Komisiyo y'Igihugu y'Uburenganzira bwa Muntu

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IMFASHANYIGISHO KU BURENGANZIRA KU MURIMO

Kigali, Mutarama 2022

IMFASHANYIGISHO KU BURENGANZIRA KU MURIMO

Ibice by'ingenzi bigize iyi imfashanyigisho

Iyi mfashanyigisho igizwe n'ibice bikurikira:

1. Iriburiro
2. Ibisobanuro by'amagambo y'ingenzi
3. Amateka y'uburenganzira ku murimo
4. Uburenganzira ku murimo mu Masezerano Mpuzamahanga no mu mategeko y'u Rwanda
5. Bimwe mu byagezweho na Leta mu guteza imbere no kurengera uburenganzira ku murimo
6. Ibyo Komisiyo y'Igihugu y'uburenganzira bwa Muntu ikora mu guteza imbere no kurengera uburenganzira ku murimo
7. Inshingano za buri wese mu gutuma uburenganzira ku murimo bwubahirizwa
8. Uburyo bwo kurinda no kurengera uburenganzira ku murimo

8\. Umwanzuro

I. Iriburiro

Uburenganzira ku murimo ni bumwe mu burenganzira bw'ingenzi umuntu akeneye kugira ngo we n'umuryango we bashobore kubaho neza no kugera ku iterambere rirambye.

Ni uburenganzira buhesha umuntu agaciro, bugatuma ubundi burenganzira bwinshi bugerwaho kuko buha umuntu ubushobozi bwo kwikemurira ibibazo bitandukanye no gushobora kubona iby'ibanze nkenerwa bimufasha kugira imibereho myiza.

Uburenganzira ku murimo ku rwego mpuzamahanga buvugwa cyane cyane mu Itangazo Mpuzamahanga ryerekeye uburenganzira bwa Muntu no mu masezerano Mpuzamahanga yerekeye Uburenganzira mu by'ubukungu, imibereho myiza n'umuco.

Ku rwego rw'Igihugu cyacu, buvugwa mu mategeko anyuranye ariko cyane cyane mu Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda no mu Itegeko n° 017/2020 ryo ku wa 07/10/2020 rishyiraho sitati rusange igenga abakozi ba leta.

Intego y'iyi mfashanyigisho

Komisiyo y'Igihugu y'Uburenganzira bwa Muntu yateguye iyi mfashanyigisho igamije kumenyekanisha ibijyanye n'uburenganzira ku murimo buteganywa mu Masezerano mpuzamahanga no mu mategeko y'u Rwanda ku byiciro binyuranye by'abakoresha n'abakozi kugirango bazashobore kugira uruhare mu kubuteza imbere no kuburengera**.**

Uburyo buzakoreshwa

Habaho uburyo bwinshi bukoreshwa mu gutanga ikiganiro ariko muri iki kiganiro hazakoreshwa uburyo bwo gutanga ikiganiro ubwira abahugurwa cyangwa ubasomera ibyanditse (méthode expositive, transmissive ou magistrale).

Utanga ikiganiro azaha ubumenyi abahugurwa ku burenganzira ku murimo binyuze mu bisobanuro azatanga yifashishije iyi nyandiko. Nyuma

y'ibisobanuro azabaza abahugurwa ibibazo kugirango arebe ko bumvise ibyo yabasobanuriye ndetse abahe n'umwanya wo kubaza ibibazo.

II. IBISOBANURO BY'AMAGAMBO

- **Uburenganzira bwa muntu:** Ni urusobe rw'ibyo buri muntu wese yemererwa n'amategeko gukora cyangwa gukorerwa bigamije kumuhesha agaciro, kumufasha kubana n'abandi mu mahoro, kugira imibereho myiza no kumurinda kuvogerwa.

- **Umurimo:** Inkoranyamagambo ivuga ko "ari imbaraga z'umubiri n'ubwenge zishyirwa mu bikorwa mu gukora igikorwa runaka cyangwa kugera ku musaruro ukenewe".

Umurimo ni "inyito ihabwa akazi gakorwa mu butegetsi bwa Leta" (***ingingo ya 5(11°) itegeko n° 017/2020 ryo ku wa 07/10/2020 rishyiraho sitati rusange igenga abakozi ba leta***)

- **Umukozi**: umuntu uwo ari we wese ukora umurimo kandi akawuhemberwa (***Ingingo ya 2(12) y'Itegeko n° 05/2015 ryo ku wa 30/03/2015 rigenga imitunganyirize y'ubwiteganyirize bwa pansiyo***);
- **Umukoresha**: umuntu uwo ari we wese ukoresha umuntu umwe cyangwa benshi, mu buryo buhoraho cyangwa budahoraho **(*Ingingo ya 2(13) y'Itegeko n° 05/2015 ryo ku wa 30/03/2015 rigenga imitunganyirize y'ubwiteganyirize bwa pansiyo*)**;

- **Uburenganzira ku murimo**: Inkoranyamagambo ivuga ko ari urusobe rw'amategeko agenga umukoresha n'umukozi. Ni urusobe rw'amahame agenga imibanire hagati y'abakoresha n'abakozi.

