

**IMFASHANYIGISHO
Y'ITEGEKO RIGENGA
UMURIMO MU RWANDA**

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i. GUSHIMIRA

Turashimira buri wese wagize uruhare mu ikorwa ry'iyi mfashanyigisho y'Itegeko rigenga umurimo mu Rwanda.

Turashimira by'umwihariko Umuryango w'Ubumwe bw'Uburayi (**EU**) hamwe na Friedrich Ebert Stiftung (**FES**) bateye inkunga umushinga witwa "Ibiganiro mbonezamubano bigamije iterambere rirambye (**SD4SD**). Guteza imbere ibikorwa nyakuri by'ibiganiro rusange hagamijwe kurengera no kubahiriza amahame agenga umurimo mu Rwanda no mu rwego mpuzamahanga"

Turashimira nanone Congrès du Travail et de la Fraternité des Travailleurs au Rwanda (**COTRAF-RWANDA**), amasendika ayigize, n'abakozi bazakoresha iyi mfashanyigisho by'umwihariko abakorera mu buhinzi/icyayi, ubucukuzi bw'amabuye y'agaciro ndetse no mu burezi.

Uburyo itegeko rigenga umurimo ari rinini (rigizwe n'ingingo 126 ziri kuri paji 104) ukongeraho amateka ariherekeje, kurishyira mu mfashanyigisho ku buryo buhinnye ni umurimo utari woroshye na gato.

Turashimira rero muri rusange buri wese wabigizemo uruhare mu buryo buziguye cyangwa se butaziguye.

Harakabaho umukozi urangiza neza imirimo ashinzwe kandi wubashywe, harakabaho umurimo unoze, kandi uhesha agaciro uwukora.

COTRAF-RWANDA.

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1. INTANGIRIRO

Aka gatabo kagamije kuba imfashanyigisho y'itegeko rigenga umurimo mu Rwanda aho uzagasoma wese azagira ubumenyi bw'ingezi ku itegeko rigenga umurimo mu Rwanda, kuva umukozi yinjiye mu kazi kugeza agasohotsemo.

Itegeko rigenga umurimo mu Rwanda rikorerwa imfashanyigisho muri akagatabo ni Itegeko N° 66/2018 ryo ku wa 30/08/2018.

Iri tegeko rikaba rigizwe n'ingingo 126 zigabanyijemo imitwe 13 igaragaza bimwe mu by'ingenzi bigengwa n'iri tegeko, nk'uko bigaragazwa mu mitwe y'iyi mfashanyigisho.

Nk'uko bigaragara mu ngingo yaryo ya 2, iryo tegeko rikaba rigenga ibi bikurikira:

1 ° imikorere y'umurimo ishingiye ku masezerano y'umurimo hagati y'umukozi n'umukoresha mu nzego z'abikorera;

2 ° imikorere y'umurimo ishingiye ku masezerano y'umurimo hagati y'umukozi n'umukoresha mu nzego za Leta, uretse igihe biteganyijwe ukundi na sitati rusange igenga abakozi ba Leta;

3 ° uwitoza umurimo;

4 ° uwimenyereza akazi;

5 ° uwikorera ku birebana n'ubuzima n'umutekano bye
ku kazi;

6 ° umukozi ukora umurimo utanditse ku bijyanye
n'ibi bikurikira:

- a) ubuzima n'umutekano ku kazi;
- b) uburenganzira bwo kwibumbira mu masendika
n'amashyirahamwe y'abakoresha;
- c) uburenganzira ku mushahara;
- d) umushahara fatizo mu byiciro by'imirimo
bigenwa n'iteka rya Minisitiri ufite umurimo
mu nshingano ze;
- e) uburenganzira ku kiruhuko;
- f) ubwiteganyirize bw'abakozi;
- g) kurindwa ivangura mu kazi;
- h) kurindwa imirimo y'agahato;
- i) imirimo ibujijwe umwana, umugore utwite
cyangwa uwonsa.

2. ISOBANURAMPAMVU

Iyi mfashanyigisho y'Itegeko rigenga umurimo mu Rwanda igenewe abifuza kugira ubumenyi ku mategeko agenga umurimo muri rusange. By'umwihariko kandi iyi mfashanyigisho ikaba igenewe abakozi bakora mu mirimo y'ubuhinzi bw'icyayi, imirimo ifitanye isano n'ubuhinzi bw'icyayi, mu bucukuzi bw'amabuye y'agaciro ndetse n'indi mirimo ifitanye isano n'ubucukuzi bw'amabuye y'agaciro hamwe n'abakora mu burezi ndetse nimirimo ifitanye isano n'uburezi.

Iyi mfashanyigisho rero ikaba igamije kugaragaza ingingo zimwe na zimwe zihuriweho n'abakora muri iyo mirimo no kuzishyira mu buryo buboroheye kuyumva.

3. INGINGO RUSANGE

Umukoresha ni nde?

Umukoresha ni umuntu ku gitи cye, urwego rwa Leta cyangwa ikigo cyigenga (sosiyete yigenga, umuryango utegamiye kuri Leta) bikoresha umukozi umwe cyangwa benshi ku buryo buhoraho cyangwa budahoraho.

Muri iki gisobanura dusangamo ibintu bitatu:

- (a) Umukoresha ashobora kuba umuntu ku gitи cye, urwego rwa Leta cyangwa ikigo cyigenga;
- (b) Umukoresha ashobora gukoresha umukozi umwe cyangwa se abakozi benshi ;
- (c) Umukoresha ashobora gukoresha abakozi cyangwa umukozi ku buryo buhoraho cyangwa se budahoraho.

Umukozi ni nde ?

Umukozi ni umuntu wemeye gukorera umukoresha hakurikijwe amasezerano bagiranye akabihemberwa umushahara.

Umukozi wo mu murimo utanditse ni nde?

