work of the various labour offices.
8. Article 1 of the Decree states that the Minister responsible for labour affairs is supposed to carry out studies on such matters as vocational training, unemployment and factors influencing the level and nature of employment.

/...

9. According to article 38 of the Labour Code, no worker is to be dismissed by his employer without legitimate grounds. If a dismissal is challenged, the burden of proof of the existence of legitimate grounds rests with the employer.

C. Available information on the level of employment
and extent of unemployment

10. The most recent national census, taken in 1978, indicated that 2,420,619 people were employed at the time of the census. The national unemployment rate was 5 per cent.

11. In the urban commune of Nyarugenge (Kigali), the overall unemployment rate was 6.3 per cent, with 40,499 people employed.

12. At the national level, 92.9 per cent of the working population was engaged in agriculture. According to the census, there were 192,251 wage earners.

II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE
CONDITIONS OF WORK

A. Remuneration

13. Article 82 of the Act of 28 February 1967, which contains the Labour Code, states that, in equal conditions as regards work and skill, the same wage is payable to all workers covered by the Act, irrespective of their origin, sex or age. Article 85 of the Code stipulates that the minimum wages payable in each occupational group are to be fixed by orders issued by the Minister responsible for labour affairs. Pursuant to that article, Ministerial Order No. 887/06 of 21 October 1980, which amended Ministerial Order No. 221/09 of 3 May 1976, defined occupational groups, fixed the corresponding minimum wages and provided for length-of-service bonuses.

14. As indicated above, wages are fixed by ministerial order.

15. The provisions state that ministerial orders prescribe the minimum rates payable for overtime, night work or work on non-working days, as well as length-of-service bonuses (art. 85 of the Labour Code). Ministerial Order No. 641/06 of 13 August 1981, which lays down the procedures governing the institution of a 45-hour work-week, prescribes the minimum rates payable for overtime, night work or work on non-working days.

16. Statistical data showing the evolution of the levels of remuneration are not currently available.

17. In equal conditions as regards work, the same wage is payable, irrespective of sex (art. 82 of the Labour Code).

/...

18. The difficulties encountered are of an economic nature and are due to inadequate resources.

B. Safe and healthy working conditions

19. The Act of 28 February 1967, which contains the Labour Code, states that the general and particular conditions relating to health and safety in the work-place and the cases in which the labour inspector should have recourse to the procedure of serving formal notice on the employer are to be governed by orders issued by the Minister (art. 141).

20. Article 142 of the Labour Code provides that where working conditions endangering workers' safety and not covered by the orders referred to in article 141 are found to exist, the labour inspector should serve notice on the employer requiring him to remedy the situation, in accordance with article 143 of the Labour Code.

21. According to article 143, when circumstances render it necessary to take immediate steps to bring premises or plant into conformity with the laws and regulations in force, the labour inspector will be empowered to serve the necessary notice requiring the use of the said premises or plant to be stopped immediately and requiring the necessary modifications to be made in the said premises or plant within a specified time-limit. Such notice has executory force, and enforcement may be suspended only by decision of the Minister.

22. The Labour Administrative Service is responsible for, inter alia, ensuring that social security legislation is respected (art. 148 of the Labour Code).

23. The aforementioned provisions on health and safety apply to all workers covered by labour legislation, irrespective of their category or sector.

24. The available data on industrial accidents during the period 1976-1980 are presented in the annex to this report. During that period, there were 57 cases of occupational diseases, 48 (84.21 per cent) in mining industries, and 9 (15.79 per cent) in service industries.

C. Equal opportunity for promotion

25. Article 25 of the Act of 28 February 1967, which contains the Labour Code, reads as follows: "It is prohibited to make any distinction, exclusion or preference based on race, colour, sex, religion, political opinion or national or social origin which would have the effect of destroying or being detrimental to the equality of opportunity in employment."