- **Uburenganzira bwo gukora**: Ni uburenganzira umuntu afite bwo kwibeshaho abikesha akazi yihitiyemo cyangwa yemeye, nta gahato (***Ingingo ya 6 y'amasezerano mpuzamahanga yerekeye uburenganzira mu by'ubukungu, imibereho myiza n'umuco***).

III. AMATEKA Y'UBURENGANZIRA KU MURIMO

Amateka y'uburenganzira ku murimo yatangiye mu kinyejana cya 19 ubwo ku mugabane w'i Burayi no muri Amerika iterambere ry'inganda ryari rifite umuvuduko ukabije.

Uko kwiyongera kw'inganda kwagendanaga n'inyota yo gushaka inyungu y'ikirenga, bigatuma abakozi bazikoramo bategekwa gukora hatubahirijwe uburenganzira bwa muntu, bakavunika cyane ndetse bagahembwa intica ntikize.

Ibyo byatumye abakozi batangira kwigaragambya, basaba ko uburenganzira bwabo bwubahirizwa. Imyigaragambyo yatangiriye i Chicago ho muri Leta Zunze Ubumwe z' Amerika mu mwaka w'1886 abakozi baharanira ko amasaha y'akazi yagabanywa akava ku masaha cumi n'abiri (12) akagirwa umunani ku munsi ndetse n'umushara ukiyongera. Iyo myigaragambyo yagiye ikomeza no mu bindi bihugu bitandukanye ku Isi harimo Cuba, Ubushinwa, Korea n'Uburusiya.

Uko abakozi hirya no hino bagiye bamenya uburenganzira bwabo, cyane cyane kubera kwibumbira mu ngaga, ni nako ijwi ryabo ryarushagaho kwumvikana. Uru rugamba rwarakomeje kugeza ubwo mu mwaka w'1889, hemejwe ko hazajya hizihizwa umunsi mpuzamahanga w'umurimo, ukaba wizihizwa byemewe n'amategeko tariki ya mbere Gicurasi buri mwaka.

Ku wa 15-29/3/1890, i Berlin habereye Inama ya mbere Mpuzamahanga ijyanye no kunoza umurimo mu nganda no mu bijyanye n'ubucukuzi bw'amabuye y'agaciro (le mines), yateguwe n'umwami Guillaume II afatanyije na Papa Léon XIII. Iyo nama yahuje ibihugu bikomeye by'iburayi byari bifite inganda nyinshi, ikaba yari igamije gushyiraho amabwiriza ajyanye n'imirimo ikorerwa mu birombe, imirimo ikorwa ku cyumweru, n'ibijyanye n'uburyo abana, abangavu n'abagore bakoreshwamo.

Muri iyo nama kandi hemejwe ko hashyirwaho umubare munini w'abakozi babifitiye ubushobozi bashinzwe kugenzura ishyirwa mu bikorwa ry'iyo myanzuro, hemezwa ko ibihugu bireba bizajya bihererekanya za raporo z'umwaka zakozwe n'abo bakozi mu bijyanye n'umurimo.

Nubwo hari ibyari bimaze kugerwaho ariko ntibyabujije ko uburenganzira bw'abakozi bwakomeje guhutazwa, bituma mu mwaka wa 1919 hashingwa

Umuryango Mpuzamahanga w'umurimo (OIT), kuko byari bimaze kugaragara ko amahoro rusange kandi arambye ashingira ku guha abantu bose amahirwe angana.

Uwo muryango washishikarije ibihugu biwugize, binyujijwe mu masezerano Nº 2 ku bijyanye n'ubushomeri, gushyiraho ikigo gikurikirana imirimo ya Leta kikagenzurwa na Leta.

Ku wa 10 Gicurasi 1944, habayeho inama rusange y'Umuryango Mpuzamahanga w'Umurimo, yabereye i Philadelphie, yemeza itangazo ry'i Philadelphie hagamijwe kongera gusobanura intego z'uwo muryango zishingiye ku kuba umurimo atari igicuruzwa no kuba ubukene ari ikibazo gikomeye kibangamira imibereho ya bose.

Mu 1946, uwo muryango waje kuba umwe mu nzego zihariye z'Umuryango w'abibumbye (UN), ushinzwe guhangana n'ibibazo bijyanye n'umurimo na politiki rusange y'umurimo. Ufite icyicaro i Geneve mu busuwisi ukaba ufite amashami mu bihugu birenga 40.

Umuryango Mpuzamahanga w'umurimo washyizeho Amasezerano 8 wahisemo ko ariyo y'ingenzi ku burenganzira bwa muntu mu kazi. Ayo masezerano ashamikiye ku bice bine by'ingenzi by'Itangazo ry'uwo muryango ryerekeye amahame n'uburenganzira by'ibanze mu kazi.