Umukozi wo mu murimo utanditse ni umukozi ukorera ikigo cyangwa umuntu ku gitи cye mu murimo utanditse

mu gitabo cy'ubucuruzi cyangwa mu buyobozi bwa Leta.

Umukozi ukora umurimo utanditse agira ubuhe burenganzira ?

- a) Ubuzima n'umutekano ku kazi;
- b) Uburenganzira bwo kwibumbira mu masendika n'amashyirahamwe y'abakoresha;
- c) Uburenganzira ku mushahara;
- d) Umushahara fatizo mu byiciro by'imirimo bigenwa n'iteka rya Minisitiri ufite umurimo mu nshingano ze;
- e) Uburenganzira ku kiruhuko;
- f) Ubwiteganyirize bw'abakozi;
- g) Kurindwa ivangura mu kazi;
- h) Kurindwa imirimo y'agahato;
- i) Imirimo ibujijwe umwana, umugore utwite cyangwa uwonsa.

4. AMASEZERANO Y'UMURIMO



Amasezerano y'umurimo ni iki ?

Amasezerano y'umurimo ni amasezerano hagati y'umukoresha n'umukozi wiyeze gukora akurikije amabwiriza y'umukoresha akabihemberwa umushahara.

Ese ntafite amasezerano yanditse naba ndi umukozi ?

Yego, kuko aasezerano y'umurimo ashobora kuba yanditse cyangwa atanditse (cfr art.11, §4). Kandi gihamya y'amasezerano y'umurimo ishobora kuba mu buryo ubwo ari bwo bwose (art.11, §7).

Ese umukozi udafite amasezerano yanditse ashobora kugira uburenganzira ?

Yego, umukozi udafite amasezerano yanditse afite uburenganzira bwose bugenerwa abandi bakozi burimo ko: amasezerano y'umurimo atanditse adashobora kurenza iminsi mirongo cyenda (90) ikurikiranye ((cfr art.11, §6) ; hamwe n'ubundi burenganzira buteganywa mu ngingo ya 40 y'iryo tegeko bwo :

- 1 ° gukorera ahantu hubahirije ibijyanye n'ubuzima n'umutekano ku kazi;
- 2 ° guhembwa umushahara ungana n'uw'abandi iyo bakora imirimo y'agaciro kangana;
- 3 ° guhabwa ibiruhuko nk'uko biteganywa n'amategeko;
- 4 ° kujya muri sendika yihitiyemo;
- 5 ° guhabwa amahugurwa n'umukoresha no
- 6 ° guhabwa amakuru ajyanye n'akazi akora.

Ibyerekeranye no gusesa amasezerano y'umurimo

Amasezerano y'umurimo ashobora guseswa nta nteguza cyangwa se hatanzwe integuza.

➤ **Gusesa amasezerano y'umurimo hatanzwe integuza**

Nk'uko biteganywa n'ingingo ya 24 y'itegeko ry'umurimo "Haseguriwe ibikubiye mu masezerano rusange, amategeko ngengamikorere cyangwa amasezerano y'umurimo, integuza igomba gutangwa n'umukoresha cyangwa umukozi mu buryo bukurikira:

- ✓ 1 ° iminsi cumi n'itanu (15) nibura iyo umukozi yakoze igihe kiri munsi y'umwaka umwe (1);
- ✓ 2 ° iminsi mirongo itatu (30) nibura iyo umukozi yakoze igihe kirenze umwaka umwe (1).

Gutanga integuza bigomba gukorwa mu nyandiko kandi hakagaragazwa impamvu yo gusesa amasezerano y'umurimo.

Umukoresha ntiyemerewe gusesa amasezerano y'umurimo mu bihe bikurikira:

- 1 ° igihe umukozi ari mu isubikwa ry'amasezerano y'umurimo;
- 2 ° igihe umukozi ari mu kiruhuko afitiye uburenganzira.

Mu gihe cy'integuza yatanzwe n'umukoresha, umukozi yemerewe gusiba akazi umunsi umwe (1) mu cyumweru kugira ngo ashake akandi kazi.

Nta ntenguza ishobora kubaho mu gihe cy'igeragezwa.

➤ **Iseswa ry'amasezerano y'umurimo ritewe n'ikosa rikomeye**

Umukoresha asesa amasezerano y'umurimo hadatanzwe integuza mu gihe umukozi akoze ikosa rikomeye.

Mu gihe iseswa ry'amasezerano y'umurimo ritewe n'ikosa rikomeye, umukoresha agomba kumenyesha umukozi mu nyandiko mu gihe kitarenze amasaha mirongo ine n'umunani (48) uhoreye igithe ibimenyetso by'ikosa rikomeye bigaragariye kandi akagaragaza impamvu z'iseswa (Ingingo ya 26).

➤ **Ikosa rikomeye**

Ibikorwa bikurikira bifatwa nk'amakosa akomeye (Iteka rya Minisitiri N° 002/19.20 ryo ku wa 17/03/2020 rishyiraho urutonde rw'amakosa akomeye, ingingo ya 2):

1° ubujura;

2° uburiganya;

3° kurwanira ku kazi;

4° kunywera ibinyobwa bisindisha mu kazi;

5° kuba uri ku ku kazi wasinze cyangwa wanyoye ibiyobyabwenge;

6° gukora inyandiko mpimbano;

7° ivangura iryo ari ryo ryose ku kazi;

- 8° guhoza undi ku nkeke bifitanye isano n'imibonano mpuzabitsina;
- 9° gusaba, gutanga cyangwa kwakira ruswa cyangwa indonke;
- 10° kunyereza umutungo;
- 11° kubona cyangwa gutanga mu buryo butemewe amakuru y'akazi y'ibanga;
- 12° imyitwarire ishobora gushyira mu kaga ubuzima n'umutekano by'abandi ku kazi;
- 13° iohohotera rishingiye ku gitsina mu kazi;
- 14° guhagarika imirimo mu buryo budakurikije amategeko; 15° kwangiza ibikoresha by'akazi ku bushake.