26. According to article 24 of the Decree-Law of 19 March 1974, which contains the general regulations for public employees, such employees are required to attend further-training seminars and courses organized by the Administration.

/...

27. Article 29 of the regulations states that public employees are subject to annual evaluation, which is the key element in determining their eligibility for increments and promotion.
28. According to article 31 of the regulations, any employee may be promoted within the limits prescribed by the regulations applicable to the respective departments.
29. With regard to the private sector, vocational training is the subject of a study by the Minister responsible for labour affairs, pursuant to the aforementioned Presidential Decree of 17 April 1978.
30. Participation of the workers' representatives in such arrangements is possible within the framework of the National Commission for Public and Private Sector Employees. This is an advisory body dealing with all questions concerning public and private sector employees.
31. The Commission, which includes workers' representatives, was established by Decree-Law No. 15/77 of 7 June 1977 and is responsible for, inter alia, proposing any recruitment, promotion and staff development measures likely to meet the requirements of the National Development Plan.
32. The difficulties encountered are of an economic nature.

D. Rest, leisure, limitation of working hours, and holidays with pay

33. The principal laws are the Act of 28 February 1967, which contains the Labour Code, and the Decree-Law of 19 March 1974, which contains the general regulations for public employees.
34. According to article 131 of the Labour Code, weekly rest is compulsory for all workers. It should consist of at least 24 consecutive hours each week and should fall, as a rule, on Sundays.
35. According to article 117 of the Labour Code, as amended by Decree-Law No. 19/77 of 12 August 1977, the statutory hours of work may not exceed 45 in a week. Hours worked in excess of the statutory hours are considered overtime and are payable at increased rates fixed by ministerial order.
36. Employers are required to grant all workers holidays with pay, at the rate of one and a quarter working days per month of continuous service (15 days' leave a year). Under the regulations for public employees, all such employees are entitled to statutory or special leave, the duration of which is determined by presidential decree. Central administration employees are entitled to 30 calendar days' leave during each year of service (Presidential Decree No. 69/03/2 of 19 March 1974, which contains the regulations for central administration employees).

/...

37. Article 15 of Presidential Decree No. 641/06 of 13 August 1981, which lays down the procedures governing the institution of a 45-hour work-week and fixes the minimum rates payable for overtime, night work and work on non-working days, provides for an additional payment of 50-70 per cent of the hourly wage for overtime on working days, and for payment of twice the hourly wage for work on non-working days. As to night overtime, the additional payment amounts to 70 per cent of the hourly wage on working days and 120 per cent of the hourly wage on non-working days.

38. Under article 4 of the aforementioned Decree of 13 August 1981 and article 118 of the Labour Code, permanent exceptions may be authorized. Because of the special or intermittent nature of some jobs, working hours may exceed the statutory limits, and still be considered equivalent to the norm, provided they do not exceed the limits by more than:

(a) Two hours for guards and watchmen;

(b) Two hours a day for hotel and restaurant employees (except kitchen and laundry staff), bar workers and domestics.

39. Such shifts are considered equivalent to the statutory hours of work, and remuneration is based on the rate for an eight-hour workday. Hours worked in excess of the daily maximum are considered overtime and are payable at overtime rates.

40. In hospitals, clinics and health establishments, the daily hours of work for paramedical staff providing medical care may be extended by not more than one hour.

III. ARTICLE 8: TRADE-UNION RIGHTS

A. Principal laws

41. Article 31 of the Constitution of the Rwandese Republic states that a worker may defend his rights through trade-union action, but is liable to punishment for any offences committed in the process.

42. Article 6 of the Labour Code reads as follows:

"Persons carrying out the same trade, similar crafts or allied trades associated in the preparation of specific products, or engaged in the same profession, shall be free to form a trade union.

"Every worker or employer shall be free to join an occupational association selected by him within his own trade or profession."