Ibyo bice by'ingenzi ni ibikurikira :

● Ubwisanzure bwo kwishyira hamwe no kwemera uburenganzira bw'amasezerano rusange (La liberté d'association et la reconnaissance effective du droit de négociation collective);

Iki gice gishamikiyeho amasezerano akurikira:

- Amasezerano yerekeye ubwisanzure bwo kwishyira hamwe no kurengera ubwo burenganzira (Convention sur la liberté syndicale et la protection du droit syndical, 1948 (nº 87)) ;

- Amasezerano yerekeye uburenganzira bwo kugirana amasezerano rusange (Convention sur le droit d'organisation et de négociation collective, 1949 (nº 98)

- Guca burundu imirimo y'agahato iyo ariyo yose (L'élimination de toute forme de travail forcé et obligatoire) ;

Iki gice gishamikiyeho amasezerano akurikira:

- Amasezerano yerekeye umurimo w'agahato (Convention sur le travail forcé, 1930 (nº 29)) ;

- Amasezerano yerekeye guca burundu umurimo w'agahato (Convention sur l'abolition du travail forcé, 1957 (nº 105)) ;

- Guca burundu imirimo ikoreshwa abana (L'abolition effective du travail des enfants) ;

Iki gice gishamikiyeho amasezerano akurikira:

- Amasezerano yerekeye imyaka fatizo (Convention sur l'âge minimum, 1973 (nº 138) ;

- Amasezerano ku mirimo mibi ikoreshwa abana (Convention sur les pires formes de travail des enfants, 1999 (nº 182) ;

- Guca burundu ivangura mu bijyanye n'umurimo (L'élimination de la discrimination en matière d'emploi et de profession).

Iki gice gishamikiyeho amasezerano akurikira:

- Amasezerano yerekeye kungana k'umushahara (Convention sur l'égalité de rémunération, 1951 (nº 100)

- Amasezerano yererekeye ivangura (Convention concernant la discrimination (emploi et profession), 1958 (nº 111))

Tariki ya 16 Ukuboza 1966, Inteko rusange y'Umuryango w'Abibumbye yemeje Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'ubukungu, imibereho myiza n'umuco, atangira gukurikizwa tariki ya 3 Mutarama 1976, akaba ariyo Masezerano Mpuzamahanga avuga ku buryo burambuye ku burenganzira ku murimo.

IV. UBURENGANZIRA KU MURIMO MU MASEZERANO MPUZAMAHANGA NO MU MATEGEKO Y'U RWANDA

Bumwe mu burenganzira ku murimo buteganywa mu masezerano mpuzamahanga no mu mategeko y'u Rwanda ni ubukurikira :

- **Uburenganzira ku murimo**

Umuntu wese afite uburenganzira bwo kugira umurimo, kuwuhitamo mu bwisanzure mu buryo buboneye kandi bwujuje ibikenewe mu bijyanye n'umurimo, agomba kandi kurindwa ubushomeri. Afite uburenganzira bwo kwibeshaho abikesha akazi yihitiyemo cyangwa yemeye, nta gahato (***Ingingo ya 23(1º) y'Itangazo mpuzamahanga ry'uburenganzira bwa Muntu, ingingo ya 6 y'Amasezerano Mpuzamahanga yerekeye Uburenganzira mu by'ubukungu, imibereho myiza n'umuco n'ingingo ya 15 y'Amasezerano Nyafurika yerekeye Uburenganzira bwa Muntu n'ubw'Abaturage***).

« Umuntu wese afite uburenganzira bwo guhitamo no gukora umurimo umunogeye. Abantu bakora umurimo umwe bagomba guhembwa kimwe nta vangura iryo ari ryo ryose » ***(Ingingo ya 30 y'Itegeko nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015).***

Photo : Internet

- **Uburenganzira bwo kutavangurwa**

Abantu bose bafite uburenganzira bwo guhabwa amahirwe angana n'ay'abandi ku bijyanye n'akazi (guhabwa akazi, kuzamurwa mu ntera, amahugurwa) hadashingiwe ku ivangura iryo ariryo ryose. Abantu bose bakora umurimo umwe bagomba guhembwa umushahara ukwiye kandi ungana nta vangura iryo ari ryo ryose (***ingingo ya 30(2^{0}) y'Itegeko Nshinga, ingingo ya 7 ya ICESCR, ingingo ya 23(2^{0}) y'Itangazo Mpuzamahanga***).

Abantu bose bafite umurimo bafite uburenganzira bungana bwo kuzamurwa mu ntera mu kazi bajya mu rwego rwo hejuru ruteganyijwe, nta kindi bakurikije uretse uburambe ku kazi n'ubushobozi ***(ingingo ya 7 ya ICESCR)***.