Ni ryari habaho kwirukanwa nta mpamvu?

Kwirukanwa nta mpamvu ni ugusesa amasezerano y'umurimo bikozwe n'umukoresha nta mpamvu ifite ishingiro cyangwa bidakurikije uburyo buteganywa n'amategeko (art.3,17°).

5. UWITOZA UMURIMO N'UWIMENYEREZA UMWUGA

Bamwe mu barebwa n'iri tegeko kandi harimo uwitoza umurimo ariwe *apprenti* cyangwa *apprentice* mu ndimi z'amahanga n'uwigemeyereza umwuga ariwe *stagiaire* cyangwa se *intern* mu ndimi z'amahanga.

Bimwe mu by'ingenzi bigaragara mu Iteka rya Minisitiri N° 008/19.20 ryo ku wa 17/03/2020 rigena imiterere y'amasezerano yo kwitoza n'ayo kwimenyereza umurimo rigaragaramo ko yaba amasezerano y'uwigemeyereza umurimo, yaba masezerano y'uwigemeyereza umwuga, yose agomba kuba yanditse, akamara igihe kizwi:

UWITOZA UMURIMO (apprenti/apprentice)	UWIMENYEREZA UMWUGA (Stagiaire/internée)
Imiterere y'amasezerano	<p>Amasezerano yo kwitoza umurimo ni amasezerano umuyobozi w'ikigo agirana n'uwiufaza kwitoza umurimo amwigisha cyangwa amuha abamwigisha umwuga ku buryo bunoze kandi bukwiye mu gihe kizwi bumvikanyeho agahabwa icyemezo kigaragaza ko yarangije kwitoza umurimo.</p> <p>Ingingo ya 35 y'Iteka rigenga umurimo rya 2018</p> <p>Amasezerano yo kwimenyereza umurimo ni amasezerano akorwa hagati y'umuyobozi w'ikigo n'uwiufaza kwimenyereza umwuga hagamiwe guhuza ubumenyi bwo mu ishuri n'ibikorerwa ku murimo.</p> <p>Ingingo ya 36 y'Itegeko rigenga umurimo rya 2018</p>

Igihe amasezerano amara	Igihe cy' amasezerano yo kwitoza umurimo gishyirwaho hakurikijwe imiterere y' umurimo. Icyakora, icyo gihe ntigishobora kurenza imyaka ine (4). Ingingo ya 3 y'Iteka ry'a Minisitri	Amasezerano yo kwimenyereza umurimo ntashobora kurenza amezi cumi n'abiri (12). Ingingo ya 14 y'Iteka ry'a Minisitri.
Ese agenerwa igihembo	Oya, Utoza umurimo ashobora kugenera uwitoza umurimo uburyo bunworohoreza kwitoza umurimo, harimo ibijyanye n' amafunguro, ingendo cyangwa ikindi kintu gifasha uwitoza umurimo igihe cyo kwitoza. Ingingo ya 7	Oya, Uwimenyereza umurimo ashobora guhabwa uburyo bumworohoreza kwimenyereza umurimo yumvikanyeho n' umumenyereza umurimo busa n' ubuhabwa uwitoza umurimo bувугва му нгingo я 7 y'iri teka. Ingingo ya 18 y'Iteka.

6. UBURENGANZIRA N'INSHINGANO BY'UMUKORESHA N'UMUKOZI

Umukoresha n'umukozi bombi bagira uburenganzira n'inshingano nk'uko ziteganywa n'iri tegeko ry'umurimo ndetse n'ubundi bwumvikane bushobora kuba hagati y'umukoresha n'umukozi.

Uburenganzira bw'umukoresha n'umukozi burengerwa n'Itegeko Nshinga ndetse n'itegeko ry'umurimo burimo: Uburenganzira bwo gushyiraho ingaga z'abakozi n'amashyirahamwe y'abakoresha; Uburenganzira ku mishyikirano igamije amasezerano rusange; Uburenganzira bw'abakoresha bwo kwishyira hamwe.

KU BYEREKER ANYE N'UMURIMO MURI RUSANGE	UMUKORESHA	UMUKOZI
<p>UBURENGANZIRA</p> <p>1° gutangga akazi;</p> <p>2° guha umukozi amabwiriza yerekkeye akazi;</p> <p>3° gukora isuzumabushobozi ry'umukozi, kuzamura mu ntera, kwimura umukozi, umukozi no gusesa amasezerano y'umurimo y'umukozi;</p> <p>4° guhindura, kongera cyangwa guhagarika imirimo.</p>	<p>1° gukorera ahantu hubahirije ibijyanye n'ubuzima n'umutekano ku kazi;</p> <p>2° guhembwa umushahara ungana n'uw'abandi iyo bakora imirimo y'agaciro kangana;</p> <p>3° guhabwua ibiruhuko nk'uko biteganywa n'amategeko;</p> <p>4° kujya muri sendika yihitiyemo;</p> <p>5° guhabwua amahugurwa n'umukoresha</p> <p>6° guhabwua amakuru ajyaneye n'akazi akora. (Ingingo ya 40)</p>	

	<p>7° Uburenganzira bwo kwishyira hamwe no gutanga ibitekerezo (ingingo ya 10);</p> <p>8° Uburenganzira bwo gusubizwa mu kazi nyumay yo gusezererwa kubera impamvu z'ubukungu cyangwa iza tekinki (ingingo ya 22);</p> <p>9° Uburenganzira ku mushahara (ingingo ya 66);</p>	<p>Umukozi afite inshingano z'ingenzi zikunika (Labor Code 2018, art.40):</p> <p>1° gukora ubwe akazi yahawé ku gihe no gutanga umusaruro;</p> <p>2° kubahiriza amabwiriza y'umukoresha cyangwa umuhagarariye;</p>
INSHINGANO	<p>1° gutanga amaserano y'umurimo ku mukozi kandi umukozi agahabwa kopi yayo;</p> <p>2° guha umukozi akazi basezeranye, akagatangira igihe n'ahantu bumvikanye;</p>	

