

Rwanda

Prime Minister's Order determining the Mission, Organization and Functioning of the National Labour Council

Prime Ministers Order 125 of 2010

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The Prime Minister;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 118, 119, 121 and 201;

Pursuant to Law n° 13/2009 of 27/05/2009 regulating labour in Rwanda, especially in Article 163;

Reviewing the Prime Minister's Order n° 62/03 of 02/11/2005 establishing and determining the functioning of the National Labour Council;

After consideration and approval by the Cabinet in its session of 14/10/2008;

HEREBY ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order determines the mission, organization and functioning of the National Labour Council.

Article 2 – Scope of this Order

This Order relates only to employment of employees governed by the Law regulating labour in Rwanda.

Chapter II Mission of the National Labour Council

Article 3 – Mission

In general, the National Labour Council shall be responsible for giving advice on policies and laws regulating labour and also play a role in settlement of labour disputes.

Specifically, the National Labour Council shall be responsible for:

- 1° giving advice on bills and draft regulations concerning labour and social security;
- 2° assisting in application of laws and regulations;
- 3° identifying all the shortcomings in the field of labour laws and to propose amendments;

- 4° studying all labour, employment, vocational training, social security related issues and safety as well as the working and living conditions of workers;
- 5° providing opinion on studies regarding labour market information and statistics;
- 6° providing opinion on setting and changes in the minimum guaranteed wages (SMG);
- 7° determining modalities of establishment of the arbitration committees for collective labour disputes and set up those arbitration committees;
- 7° giving advice on any other issues raised by the Minister in charge of labour relating to matters under its responsibilities.

Chapter III

Organisation of the National Labour Council

Section One – Composition of the National Labour Council, appointment and requirements of its members

Article 4 – Members of the National Labour Council

The National Labour Council shall be composed of the following:

- 1° The Minister in charge of labour who is also its Chairperson;
- 2° Five (5) State representatives;
- 3° Five (5) Trade Union representatives;
- 4° Five (5) employers' organisations representatives;
- 5° Five (5) Civil Society representatives.

Except the Chairperson, other members of the National Labour Council shall be appointed by an Order of the Minister in charge of Labour for a four (4) year term renewable only once.

At least thirty percent (30%) of the members of the National labour council shall be women.

Members of the National Labour Council shall remain in office until their replacement notwithstanding the expiry of their term of office.

Article 5 – Nomination of members of the National Labour Council other than State representatives

Representatives of workers, employers and civil society shall be appointed upon proposal by the most representative workers' and employers' bodies and of the most representative civil society organisations.

Article 6 – Replacement of members of the National Labour Council

Any vacant post that occurs before the expiry of the specified term of office, the Minister in charge of labour shall replace the member in the same procedure as provided for in Article 5 of this Order.

Article 7 – Required profile of the members of the National Labour Council

Members of the National Labour Council shall be required:

- 1° not to have been deprived of their civic and political rights;

- 2° to be at least twenty five (25) years old,
- 3° to be at least five (5) years of work experience;
- 4° not to have been never convicted for any labour legislation related offence;
- 5° not to have been never sentenced to a term equal to or exceeding six (6) months imprisonment;
- 6° not to have been adjudicated for bankruptcy cases.

Article 8 – Required documents for members of the National Labour Council

In order to be appointed as members of the National Labour Council, State representatives, employees and employers as well as civil society representatives shall produce the following documents:

- 1° Curriculum vitae;
- 2° Copy of a police criminal record.

Section 2 – Organs of the National Labour Council

Article 9 – Organs

The National Labour Council shall be composed of the following organs:

- 1° The Chairperson;
- 2° The Bureau;
- 3° The Secretariat.

Article 10 – Responsibilities of the Chairperson

The Chairperson of the National Labour Council convenes and chairs the Council's meetings. He/she submits the Council's annual progress report to the Prime Minister.

Article 11 – Composition of the Bureau of the National Labour Council

The Bureau of the National Labour Council Shall be composed of the following:

- 1° The Chairperson of the Council;
- 2° Three (3) Vice-Chairpersons, and these shall be:
 - a) one nominated by representatives of employers;
 - b) one nominated by representatives of employees;
 - c) one nominated by Civil Society representatives.

Among these three Vice-Chairpersons, the National Labour Council shall elect the First, the Second and the Third Vice-chairperson.