Abakozi bose bafite uburenganzira bwo guhabwa umushahara ungana, ukubiyemo ibigenerwa abakozi, bwo gufatwa kimwe ku murimo ufite agaciro kamwe n'ubwo gufatwa kimwe mu guhabwa amanota y'ishimwe mu kazi (***Ingingo ya 11(5^{0}) y'Amasezerano Mpuzamahanga yerekeye guca burundu ikandamizwa ry'abagore iryo ari ryo ryose*)**.

Umukoresha agomba guha abakozi amahirwe angana mu kazi. 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. Umukoresha wese agomba guhemba umushahara ungana abakozi bakora imirimo y'agaciro kangana nta vangura iryo ari ryo ryose (***Ingingo ya 9 y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda***).

- **Uburenganzira ku mushahara**

Umuntu wese ukora umurimo afite uburenganzira bwo guhabwa umushahara ukwiriye kandi uhagije utuma we n'umuryango we babaho ku buryo bubereye agaciro ka muntu kandi byaba ngombwa, uwo mushahara ukuzuzwa n'ubundi buryo bugamije kurengera imibereho myiza ***(ingingo ya 23(3^{0}) y'Itangazo Mpuzamahanga ry'uburenganzira bwa Muntu)***.

Umukozi afite uburenganzira ku mushahara ku murimo yakoze, uretse igihe biteganywa ukundi n'amasezerano y'umurimo cyangwa n'iri tegeko. Nta

mushahara wishyurwa iyo umukozi atakoze (***Ingingo ya 66 y'Itegeko rigenga umurimo mu Rwanda***).

- **Uburenganzira bwo kujya muri sendika cyangwa amashyirahamwe y'abakoresha**

Umuntu wese afite uburenganzira bwo gufatanya n'abandi gushinga ingaga z'abakozi n'ubwo kwinjira mu zindi ngaga z'abakozi mu rwego rwo kurengera inyungu zazo (***ingingo ya 8, ICESCR***).

Uburenganzira bwo gushyiraho ingaga z'abakozi zigamije kurengera no guteza imbere inyungu z'umwuga bafitiye uburenganzira buremewe. Buri mukozi ashobora kurengera uburenganzira bwe abinyujije mu rugaga rw'abakozi mu buryo buteganywa n'amategeko. Buri mukoresha afite uburenganzira bwo kwinjira mu ishyirahamwe ry'abakoresha *(**Ingingo ya 31 y'Itegeko Nshinga**)*.

Umukozi afite uburenganzira bwo kwishyira hamwe n'abandi mu gushinga sendika ; kwinjira muri sendika yihitiyemo no kwitabira ibikorwa byemewe n'amategeko bya sendika ***(Ingingo ya 83 y'Itegeko rigenga umurimo mu Rwanda)***.

Abakozi bafite uburenganzira bwo gushinga sendika cyangwa kujya muri sendika iriho. Abakoresha bafite uburenganzira bwo gushinga ishyirahamwe cyangwa kujya mu mashyirahamwe y'abakoresha ariho (***Ingingo ya 10 y'Itegeko rigenga umurimo mu Rwanda***).

Umukozi wa Leta ashobora gushyiraho cyangwa kwinjira muri sendika yihitiyemo hakurikijwe amategeko abigenga ***(ingingo ya 49 y'itegeko rishyiraho sitati rusange igenga abakozi ba leta)***

- **Uburenganzira bwo kuruhuka no kwidagadura**

Umuntu wese afite uburenganzira bwo kuruhuka no kwidagadura hashyirwaho cyane cyane igihe ntarengwa cy'amasaha yo gukora ari mu rugero, ibiruhuko bya buri mwaka umuntu ahemberwa, kimwe no guhemberwa iminsi y'ikiruhuko (***ingingo ya 24 y'Itangazo Mpuzamahanga, ingingo ya 7 PIDESC***).

Ku rwego rw'Igihugu hashyizweho iteka rya minisitiri n°02/mifotra/15 ryo ku wa 09/06/2015 rigena amasaha y'akazi mu cyumweru mu butegetsi bwa

leta n'uburyo yubahirizwa. Ingingo ya 3(3⁰) y'iryo teka ivuga ko "*Buri wa Gatanu uhereye saa cyenda z'amanywa kugeza saa kumi n'imwe, amasaha y'akazi akorwamo siporo*".

Ingingo ya 5(1⁰) y'iryo Teka kani ivugako "mu gihe umukozi wa Leta yakoze amasaha y'ikirenga mu nyungu z'imirimo ashinzwe bikaba byemejwe n'umuyobozi umukuriye mu kazi, uwo mukozi agira uburenganzira bwo guhabwa amasaha y'ikiruhuko angana n'amasaha y'ikirenga yakozemo akazi. Icyo kiruhuko gihwanye n'amasaha y'ikirenga kigira agaciro kandi kigafatwa mu gihe kitarenze ukwezi kumwe kubarwa uhereye igihe gukora amasaha y'ikirenga byabereye".