<p>3° kuyobora umukozi kandi agakora ibishoboka byose kugira ngo akazi gakorerewe ahantu hameze neza hubahirije ibijyanye n'ubuzima n'umutekano ku kazi;</p> <p>4° guhemba umukozi umushahara basezeranye kandi ku gihe;</p>	<p>3° kwirinda icyahungabanya umutekano we n'uwa bagenzi be cyangwa uw' aho akorera ;</p> <p>4° gufata neza ibikoresho ahawen n'umukoresha;</p> <p>5° kwitabira akazi ku gihe;</p> <p>6 ° kurengera inyungu z'akazi. (Ingingo ya 41).</p>	<p>5° kwirinda icyakwangiza ubuzima n'umutekano by'ikigo, iby'abakozi n'ibidukijke;</p> <p>6° gushyira umukozi mu bwiteganyirize no kumutangira imisanzu mu kigo cy'ubwiteganyirize bw'abakozi mu Rwanda;</p>
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| | <p>7° kuganira n'abakozi
cyangwa ababahagarariye
ku bijyanye n'akazi;</p> <p>8° guha abakozi
amahugurwa no
gukomeza kubongerera
ubushobozi;</p> <p>9° guha umukozi ibikoresho
bimufasha mu kazi;</p> <p>10° kumenyesha
Umugenzi w'Umurimo
impanuka cyangwa
urupfu by'umukozi
bikomoka ku kazi.
(Ingingo ya 39.)</p> |
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7. INSHINGANO KU BYEREKERANYE N'UMURIMO N'UMUTEKANO MU KAZI

Nk'uko mu nshingano z'umukoresha harimo kuyobora umukozi kandi agakora ibishoboka byose kugira ngo akazi gakorerwe ahantu hameze neza hubahirije ibijyanye n'ubuzima n'umutekano ku kazi, ntibibuza nuko umukozi, uwitoza cyangwa se uwimenyereza umwuga nabo bagira inshingano ku byerekeranye n'umurimo n'umutekano mu kazi.

UWO BIREBA	INSHINGANO
UMUKORESHA	<p>1° kwita ku buzima, umutekano n'imibereho myiza by'aho abakozi, abitoza cyangwa abimenyereza umurimo bakorera;</p> <p>2° gulha abakozi, abitoza cyangwa abimenyereza umurimo aho bakorera hameze neza n'ibikoresho bibarinda impanuka;</p> <p>3° kugenzura ko abakozi, abitoza cyangwa abimenyereza umurimo bambara ibikoresho byageneewe kurinda indwara n'impanuka ku kazi kandi ko ibyo bikoresho bikoreshw na neza mu gihe cya ngombwa; 4° kugaragaza no gusesengura ibyago bishobora guterwa n'imiterere y'akazi;</p> <p>5° kugira agasanduku k'ubutabazi bw'ibanzé karimo ibikoresho bihagije no guhugura abakozi, abitoza cyangwa abimenyereza umurimo ku mikoreshereze abyoy;</p> <p>6° gushyiraho no kuwugurura mu buryo buhoraho gahunda y'ibiza ishingiyé ku byago bishobora kuba ku kazi;</p> <p>7° guhugura abakozi ku byerekeye ubuzima n'umutekano ku kazi nibura rimwe mu mwaka;</p> <p>8° kumenyesha abakozi, abitoza cyangwa abimenyereza umurimo ibyago bishobora guterwa n'ikoranabuhanga rishya;</p>

- 9°gutegura, mu buryo bwumvikana no mu rurimi abakozi,
abitoza n'abimenyereza umurimo bunva, inyandiko igaragaza
uburyo bwo kwirinda no kuyishyira ahantu habugenewe;
- 10°kubika amakuru y'impanuka, indwara n'impfu bikomoka
ku kazi;
- 11°gutanga raporo y'impanuka, indwara n'impfu bikomoka ku
kazi ku Mugenzuzi w'umurimo w'aho ikigo gihererereye no ku
kigo cy'ubwiteganyize bw'abakozi;
- 12°kubika ibangary'amakuru bwite ndetse n'ajyanye n'ubuzima
bw'abakozi, abitoza cyangwa abimenyereza umurimo;
- 13°gukora ku buryo ahakorerwa akazi haba hadafite ubucucike
ku buryo hateza ibyago ku buzima bw'umukozi, uwitoza
cyangwa uwimenyereza umurimo;
- 14°gukora ku buryo ahakorerwa akazi hagomba kuba hari isuku
kandi imyanda igomba gushyirwa ahabugenewe;
- 15°kugena urumuri ruhagije kandi ruhoraho, kwirinda urusaku
cyangwa ibitigita, amazi y'ubuntu yo kunywa, kandi aho
bishoboka hashingiwe ku murimo usaba imbaraga cyangwa
ushobora kugabanya ubudahangarwa, gutanga ikindi
kinyobwa kidasembuye cyiyongera ku mazi;