B. Right to form and join trade unions

43. This right is safeguarded by the aforementioned legislative provisions. In addition, article 65 of the statute of the Mouvement révolutionnaire national pour

/...

le développement states, inter alia, that the Mouvement may establish units to carry out specific programmes. It may also promote the creation of affiliated organs by women, young people, students, workers and, in general, any social or cultural group. It is within that framework that a national workers' union is expected to be established.

C. Right of trade unions to federate

44. Article 16 of the Labour Code states that employers' and workers' occupational associations are entitled to establish and join federations and confederations; any association, federation or confederation is entitled to affiliate with international workers' and employers' organizations.

D. Right of trade unions to function freely

45. All workers' and employers' associations are entitled to draw up their own administrative rules and regulations, to elect freely their representatives, to organize their management and activities, and to draw up their programmes of action (art. 7 of the Labour Code).

E. Right to strike

46. Article 32 of the Constitution of the Rwandese Republic stipulates that the right to strike should be exercised within the framework of the laws governing it. It may not threaten freedom to work. The right of public service employees to strike is not recognized.

G. Difficulties

47. The difficulties affecting the degree of realization of trade-union rights are mainly due to problems caused by a shortage of union leaders. There are now various consciousness-raising programmes to train workers in that area.

IV. ARTICLE 9: THE RIGHT TO SOCIAL SECURITY

A. Principal laws

48. The Decree-Law of 22 August 1974 governing the organization of social security services, instituted a social security scheme, which is responsible for providing:

(a) Benefits in the event of industrial accidents and occupational diseases (occupational-hazards branch);

(b) Old-age, disability and survivors' benefits (pension branch);

/...

(c) Any other social security benefit to be later introduced for wage-earning workers (art. 1 of the Decree-Law).

49. The scheme is administered by the Rwandese Social Security Fund, which currently covers the two aforementioned branches:

(a) The occupational-hazards branch, which deals with industrial accidents and occupational diseases;

(b) The pension branch, which deals with old-age and disability benefits, as well as those payable to survivors (widows and orphans).

B. Main features of the schemes in force

50. The benefits provided by the Social Security Fund include medical care required for injuries sustained in an industrial accident, whether or not it results in absence from work (art. 21 of the Decree-Law).

51. According to the annual report on the work of the Social Security Fund, benefits provided by the Fund in 1981 in connection with industrial accidents totalled 44,241,364 francs. Medical care accounted for 25,260,463 francs, i.e., 54.6 per cent of the total expenditure for occupational hazards. There were 1,358 beneficiaries, 21 of whom received medical treatment abroad.

52. Article 20 of the aforementioned Decree-Law states that "occupational disease" covers any disease caused by and during work. A ministerial order enumerates occupational diseases. The above-mentioned report on the Social Security Fund indicates that benefits for occupational diseases in 1981 totalled 2,062,159 francs. There were 504 beneficiaries.

53. The current social security system does not provide maternity benefits. However, article 129 of the Labour Code stipulates that, pending the establishment of a social security scheme, the employer has a duty to provide a female employee, at the time of her confinement, with free treatment and two thirds of the wage she was drawing when her work was interrupted.

54. Article 31 of the Decree-Law governing social security states that an insured person who becomes disabled before the age of 55 years is entitled to a disability benefit provided that:

(a) He was enrolled in the Social Security Fund for at least five years;

(b) He had coverage for at least 6 of the 12 calendar months preceding the beginning of the infirmity that led to the disability.

55. In cases where the disability is due to an accident, the insured person is entitled to a disability benefit provided that he was occupying a post covered by insurance at the time of the accident and that he was enrolled in the Social Security Fund prior to the accident.

/...

56. An insured person is considered disabled if, as a result of a non-occupational disease or accident, he suffers a permanent loss of physical or mental faculties, as duly certified by a doctor designated or approved by the Government, that makes it impossible for him to earn more than one third of the wage which a worker performing the same job is able to earn.

57. The disability benefit is replaced by an old-age benefit of the same amount when the beneficiary reaches the age of 55 years.