- **Uburenganzira ku buzima**

Umukozi wese afite uburenganzira bwo gukorera ahantu hatabangamiye ubuzima bwe. Akwiye gukorera ahantu hafite isuku n'umwuka uhagije. Afite uburenganzira bwo kurindirwa ubuzima no kugira umutekano ku kazi. (***ingingo ya 15 y'Amasezerano Nyafurika yerekeye Uburenganzira bwa Muntu n'ubw'Abaturage yo kuwa 27 Kamena 1981***).

Umukoresha agomba kubungabunga ubuzima, umutekano ku kazi n'imibereho myiza by'abakozi bakora mu kigo cye n'iby'abantu bose bahagenda. Umukozi ntasabwa ikiguzi ku bikorwa bigamije kubungabuga ubuzima n'umutekano mu kazi ***(Ingingo ya 77 y'Itegeko rigenga umurimo mu Rwanda)***.

Umukoresha yunganira umukozi wa Leta mu kwivuza no kuvuza abandi umukozi wa Leta ashinzwe hakurikijwe amategeko abigenga (***Ingingo ya 61 y'Itegeko rishyiraho sitati rusange igenga abakozi ba Leta***).

- **Uburenganzira bwo kudakoreshwa imirimo y'agahato**

Gukoresha umuntu imirimo y'agahato, gutanga uburenganzira bwo gukoresha umuntu cyangwa kwemera ko hagira undi ukoreshwa imirimo y'agahato mu buryo buziguye cyangwa butaziguye birabujijwe. Icyakora, imirimo ikurikira ntifatwa nk'iy'agahato: 1° umurimo ukorwa hakurikijwe amategeko agenga imirimo itegetswe y'igisirikare; 2° umurimo ukorwa hagamijwe kwigisha uburere mboneragihugu no gukunda Igihugu; 3°

umurimo utegetswe umuntu hakurikijwe icyemezo cy'urukiko (***Ingingo ya 7 y'Itegeko rigenga umurimo mu Rwanda***).

- **Uburenganzira bwo kudakorerwa ihohoterwa rishingiye ku gitsina**

Guhoza ku nkeke uwo ukuriye mu kazi hagamijwe imibonano mpuzabitsina ku buryo ubwo ari bwo bwose birabujijwe. Kwirukana umukozi ku kazi kubera ko yatanze amakuru cyangwa ubuhamya ku bijyanye no guhozwa ku nkeke hagamijwe imibonano mpuzabitsina bikozwe n'umukuriye mu kazi birabujijwe. Igihe hari ibimenyetso bifatika byemeza ko umukozi yasezeye ku kazi kubera guhozwa ku nkeke n'umukuriye agamije gukorana na we imibonano mpuzabitsina, bifatwa nko kwirukanwa ku kazi nta mpamvu (***Ingingo ya 8 y'Itegeko rigenga umurimo mu Rwanda***).

- **Uburenganzira bwo kugaragaza ibitekerezo**

Abakozi n'ababahagarariye bafite uburenganzira bwo gutanga ibitekerezo ku bijyanye n'uko akazi gateye, gakorwa n'uko gakwiye gukorwa (***Ingingo ya 10 y'Itegeko rigenga umurimo mu Rwanda***).

- **Uburenganzira ku bwiteganyirize**

Umuntu wese afite uburenganzira ku bwiteganyirize bw'abakozi, bukubiyemo ubwishingizi bwabo **(*ingingo ya 7 PIDESC*).**

Mu rwego rwo guteza imbere uburenganzira ku bwiteganyirize bw'abakozi, hashyizweho ikigo cy'ubwiteganyirize mu Rwanda (RSSB) giteganywa n'Itegeko n^{0} 009/2021 ryo ku wa 16/02/2021 rishyiraho Urwego rw'ubwiteganyirize mu Rwanda (RSSB) rikanagena inshingano, imiterere, n'imikorere byacyo.

- **Uburenganzira ku kiruhuko**

Umukozi yemerewe ikiruhuko cy'umwaka, umukozi ashobora kandi guhabwa ikiruhuko cy'ingoboka, icyo kubyara, icy'uburwayi cyangwa uruhushya (***Ingingo ya 45 y'Itegeko rigenga umurimo mu Rwanda***).