<p>16° guha abakozi, abimenyereza umwuga cyangwa abitoza uburyo bukwiye bwo gukora isuku, ahakorerwa isuku hatandukanye ku bagabo n'abagore;</p> <p>17° guha abakozi, abimenyereza umwuga cyangwa abitoza ibyumba byo kwambariramo bisukuye bitandukanye ku bagabo n'abagore, aho gukorera n'ibikoresho by'akazi byujuje ubuziranenge.</p>	<p>(Ingingo ya 3 y'Iteka rya Minisitiri N° 02/MIFOTRA/22 ryo ku wa 30/08/2022 ryerekeye umutekano ku kazi, inzezo zihagararira abakozi n'abakoresha, umurimo w'umwana, umurimo w'umwanyamahanga n'ikiruhuko cy'ingoboka)</p>
<p>UMUKOZI, UWITOZA CYANGWA UWIMENYEREZA UMURIMO</p>	<p>1° kubahiriza amategeko n'amabwiriza ahabwa n'umukoresha kubera imiterere y'umurimo akora;</p> <p>2° kumenyeshaa umukoresha impanuka, indwara n'ikindi cyose gishobora gutera impanuka ahakorerwa akazi;</p> <p>3° kwirinda no kumenyeshaa bagenzi be bakorana n'abandi bantu igishobora kubangamira umutekano n'ubuzima ku kazi;</p> <p>4° kwirinda kwangiza, kwanduza cyangwa gukoresha ku buryo budakwiye ibikoresho yahawwe byagenewe kurinda indwara n'impanuka bikomoka ku kazi. (Ingingo ya 4 y'Iteka rya Minisitiri N° 02/MIFOTRA/22 ryo ku wa 30/08/2022 ryerekeye umutekano ku kazi, inzezo zihagararira abakozi n'abakoresha, umurimo w'umwana, umurimo w'umwanyamahanga n'ikiruhuko cy'ingoboka)</p>

8. UBURENGANZIRA BW'UMWANA MU MURIMO (GUKORESHA UMWANA)

Umwana ni nde?

Nk'uko biteganywa n'Itegeko N°71/2018 ryo ku wa 31/08/2018 ryerekeye kurengera umwana mu ngingo yaryo ya 3, mu gace kayo ka 6 “ umwana umuntu wese utarageza ku myaka cumi n'umunani (18) y'amavuko.”

Imyaka yo gutanga umurimo ni iyihe?

Imyaka fatizo yo gutangira gukora akazi ni cumi n'itandatu (16) (art.5 labor code).

Ese hari igihe umwana yemerewe gukora akazi ?

Icyakora, umwana uri hagati y'imyaka cumi n'itatu (13) na cumi n'itanu (15) yemerewe gukora gusa imirimo yoroheje mu rwego rwo kwitoza umurimo.

Iteka rya Minisitiri ufite umurimo mu nshingano ze rigena urutonde rw'imirimo yoroheje ku mwana uvugwa mu gika cya 2 cy'iyi ngingo.

Ese umurimo woroheje umwana ashobora gukora ni uwuhe?

Umurimo woroheje ni umurimo udashobora kubangamira ubuzima, imikurire, n'imyigire by'umwana, cyangwa ibindi biri mu nyungu z'imibereho ye (art.3,26°).

Ni iyihe mirimo ibujijwe ku mwana?

Itegeko rigenga umurimo mu Rwanda mu ngingo yaryo ya 6 rivuga ko Gukoresha umwana utarageza ku myaka cumi n'umunani (18) umwe muri iyi mirimo ikurikira birabujijwe:

- 1º imirimo ihungabanya imiterere y'umubiri w'umwana;
- 2º imirimo ikorerwa munsi y'ubutaka, munsi y'amazi, kandi harehare cyangwa hafunganye;
- 3º imirimo ikoreshwa imashini n'ibikoresho bishobora kugira ingaruka mbi cyangwa isaba guterura no kwikorera umutwaro uremereye;
- 4º imirimo ikorerwa ahantu hari ubushyuhe, ubukonje, urusaku, ibitigita n'ibindi byangiza ubuzima bw'umwana;
- 5º imirimo ikorwa amasaha menshi, mu ijoro cyangwa ikorerwa ahantu hafunganye.

Ese ikiruhuko cy'umwaka ku mwana kingana gute?

Mu gihe ku bandi bakozi, ikiruhuko cy'umwaka kibarirwa ku munsi 1,5 ku kwezi, Umwana ukora afite imyaka (16) ariko atarageza ku myaka cumi n'umunani (18) agomba guhabwa iminsi ibiri (2) y'akazi y'ikiruhuko buri kwezi kw'akazi (art.46).

9. KUBUZA IVANGURA MU KAZI

Itegeko nshinga rya Repubulika y'u Rwanda (art.16) riteganya ko ivangura iryo ari ryo ryose cyangwa kurikwirakwiza byaba bishingiye ku bwoko, ku muryango cyangwa ku gisekuru, ku nzu, ku ibara ry'umubiri, ku gitsina, ku karere, ku byiciro by'ubukungu, ku idini cyangwa ukwemera, ku bitekerezo, ku mutungo, ku itandukaniro ry'umuco, ku rurimi, ku bukungu, ku bumuga bw'umubiri cyangwa ubwo mu mutwe no ku rindi vangura iryo ari ryo ryose, birabujijwe kandi bihanwa n'andi mategeko.

Ni irihe vangura ribujijwe mu kazi?

Ingingo ya 9 y'Itegeko ry'umurimo nayo ibuza ivangura iryo ari ryo ryose igaragaza ivangura ribujijwe mu kazi mu buryo bukurikira:

Umukoresha abujijwe gukora ivangura mu kazi rishingiye:

- ku bwoko,
- ku muryango cyangwa ku gisekuru,
- ku nzu,
- ku ibara ry'umubiri,
- ku gitsina,

- ku karere,
- ku byiciro by'ubukungu,
- ku idini cyangwa ukwemera,
- ku bitekerezo,
- ku mutungo,
- ku itandukaniro ry'umuco,
- ku rurimi,
- ku bumuga bw'umubiri cyangwa ubwo mu mutwe no
- ku rindi vangura iryo ari ryo ryose.