Article 12 – Responsibilities of the Bureau of the National Labour Council

The responsibilities of the Bureau of the National Labour Council shall be the following:

- 1° To draft the action of plan and submit it to the National Labour Council for approval;
- 2° To prepare the agenda of the Council's meetings;

- 3° To consider and decide on issues that are within the competence of the Council in respect of which it has been given delegation;
- 4° To consider and take a provisional decision on issues within the competence of the National Labour Council that are exceptionally urgent, upon the request of the Minister in charge of Labour;
- 5° To consider claims of employees or employers who are aggrieved of the decisions taken by relevant authorities on their plans to ensure the maintenance of the necessary minimum service in case of suspension of work or closure of enterprises;
- 6° To follow up the implementation of the National Labour Council's decisions.

Provisional decisions mentioned in point 4° of this Article shall be submitted for approval to the Council at its next ordinary session or in case of emergency, at its extraordinary session.

Article 13 – Meeting of the Bureau

The meeting of the Bureau of the National Labour Council shall be convened in writing and chaired by its chairperson as often as necessary. The meeting shall be held if the half ($\frac{1}{2}$) of the members of the National Labour Council are presents. Failure to obtain this quorum, the meeting is postponed for at least not less than seven (7) days without considering the quorum.

Article 14 – Secretary of National Labour Council

An employee shall be recruited in the Ministry in charge of Labour under Labour Directorate General and will specifically be in charge of the National Labour Council secretariat.

Article 15 – Duties of the National Labour Council's Secretary

Generally, the National Labour Council Secretary shall be responsible for preparing council meetings and monitoring them, making reports thereof and maintaining useful documentations and information.

Specifically, the Secretary shall be responsible for:

- 1° Ensuring smooth day to day performance of the National Labour Council activities;
- 2° Ensuring secretarial services of the National Labour Council meetings and its Bureau;
- 3° Following up day to day the implementation of decisions of the National Labour Council and of its Bureau;
- 4° Gathering useful books and other documents for National Labour Council;
- 5° Performing any other task within the scope of his/her duties, as may be assigned by the National Labour Council or its Chairperson.

Chapter IV Functioning of the National Labour Council

Article 16 – Internal rules of procedure

The National Labour Council shall adopt its internal rules of procedure.

Article 17 – Meetings of the National Labour Council

The National Labour Council shall meet twice (2) a year in its ordinary sessions when convened by its Chairperson. In his/her absence, the meeting may be convened and chaired by one of the Vice-Chairpersons, subject to their respective ranking.

It shall meet in an extraordinary session as often as necessary, upon request by its chairperson or upon request of two thirds ($\frac{2}{3}$) of its members.

The notice convening the meeting shall indicate the agenda and be accompanied with working documents.

The notice convening an ordinary session shall reach the members at least eight (8) days before the meeting convenes. The notice convening an extra ordinary meeting shall reach the members two (2) days before the meeting convenes.

Article 18 – Quorum

The quorum shall be constituted by two thirds ($\frac{2}{3}$) of the members of the Council and all categories of members shall be represented.

Failure to obtain the quorum, the meeting shall be postponed for at least not less than eight days from the day it would have been held.

On that date, the meeting shall be held if at least half ($\frac{1}{2}$) the members are present, without considering represented categories.

Article 19 – Majority required to take decisions

The decisions of the National Labour Council shall be taken by consensus, and if consensus is not obtained, the members shall vote. The decisions shall be valid only when voted by the absolute majority of members present.

The Chairperson shall not vote.

Article 20 – Sanctions for absenteeism

Any absence of the members of the National Labour Council or Bureau at its meetings shall be justified in writing.

In case of three successive absences of a member of National Labour Council or Bureau at its meetings of a member without a written justification, the National Labor Council shall temporarily suspend him/her and the competent authorities shall take a final decision.

Article 21 – Facilitating workers representatives

During the exercise of their mandate, workers representatives in the National Labour Council shall be guaranteed permission by their employers to enable them to attend the meetings

Chapter V Miscellaneous and final provisions

Article 22 – Sitting allowances and other operating expenses

Members of the National Labour Council present in its meeting shall be entitled to a sitting allowance determined by a Presidential Order.

The Government shall also guarantee transport facilities and other operating expenses to the members of the National Labour Council.

Article 23 – Authorities responsible for the implementation of this Order

The Minister of Public Service and Labour and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

Article 24 – Repealing provision

The Prime Minister's Order n° 62/03 of 02/11/2005 establishing and determining the functioning of the National Labour Council and all prior provisions contrary to this Order are hereby repealed.

Article 25 – Commencement

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.