V. BIMWE MU BYAGEZWEHO NA LETA MU GUTEZA IMBERE NO KURENGERA UBURENGANZIRA KU MURIMO

Mu rwego rwo guteza imbere no kurengera uburenganzira ku murimo, hari byinshi kandi by'ingenzi byakozwe n'igihugu birimo ibikurikira:

- Hashyizweho amategeko na za politike binyuranye bifasha guteza imbere umurimo;

- Gahunda y'Imbaturabukungu ya 2 (EDPRS 2), izibanda ku guhanga imirimo mishya kandi myinshi hagamijwe kwiteza imbere no kurwanya ubukene;

- Guhanga imirimo biri mu bigenderwaho mu Mihigo y'Inzego zinyuranye za Leta, aho izo Nzego zisabwa kugaragaza uruhare rw'ibikorwa ziteganya mu guteza imbere umurimo, ubu hariho uburyo buhuriweho n'Inzego za Leta n'iz'Abikorera zifatanyiriza hamwe mu Mihigo igamije guteza imbere umurimo (Job Creation Joint Imihigo) n'ibindi byinshi;

- Guverinoma y'u Rwanda yashyizeho Gahunda y'amahugurwa y'igihe gito ifasha bamwe mu barangije Kaminuza badafite imirimo ndetse ikababafasha kubona ibikoresho byo gutangira kwikorera;

- Amasomo yigishwa mu byiciro by'uburezi bitandukanye yaravuguruwe, hatezwa imbere Gahunda y'ubumenyingiro kugira ngo ahuzwe n'ibikenewe ku isoko ry'umurimo. Ni muri urwo rwego, guhera mu mwaka wa 2018, ku barangiza amashuri y'ibanze y'imyaka 9, abangana na 60% bashyirwa mu mashuri y'imyuga;

- Mu mwaka wa 2014, hatangijwe gahunda ya NEP Kora Wigire, ifasha guhanga imirimo mishya ibyara inyungu, izatuma imwe mu ntego za gahunda ya Guverinoma y'imyaka irindwi izwi nka NST1 (kuva 2017 kugera 2024), yo kurushaho kwihutisha iterambere ry'ubukungu igerwaho.

Photo : Internet

VI. IBYO KOMISIYO IKORA MU GUTEZA IMBERE NO KURENGERA UBURENGANZIRA KU MURIMO

Komisiyo ifite inshingano zo guteza imbere no kurengera uburenganzira bwa muntu, ihabwa n'Itegeko n° 19/2013 ryo ku wa 25/03/2013 ryahinduwe n'itegeko n° 61/2018 ryo ku wa 24/08/2018 rigena inshingano, imiterere n'imikorere byayo.

Mu rwego rwo kuzuza izo nshingano, Komisiyo ikora ibikorwa binyuranye bijyanye no guteza imbere no kurengera uburenganzira bwa muntu muri rusange harimo n'uburenganzira ku murimo. Bimwe mu byo Komisiyo ikora bijyanye n'uburenganzira ku murimo harimo:

- Kwakira no gukurikirana ibibazo bijyanye n' ihohoterwa ry'uburenganzira ku murimo;

- Gukora igenzura ku iyubahirizwa ry'uburenganzira ku murimo;

- Gukora ubushakashatsi ku bibazo bibangamiye uburenganzira ku murimo;

- Kugaragariza inzego bireba ibikwiye gukosorwa kugirango uburenganzira ku murimo burusheho kubahirizwa;

- Gukangurira abaturarwanda mu byiciro binyuranye uburenganzira ku murimo no kubashishikariza kubwubahiriza no kuburengera.

VII. INSHINGANO ZA BURI WESE MU GUTUMA UBURENGANZIRA KU MURIMO BWUBAHIRIZWA

VII.1. Inshingano z'umukoresha

Itegeko rigenga umurimo mu Rwanda, ingingo yaryo ya 39, ivuga ko "Haseguriwe ibikubiye mu masezerano rusange, amategeko ngengamikorere cyangwa amasezerano y'umurimo, umukoresha afite inshingano z'ingenzi zikurikira:

1° gutanga amasezerano y'umurimo ku mukozi kandi umukozi agahabwa kopi yayo;

2° guha umukozi akazi basezeranye, akagatangira igihe n'ahantu bumvikanye;

3° kuyobora umukozi kandi agakora ibishoboka byose kugira ngo akazi gakorerwe ahantu hameze neza hubahirije ibijyanye n'ubuzima n'umutekano ku kazi;

4° guhemba umukozi umushahara basezeranye kandi ku gihe;

5° kwirinda icyakwangiza ubuzima n'umutekano by'ikigo, iby'abakozi n'ibidukikije;

6° gushyira umukozi mu bwiteganyirize no kumutangira imisanzu mu Kigo cy'ubwiteganyirize bw'abakozi mu Rwanda;

7° kuganira n'abakozi cyangwa ababahagarariye ku bijyanye n'akazi;

8° guha abakozi amahugurwa no gukomeza kubongerera ubushobozi;

9° guha umukozi ibikoresho bimufasha mu kazi;

10° kumenyesha Umugenzuzi w'Umurimo impanuka cyangwa urupfu by'umukozi bikomoka ku kazi".

VII.2. Inshingano z'umukozi

Itegeko rigenga umurimo mu Rwanda, ingingo yaryo ya 41, ivuga ko "Umukozi afite inshingano z'ingenzi zikurikira:

1° gukora ubwe akazi yahawe ku gihe no gutanga umusaruro;
2° kubahiriza amabwiriza y'umukoresha cyangwa umuhagarariye;
3° kwirinda icyahungabanya umutekano we n'uwa bagenzi be cyangwa uw'aho akorera;
4° gufata neza ibikoresho ahawe n'umukoresha;
5° kwitabira akazi ku gihe;
6° kurengera inyungu z'akazi.