Muri iyo ngingo kandi bigaragara ko umukoresha ategetswé guha abakozi amahirwe angana mu kazi; ndetse ko agomba guhemba umushahara ungana abakozi bakora imirimo y'agaciro kangana nta vangura iryo ari ryo ryose.

Guhemba umushahara ungana ku bakozi bakora umurimo umwe kandi byongera kugarukwaho n'itegeko nshinga mu ngingo yaryo ya 30 aho itegeka ko “Abantu bakora umurimo umwe bagomba guhembwa kimwe nta vangura iryo ari ryo ryose.”

Ni nde ufite inshingano yo kurinda ko habaho ivangura mu kazi?

Umukoresha afite inshingano yo kurinda ivangura mu kazi aha abakozi bose amahirwe angana mu kazi ndetse ahemba n'abakozi bakora umurimo umwe umushahara ungana; kandi abujijwe no gukora ivangura iryo ari ryo ryoze.

Umukozi nawe abujijwe ivangura iryo ari ryo ryoze kuko umukozi urigaragawe aba akoze ikosa rikomeye rituma ahita asezererwa nta ntenguza, nk'uko biteganywa n'Iteka rya minisitiri N° 002/19.20 ryo ku wa 17/03/2020 rishyiraho urutonde rw'amakosa akomeye, mu ngingo yaryo ya 2, agace ka 7°.

10. KURINDWA GUHOZWA KU NKEKE MU KAZI HAGAMIJWE IMIBONANO MPUZABITSINA

Nubwo itegeko ry'umurimo mu ngingo yaryo ya 8 ribuza guhoza ku nkeke uwo ukuriye mu kazi hagamijwe imibonano mpuzabitsina ku buryo ubwo ari bwo bwose, ntabwo iryo tegeko ritanga igisobanuro cyo guhoza ku nkeke icyo aricyo. Biradusaba kwifashisha andi mategeko.

Guhoza umuntu ku nkeke ni iki?

Guhoza umuntu ku nkeke ni ughora ukorera umuntu ibikorwa bimubuza amahoro nko kumutoteza, kumucyurira, kumucunaguza, kumugaya, kumutuka n'ibindi (Itegeko N°59/2008 ryo kuwa 10/09/2008 rikumira kandi rihana iohohoterwa iryo ari ryo ryose rishingiye ku gitsina mu ngingo yaryo ya 2, agace ka 12°).

Guhoza undi ku nkeke bifitanye isano n'imibonano mpuzabitsina ni iki ?

Guhoza undi muntu ku nkeke ni igikorwa kibangamye cyo kubwira umuntu amagambo cyangwa gukora ibikorwa ku buryo buhoraho bifitanye isano n'igitsina, bishobora kwangiza icyubahiro cye bitewe n'uko bitesha agaciro cyangwa icyubahiro nyir'ukubikorerwa

cyangwa kumutera ubwoba cyangwa ikimwaro (Itegeko N°68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange mu ngingo yaryo ya 149).

Ese umukozi ashobora kwirukanirwa ko yatanze amakuru ku guhozwa ku nkeke hagamijwe imibonano mpuzabitsina ?

Kwirukana umukozi ku kazi kubera ko yatanze amakuru cyangwa ubuhamya ku bijyanye no guhozwa ku nkeke hagamijwe imibonano mpuzabitsina bikozwe n'umukuriye mu kazi birabujije.

Ese umukozi uhozwa ku nkeke hagamijwe imibonano mpuzabitsina afite ayahe mahitamo ?

Igihe hari ibimenyetso bifatika byemeza ko umukozi yasezeye ku kazi kubera guhozwa kunkeken'umukuriye agamije gukorana na we imibonano mpuzabitsina, bifatwa nko kwirukanwa ku kazi nta mpamvu.

Ni ibihebihano biteganyirijwe umukoresha ukora ibikorwa byo guhoza ku nkeke umukozi hagamijwe imibonano mpuzabitsina ?

Iyo uwakoze icyaha ari umukoresha cyangwa undi wese witwaza imirimo ashinzwe agahoza uwo akuriye

mu kazi ku nkeke akoresheje amabwiriza, ibikangisho cyangwa iterabwoba agamije kwishimisha bishingiye ku gitsina, ahanishwa igifungo kirenze umwaka umwe (1) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana abiri (200.000 FRW) ariko atarenze ibihumbi magana atatu (300.000 FRW) (Itegeko N°68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange mu ngingo yaryo ya 149).

11. IBYEREKERANYE N'AMASEZERANO RUSANGE

Amasezerano rusange ni iki ?

Amasezerano rusange ni amasezerano yanditse arebana n'uburyo umurimo ukorwa cyangwa arebana n'izindi nyungu zihuriweho akorwa hagati y'inzego zihagararira abakozi cyangwa intumwa z'abakozi, aho inzego zihagararira abakozi zitari ku ruhande rumwe n'umukoresha umwe cyangwa bensi cyangwa Inzego zihagararira abakoresha ku rundi ruhande (Labor code art.3 1°).

Ni ibiki bikubiye mu masezerano rusange?

Amasezerano rusange agomba kuba agaragaramo nibura ibijyanye n'ibi bikurikira (art.91, labor code):

- 1 ° uburyo bwo guha umukozi akazi n'ubwo gusesa amasezerano;
- 2 ° uburenganzira bw'umukozi bwo kujya muri sendika no gutanga ibitekerezo;
- 3 ° ibirebana n'inzego z'imirimo;
- 4 ° umushahara ugenwa kuri buri rwego rw'umurimo, amasaha y'ikirenga n'uburyo umukozi ayahemberwa, igihe cy'igeragezwa ry'umurimo n'icy'integuza;

- 5 ° ikiruhuko gihemberwa, amafaranga y'uburambe ku murimo n'amafaranga y'urugendo;
- 6 ° uburyo bwo kuvugurura no guhindura amasezerano yose cyangwa igice cyayo;
- 7 ° uburyo bwo gukemura amakimbirane yavutse mu gihe cyo gushyira mu bikorwa amasezerano;
- 8 ° igihe amasezerano rusange atangirira gukurikizwa.

