

It is an effective tool for solving collective challenges by creating the suitable environment for even more efficient problem solving. Through social dialogue, negotiations between employers and workers can improve working conditions and regulate the relations between employers and workers.

The right to social dialogue is based on national and international instruments.

4. GENDER EQUALITY IN THE MINING SECTOR

Despite Rwanda getting high scores in international rankings, the Rwandan mining sector is still male-dominated. Only 16% of its workforce is female. Whereas the 2009 mining policy had a target to increase the number of women in the mining industry, where they keep facing problems.

Obstacles in the mining sector are related to the nature of mining activities, gender norms, and taboos associated with the historical dominance of men in mining.

Therefore, in the mining sector it is of a paramount importance to end the multiple forms of gender violence and secure equal access to quality education and health, economic resources and participation in political life for both women and girls, men and boys. Social dialogue is one of the most important tools to overcome those obstacles and integrate debates on gender justice in the mining sector.

5. TRADE UNION RIGHTS AND MISSIONS

5.1. Relevance of Trade Unions

A trade union is a worker's organization constituted for the purpose of furthering and defending the interest of workers. It can play an important role in improving working conditions in the mining sector by facilitating negotiations between the employer, the workers and the government. Trade unions are free to join for everyone. In the past trade unions have reached important milestones in the improvement of working conditions in various sectors (e.g. COTRAF-RWANDA has signed a collective bargaining agreement with employers in SORWATHE). The Code of Conduct for Social Dialogue and Collective Bargaining in Rwanda was established between the Private Sector Federation (PSF); Federations of Trade Unions and the Ministry of Public Service and Labour (MIFOTRA) in November, 2016.



Co-funded by
the European Union



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**THE MAIN PROVISION OF LABOUR/
SOCIAL SECURITY LAWS
AND OCCUPATIONAL SAFETY
REGULATIONS IN THE MINES**

August 2022

1. INTRODUCTION

The mining sector in Rwanda has always been a risky occupation, where employers and employees often neglect safety and health standards. It is an industry where there are many risks of injury, death or serious health problems occurring if safety and health are not taken care of.

According to the Labour Inspectors annual report, in 2021-2022 among five (5) death related accidents two (2) were from the mining sector.

In order to reduce all risks for workers we need to maximize safety and comply with all laws and policies in place. Thus, the following provisions will enhance skills development in safety and health in order to promote a conducive working environment in the mining sector.

2. LEGAL PROVISIONS GUIDING LABOUR SECURITY LAWS AND OCCUPATIONAL SAFETY REGULATIONS IN THE MINES

2.1. NATIONAL INSTRUMENTS

In the mining sector just like other sectors the constitution has put in place a free choice of employment, the right to form a trade union, and the right to engage in collective bargaining/social dialogue (**Articles 30, 31,32**).

Although the minimum age for admission to employment in the law regulating Labour in Rwanda is sixteen (16) years, due to the form of work in the mining sector in Rwanda, it is prohibited to subject a child below the age of eighteen (18) years. It is also prohibited to use at the workplace any kind of sexual harassment. However, a child aged between thirteen (13) and fifteen (15) years is allowed to perform light works in the context of an apprenticeship (N° 66/2018 of 30/08/2018).

Furthermore, an employer must give employees equal opportunities at the workplace and the right to freedom of opinion and association where employees and their representatives have the right to express their opinions regarding working conditions. (**Law N° 66/2018 of 30/08/2018 in Articles 6,7, 8, 9,10**).

Just like in any other sector in Rwanda, in mining an employee is given a written employment contract. However, in case of suspension of the employment contract due to economic or technical reasons, an employee cannot be laid off one or more times for a period longer than ninety (90) days during the same period. (**Article 21 of the law regulating Labour Law in Rwanda**)

The duration of unwritten employment contract cannot exceed ninety (90) consecutive days

LAW ON MINING AND QUARRY OPERATIONS

In the mining sector, a holder of a mining license must ensure that the mine is commissioned, maintained and decommissioned in a manner that does not compromise the health and safety of workers and ensure that all the people working at the mine are skilled to carry out their work safely and to ensure the safety of others. When an authorized officer observes that the operations may compromise or endanger the health and safety of a person, that officer may use a quick decision making. Such a decision may require the identified danger to be rectified immediately or within a reasonable time frame.

In case someone observes danger he/she must immediately contact the Occupational safety and health committee at the workplace.

According to the recruitment and training of employees, when recruiting, the holder of a mining licence and his or her subcontractors must comply with the requirements of the relevant legislation. He or she must have a program for the employees in order to build the capacities allowing them to fulfil their duties. (**Article 64**)

GOVERNING THE ORGANIZATION OF PENSION SCHEME

In the mining sector, an employee who accidentally becomes disabled before reaching his/her retirement age has all the rights to disability benefits if he/she fulfils the requirements. (**Article 26**)

In addition, in the mining sector an employee who has an occupational accident or disease is entitled to compensation if his/her employer has contributed for him/her towards a social security body in Rwanda. However, if an employer has not contributed towards a social security body for an employee and given employee has an occupational accident or disease, the employer receives a compensation equivalent to the social benefits he/she 'would have received from a social security body in Rwanda. (**Article 19**)

2.2 INTERNATIONAL INSTRUMENTS

There are some international instruments relevant for the mining sector in Rwanda.

According to the ILO Convention N° 176 on Safety and Health in Mines, the employer has to ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining. The safety and health representatives have the right:

- to report accidents, dangerous occurrences and hazards to the employer and to the designated authority;
- to request and obtain, where there is cause for concern on safety and health grounds;
- to know and stay informed of workplace hazards that may affect their safety and health.

According to the International Labour Standards, in mining, Labour inspections could be done to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work referring to ILO Convention 176 and Recommendation No. 82 concerning Labour inspection in mining.

3. SOCIAL DIALOGUE

Social dialogue includes all types of negotiation, consultation and exchange of information between workers, employers and government representatives on the common interests in the economy, Labour and social issues. The importance of social dialogue is to promote consensus through building and democratic involvement among employers and workers.