VII.3 Inshingano za Leta

Ingingo ya 6(2°) y'Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'ubukungu, imibereho myiza n'umuco ivuga ko "mu byemezo buri gihugu cyemeye aya masezerano kizafata kugirango cyubahirize ubwo burenganzira ku buryo busesuye, hagomba kubamo amabwiriza, inyigisho z'ikoreshabuhanga n'amahugurwa yihariye; ibyo byemezo kandi bigomba guteganya za gahunda, politiki n'ikoranabuhanga mu gutsura amajyambere ahoraho mu by'ubukungu, mu mibereho myiza n'umuco n'akazi kabyara inyungu mu nzira zitabangamiye ubwisanzure bw'ibanze mu bya Politiki n'ubukungu".

Muri rusange, inshingano y'ibanze ya Leta mu bijyanye n'uburenganzira ku murimo ni ugukora ibishoboka byose mu gutuma ubwo burenganzira bugenda bugerwaho. Ifite inshingano yo gufasha buri wese kugira amahirwe yo kubona akazi nta vangura no gukora ku buryo umuntu wese ufite umurimo awukora yawihitiyemo kandi akawukora mu bwisanzure hubahirizwa uburenganzira bukubiye mu mategeko awugenga.

By'umwihariko Leta ifite inshingano yo kubaha, kurinda no gushyiraho uburyo butuma uburenganzira ku murimo bwubahirizwa.

Ku bijyanye n'inshingano yo kubaha, Leta igomba kwirinda gufata ibyemezo byabangamira uburenganzira ku murimo cyangwa byabuza abantu kubugeraho.

Ku bijyanye n'inshingano yo kurinda, Leta ikwiye gushyiraho ingamba zituma abantu bose babona amahirwe angana yo kubona akazi kandi igashyiraho amategeko arengera ubwo burenganzira anahana ababuhungabanyije.

Ku bijyanye n'inshingano yo gushyira mu bikorwa uburenganzira ku murimo, Leta ishyiraho za Politiki, ingamba n'inzego bifasha mu gutuma ubwo burenganzira bugerwaho harimo guteza imbere politiki mu kurwanya ubushomeri no gushyiraho uburyo bw'amahugurwa ahoraho n'amashuri y'imyuga afasha urubyiruko kwihangira imirimo.

VIII. UBURYO BWO KURINDA NO KURENGERA UBURENGANZIRA KU MURIMO

VIII.1. Ku rwego mpuzamahanga

Ku rwego Mpuzamahanga hashyizweho Komite y'uburenganzira mu by'ubukungu, imibereho myiza n'umuco ishinzwe kugenzura ishyirwa mu bikorwa ry'amasezerano Mpuzamahanga mu by'ubukungu, imibereho myiza n'umuco ku bihugu byasinye ayo masezerano. Ni Komite yigenga, igizwe n'abahanga bafite ubunararibonye mu bijyanye n'uburenganzira bwa Muntu.

Iyo Komite ikorana ku buryo bwihariye n'ibihugu byasinye ayo masezerano mu rwego rwo kumenya niba ibikubiye muri ayo masezerano byubahirizwa uko bikwiye no gufasha ibyo bihugu kubigeraho ibigira inama mugihe hari aho bihuye n'imbogamizi.

Umuryango Mpuzamahanga w'Umurimo (OIT) washyizeho inzego ebyiri zishinzwe kugenzura za raporo z'ibihugu ku ishyirwa mu bikorwa ry'iyubahirizwa ry'amasezerano arebana n'umurimo.

Izo nzego zigizwe n'abahanga (experts) bafasha umunsi ku wundi ibihugu bifite ibibazo mu bijyanye n'iyubahirizwa ry'uburenganzira ku murimo, zitanga inama, amahugurwa n'ubundi bufasha bukenewe kugirango uburenganzira ku murimo burusheho kubahirizwa.

VIII.2. Ku rwego rw'igihugu

Mu rwego rwo kurinda no kurengera uburenganzira ku murimo, Leta y'u Rwanda yasinye ndetse yemeza burundu amasezerano mpuzamahanga yerekeye uburenganzira mu by'ubukungu, imibereho myiza n'umuco ari nayo avugwamo ku buryo burambuye uburenganzira ku murimo;

Hashyizweho amategeko anyuranye agenga umurimo;