Igihe amasezerano rusange amara?

Amasezerano rusange ashobora kuba ay'igihe kizwi cyangwa ikitazwi.

Iyo nta ngingo zibiteganya ukundi, impande zombi zibyumvikanyeho, amasezerano rusange y'igihe kizwi arangije igihe cyayo akomeza gukurikizwa nk'aho ari ay'igihe kitazwi (Laor code, art.94).

12. GUKE MURA IMPAKA Z'UMURIMO

Nk'uko bijya bibaho no mu mibanire y'abantu basanzwe, hagati y'umukoresha n'umukozi hajya havuka impaka. Impaka zivuka ziba zihariye cyangwase ari rusange kandi zikagira uburyo zikemurwamwo.

	IMPAKA ZIHARIYE	IMPAKA RUSANGE
IZO ARI ZO	<p>Impaka zihariye z'umurimo ni impaka hagati y'umukoresha umwe cyangwa benshi ku n'umukoresha, bitewe no kutubahiriza amasezerano y'umurimo bagiranye (Labor code 2018, art.3,11°).</p>	<p>Impaka rusange z'umurimo ni impaka hagati y'umukoresha umwe cyangwa benshi ku ruhande runwe, itsinda ry'abakozi cyangwa abakozi bose ku rundi rihande, zishingye ku masezerano rusange cyangwa imikorere y'umurimo (Labor code 2018, art.3,10°).</p>

UBWUMVIKANE	<p>Intumwa z'abakozi mu kigo zikemura mu bwumvikane impaka zihariye z'umurimo hagati y'umukoresha n'abakozi (Labor Code 2018, art.102).</p> <p>Iyo intumwa z'abakozi zidashoboye gukemura izo mpaka mu bwumvikane, uruhande bireba rubimenyesha umugenzu w'umurimo w'aho ikigo giherereye.</p>	<p>Impaka rusange z'umurimo zivutse mu ifasi y'Umugenzenzu w'Umurimo zishyikirizwa uwo mugenzuzi w'umurimo (Labor Code 2018, art.103).</p> <p>Impaka rusange zirenze ifasi y'umugenzenzu w'umurimo, zitakemuwe n'umugenzenzu w'umurimo wo ku rwego rw'Ighugu cyangwa zitakemuwe bitewe n'imiterere yazo cyangwa kugongana kw'inayungu zishyikirizwa Minisitiri ufite umurimo mu nshingano ze. Iteka rya Minisitiri ufite umurimo mu nshingano ze rigena imiterere n'imikorere by'ubugenzenzu bw'umurimo n'uburyo bwo gukemura impaka zishingiye ku murimo.</p>
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Iyo kumvikana bidashobots
imbere y'Umugenzu
w'umurimo w'aho ikigo
giherereye cyangwa uwo ku
rwege rw'Ighugu, ikirego
gishyikirizwa urukiko
rubifitiye ububasha. Icyakora,
urukiko rushobora gufata
icyemezo cyo kutakira ikirego
nyuma yo gusuzuma ko inzira
zikurikikizwa mu gukemura
impaka ziteganywa muri iyi
ningo zitubahirijwe.

Ese ikirego gishingiye ku murimo gishobora kuzima ?

Ikirego gishingiye ku murimo kigira ubuzime nyuma y'imyaka ibiri (2) uhoreye ku munsi ikibazo icyo kirego gishingiyeho cyabereyeho (Labor Code 2018, art.104).

Igihe kivugwa mu gika cya mbere cy'iyi ngingo kireka gukomeza kubarwa iyo:

- 1 ° uruhande rumwe mu zifitanye ikibazo rusabwe mu nyandiko gukemura icyo kibazo;
- 2 ° umukozi cyangwa umukoresha ashyikirije ikirego intumwa z'abakozi, umugenzi w'umurimo cyangwa Urukiko.

13. IBIGO BYIGENGA BISHAKIRA ABAKOZI AKAZI

Ikigo cyigenga gishakira abakozi akazi ni umuntu ku git
cye cyangwa ikigo kidashamikiye kuri Leta, gishinzwe
gutanga serivisi imwe cyangwa nyinshi ku isoko
ry'umurimo zikurikira (Labor Code 2018, art.115):

- 1 ° guhuza abashaka akazi n'umukoresha ariko kitinjira
mu micungire y'abo bakozi;
- 2 ° gushaka abantu bashaka akazi hagamijwe kubahuza
n'umukoresha ubakeneye kandi kigakomeza kubaha
inshingano no kubacunga; 3 ° gutanga inama zo mu
rwego rw'akazi;
- 4 ° gutanga amahugurwa ku bashaka akazi;
- 5 ° gutanga amakuru ajyanye n'akazi;
- 6 ° izindi serivisi zижanye no gushakira abakozi akazi
zishobora kwemezwa na Minisitiri ufite umurimo
mu nshingano ze, nyuma yo kujya inama n'inzego
zihagararira abakozi n'izihagararira abakoresha.

Umuntu wifuza gutangiza ikigo cyigenga gishakira
abakozi akazi, abisabira uruhushya rutangwa na
Minisitiri ufite umurimo mu nshingano ze.

Iteka rya Minisitiri ufite umurimo mu nshingano ze
rigena uburyo ibigo byigenga bishakira abakozi akazi
bishyirwaho n'imikorere yabyo.

14. INZEGO ZIGAHARARIRA ABAKOZI

Itegeko nshinga riteganya mu ngingo yaryo ya 31 ko “Uburenganzira bwo gushyiraho ingaga z’abakozi zigamije kurengera no guteza imbere inyungu z”umwuga bafitiye uburenganzira buremewe.” Kandi “ Buri mukozi ashobora kurengera uburenganzira bwe abinyujije mu rugaga rw”abakozi mu buryo buteganywa n’amategeko.”