58. The report on the work of the Social Security Fund indicates that disability benefits amounted to 1,325,980 francs in 1981. There were 31 beneficiaries.

59. Article 30 of the Decree-Law of 22 August 1974 governing the organization of social security services stipulates that an insured person is entitled to an old-age benefit upon reaching the age of 55 years, provided that:

- (a) He was enrolled in the Social Security Fund for at least 20 years;
- (b) He had coverage for at least 60 months during the 10 years preceding the date on which he became eligible for the benefit;
- (c) He ceases all wage-earning activities.

60. The age may be lowered for an insured person who is not disabled within the meaning of article 31 of the aforementioned Decree-Law (see para. 54 above), but who has suffered a duly-certified, premature loss of his physical or mental faculties that prevents him from engaging in wage-earning activities.

61. An insured person receives a lump-sum payment if he has had coverage for at least 12 months, has reached the age specified above (see para. 59), has ceased all wage-earning activities, but fails to meet the requirements for an old-age or early benefit.

62. According to the report on the work of the Social Security Fund, old-age benefits paid in 1981 amounted to 26,678,550 francs. There were 1,265 beneficiaries.

63. The amount paid in early benefits was 841,280 francs. There were 38 beneficiaries.

64. Lump-sum payments amounted to 820,358 francs for 212 beneficiaries.

65. Article 33 of the Decree-Law governing the organization of social security services provides that, upon the death of a person drawing an old-age, disability or early benefit, and upon the death of an insured person who, at the time of death, had met the requirements for an old-age or disability benefit, or who had ceased to be covered for benefits after at least 180 months' coverage, the survivors are entitled to survivors' benefits.

66. The term "survivors" covers the widow(er) and dependent children of the deceased.

/...

67. Article 34 states that, if the insured person was not eligible for a disability benefit and had been covered for less than 180 months at the time of death, the survivors receive a survivors' benefit paid in a lump sum.

68. Survivors' benefits paid by the Social Security Fund in 1981 amounted to 11,924,441 francs for 1,229 beneficiaries. Lump-sum payments amounted to 8,865,239 francs for 514 beneficiaries. In 1981, the pension branch paid out a total of 50,455,848 francs to 3,289 beneficiaries.

69. Unemployment and family benefits are not provided under our current social security system.

70. The scheme for the two branches of social security (occupational hazards and pensions) is financed through employers' and workers' contributions. Article 14 of the Decree-Law governing the organization of social security services states that the employer is responsible for remitting to the Social Security Fund the full amount of the premiums, including workers' contributions, which are deducted from their wages each pay-day.

C. Difficulties

71. Economic factors may affect the degree of realization of the right to social security.

72. Rwanda is now revising its current social security legislation with a view to making it more responsive to the needs of the insured. The system was improved after the promulgation of Presidential Decree No. 544/06 of 13 November 1981, which provided for increases in benefits and allowances paid by the Rwandese Social Security Fund as follows: a 15 per cent increase in amounts paid before 31 August 1974; and a 66 per cent increase in amounts paid between 1 September 1974 and 31 August 1980.

/...

Annex

CLASSIFICATION OF INDUSTRIAL ACCIDENTS BY NATURE OF INJURY, 1976-1980

Nature of injury	1976	1977	1978	1979	1980	Total	Percentage
Fracture	117	97	88	107	73	482	26.48
Dislocation	13	9	13	10	1	46	2.53
Amputation	32	28	22	27	27	136	7.47
Other wounds	230	144	148	200	179	901	49.51
Burns	7	14	13	9	7	50	2.75
Poisoning and acute intoxication	1	-	7	-	1	9	0.49
Effect of inclement weather and other external factors	19	13	10	15	23	80	4.40
Asphyxiation, electrocution, drowning, radiation, multiple effects	17	14	28	31	26	116	6.37
Total	436	319	329	399	337	1 820	100