Hashyizweho Minisiteri y'Abakozi ba Leta n'Umurimo ishinzwe :
- Guhuza ibikorwa byose na gahunda bigamije guteza imbere umurimo;
- Gufasha Inzego za Leta gushyiraho uburyo bunoze bwo gukora no kubona abakozi bashoboye akazi mu rwego rwo gutuma serivisi zitangwa n'abakozi ba Leta zitangwa neza kandi zidahenze;
- Gushyiraho uburyo buboneye bwo guteza imbere umurimo hagendewe ku bipimo mpuzamahanga mu bijyanye n'ubuzima bw'abakozi n'ubwiteganyirize kandi bituma habaho guhanga imirimo no guteza imbere isoko ry'umurimo;

Guhera mu 1998, Leta y'u Rwanda yatangiye ibiganiro ku rwego rw'igihugu ndetse ishyiraho gahunda y'ingamba z'igihe kirekire z'iterambere "Icyerekezo 2050" bigamije kureba uburyo amajyambere arambye yagerwaho;

Hashyizweho kandi Politiki y'Igihugu igenga umurimo yo m'Ukuboza 2007 ijyanye n'ibisabwa n'Itegeko Nshinga rya Repubulika y'u Rwanda n'amahame mpuzamahanga agenga uburenganzira bwa muntu u Rwanda rwashyizeho umukono, aho avuga ko "umuntu wese afite uburenganzira bwo gukora, guhitamo akazi ashaka nta gahato kandi agakorera mu bwisanzure akanarindwa ubushomeri";

Hashyizweho abagenzuzi b'Umurimo ku rwego rw'Igihugu no ku rwego rwa buri Karere bashinzwe kugenzura iyubahirizwa ry'amategeko n'andi mabwiriza ajyanye n'umurimo.

Ingingo ya 2 y'Iteka rya minisitiri nº07 ryo kuwa 13/07/2010 rigena uburyo bw'imikorere y'umugenzuzi w'umurimo ivuga ko "Kuri buri Karere hashyirwaho Umugenzuzi w'Umurimo umwe (1) uba ari umukozi w'Akarere kandi agashyirwaho hakurikijwe uko abakozi b'Akarere bashyirwaho. Umugenzuzi w'Umurimo ahabwa na Minisiteri ifite

umurimo mu nshingano zayo amabwiriza y'icyerekezo cy'imirimo n'uburyo bwa tekinike bwo kuyikora ariko imirimo ye ya buri munsi igenzurwa n'ubuyobozi bw'Akarere. Ku rwego rw'Igihugu hashyirwaho Umugenzuzi w`Umurimo uhabwa amabwiriza n`Ubuyobozi Bukuru bushinzwe Umurimo ku rwego rw`Igihugu".

IX. Umwanzuro

Uburenganzira ku murimo ni uburenganzira bw'ibanze butuma ubundi burenganzira bwinshi kandi bw'ingenzi ku mibereho myiza ya Muntu bugerwaho.

Ni ngombwa rero ko abakoresha baharanira ko uburenganzira bw'abakozi bwubahirizwa, bashyira mu bikorwa ibyo amategeko ateganya ku bijyanye n'uburenganzira ku murimo.

Ni ngombwa kandi ko abakozi nabo bamenya inshingano zabo mu mirimo bashinzwe bagaharanira kuzuzuza neza, bubahiriza amabwiriza y'abakoresha babo kugirango batange umusaruro ukenewe.

Birakwiye kandi ko habaho ubufatanye bw'inzego zitandukanye zirimo iza Leta, iz'abikorera n'imiryango itari iya Leta kugirango uburenganzira ku murimo bugerweho kandi bwubahirizwe.

INYANDIKO ZIFASHISHIJWE MU GUTEGURA IYI MFASHANYIGISHO

INYANDIKO KURI POLITIKI Z’INGENZI

1. Politiki y’Igihugu igenga umurimo, (MIFOTRA , 2007)

AMASEZERANO N’AMATEGEKO

1. Itangazo Mpuzamahanga ry’uburenganzira bwa Muntu ryo ku wa 10 Ukuboza 1948;

2. Amasezerano Mpuzamahanga yerekeye Uburenganzira mu by’ubukungu, imibereho myiza n’umuco yo ku wa 16 Ukuboza 1966;

3. Amasezerano Mpuzamahanga yerekeye guca burundu ikandamizwa ry’abagore iryo ari ryo ryose yo ku wa 18 Ukuboza 1979;

4. Amasezerano Nyafurika yerekeye uburenganzira bwa Muntu n’ubw’abaturage yo ku wa 27 Kamena 1981;

5. Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda;

6. Itegeko N° 017/2020 ryo ku wa 07/10/2020 rishyiraho sitati rusange igenga abakozi ba leta;

7. Itegeko n^0 009/2021 ryo ku wa 16/02/2021 rishyiraho Urwego rw’ubwiteganyirize mu Rwanda (RSSB);

8. Iteka rya minisitiri n°08 ryo ku wa 13/07/2010 rigena uburyo bw’imikorere y’umugenzuzi w’umurimo.

IBITABO

1. Les Conventions fondamentales de l’Organisation Internationale du Travail (OIT)