Itegeko rigenga umurimo mu Rwanda riteganya ko inzego zihagararira abakozi ari sendika, impuzamasendika n’ urugaga rw’abakozi (Labor Code 2018, art.3,15°) ndetse rikanateganya ko “Abakozi bafite uburenganzira bwo gushinga sendika cyangwa kujya muri sendika iriho.” (Labor code 2018, art.10,§2)

URWEGO	IGISOBANURO	ABARUGIZE
SENDIKA	<p>Sendika ni ishyirahamwe ry'abakozi ryanditse rikora imrimo imwe, imyuga isa cyangwa imirimoo ijya gusa, rigamije kurengera no guteza imbere inyungu zihuriweho mu by'ubukungu, imibereho myiza n'uburenganzira (Labor Code 2018, art.3,18°).</p>	<p>Sendika isaba kwiyandikisha igomba kuba ifite abanyamuryango nibura ijana (100) bakorera mu cyciro cy'umurimo sendika ishaka gukoreramo (Ingingo ya 29 y'Iteka nya Minisitiri N° 02/MIFOTRA/22 ryo ku wa 30/08/2022, agace kal°)</p>
IMPUZAMASENDIKA	<p>Impuzamasendika ni ihuriro ry'amasendika ryanditse rigamije kurengera no guteza imbere inyungu zihuriweho mu by'ubukungu, imibereho myiza n'uburenganzira (Labor Code 2018, art.3,12°).</p>	<p>Amasendika y'abakozi nibura atatu (3) yanditse mu kwandikisha impuzamasendika y'abakozi, (Ingingo ya 29 y'Iteka nya Minisitiri N° 02/MIFOTRA/22 ryo ku wa 30/08/2022, agace ka 3°)</p>

URUGAGA RW'ABAKOZI	<p>Urugaga rw'abakozi ni ihuriro ry'impuzamasendika ryanditse rigamije kurengera no guteza imbere inyungu zihuriweho mu by'ubukungu, imibereho myiza n'uburenganzira (Labor Code 2018, art.3,31°).</p> <p>4ºimpuzamasendika z'abakozi nibura eshatu (3) mu kwandikisha urugaga rw'abakozi,</p> <p>(Ingingo ya 29 y'Iteka rya Ministitri N° 02/ MIFOTRA/22 ryo ku wa 30/08/2022, agace ka 4º).</p>
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15. UMWANZURO

Iri tegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda ryakorewe imfashanyigisho rifite n'andi mateka ya Minisitiri arishamikiyeho nayo yifashisijwe muri iyi mfashanyigisho.

Iri tegeko rigaragaza uburenganzira n'ishingano by'abakozi n'abakoresha rigahuriza hamwe ibiteganyijwe mu itegeko nshinga no mu masezerano mpuzamahanga agenga umurimo u Rwanda rwashyizeho umukono. Bimwe mu byasaga n'ibituzuye cyangwa se bitatangiwe ibisobanuro bihagije muri iri tegeko bikaba bigenda byuzuzwa n'amateka ya Minisitiri arishamikiyeho.

Iri tegeko igihe rizakomeza gukoreshwa neza hamwe n'amateka aryuzuza, tukaba tubona ari ingirakamaro kandi ritanga uburyo bwiza bw'imikorere n'imikoranire y'umukoresha n'umukozi hagamijwe guteza imbere umurimo unoze kandi uhesha umukozi agaciro.

16. INYANDIKO ZIFASHISHIWE

1. Itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda ;
- 2.Iteka rya Minisitiri N° 001/19.20 ryo ku wa 17/03/2020 ryerekeye ubugenzuzi bw'umurimo ;
- 3.Iteka rya Minisitiri No 002/19.20 ryo ku wa 17/03/2020 rishyiraho urutonde rw'amakosa akomeye ;
- 4.Iteka rya Minisitiri N° 003/19.20 ryo ku wa 17/03/2020 ryerekeye intumwa z'abakozi ;
- 5.ItekaryaMinisitiriN°004/19.20ryokuwa17/03/2020 rigena serivisi zitagomba guhungabanywa mu gihe cy'ihagarikwa ry'imirimo cyangwa icy'ifungwa ry'Ikigo ;
- 6.Iteka rya Minisitiri N° 005/19.20 ryo ku wa 17/03/2020 rigena uburyo amasaha y'akazi mu cyumweru yubahirizwa mu nzego z'abikorera ;
- 7.Iteka rya Minisitiri N° 006/19.20 ryo ku wa 17/03/2020 rigena uburyo amahugurwa y'abakozi atangwa ;
- 8.Iteka rya Minisitiri N° 007/19.20 ryo ku wa 17/03/2020 rigena iby'ingenzi bikubiye mu masezerano y'umurimo yanditse ;

- 9.Iteka rya Minisitiri N° 008/19.20 ryo ku wa 17/03/2020 rigena imiterere y'amasezerano yo kwitoza n'ayo kwimenyereza umurimo ;
- 10.Iteka rya Minisitiri N° 009/19.20 ryo ku wa 17/03/2020 rigena amafaranga yo gushyingura n'ay'impozamarira ku mukozi ;
- 11.Iteka rya Minisitiri N° 02/MIFOTRA/22 ryo ku wa 30/08/2022 ryerekeye umutekano ku kazi, inzego zihagararira abakozi n'abakoresha, umurimo w'umwana, umurimo w'umunyamahanga n'ikiruhuko cy'ingoboka.

Turashimira Me KABASHA KARANGWAYIRE
Yvonne, Umunyamategeko, Lexi Folio Law firm,
wagize uruhare mu gushyira iyi mfashanyigisho mu
buryo buhinnye.

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