



# POLICY BRIEF ON NEW WORKING HOURS IN RWANDA

24<sup>th</sup> January, 2023



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## 1. BACKGROUND

Rwanda is a country “...committed to building a state governed by the rule of law, based on the respect for human rights, freedom, and on the principle of equality of all Rwandans before the law...” as stipulated in the preamble of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

In Rwanda, working hours are a maximum of 45 hours a week and 9 hours a day as stipulated in relevant labor instruments in force<sup>1</sup>. Nevertheless, on November 11, 2022, the Office of the Prime Minister issued a communiqué of cabinet resolutions, which, among other things, reduced official working hours to 40 hours a week and to 8 hours a day<sup>2</sup>.

A few weeks later, on 18th December 2022, the Ministry of Public Service and Labor (Mifotra) issued an announcement on its Twitter account reminding the public of the reviewed working hours taking effect from 1st January 2023<sup>3</sup>. However, this announcement states that official working hours are from 8:00 am to 5:00 pm. (excluding a one-hour lunch break) instead of 9:00 am to 5:00 pm announced under the above-mentioned communiqué of cabinet resolutions.

At the beginning of the new year 2023, some institutions in the public and private sectors issued internal communication to their respective employees, some complying with the cabinet decision while others preferred to keep the existing working hours. The changes have triggered mixed reactions among social partners, civil society organisations, and the general public. Thus, the purpose of this policy brief is to share perspectives of civil society organisations and Trade Unions on the issues linked with the changes and provide informed recommendations to the relevant stakeholders for consideration.

## 2. ISSUE ANALYSIS

This section assesses the positive aspects, and challenges of the changes introduced and lays foundation for our recommendations.

### 2.1. APPRECIATION OF CHANGES INTRODUCED:

#### 2.1.1. Harmonization with the International Labor Standards:

The above-mentioned cabinet resolution aligns with the International Labor Organization (ILO) labor standards<sup>4</sup> related to healthy, safe, family-friendly, productive and decent working time in general.

1 Article 43 of Law No. 66/2018 of 30/8/2018 regulating labor in Rwanda; article 14 of Law N° 017/2020 of 07/10/2020 establishing the general statute governing public servants; article 9 of Ministerial Order No. 01/MIFOTRA/22 of 30/8/2022 on public servants governed by an employment contract and weekly working hours for public servants; Article No. 4 of Ministerial Order No. 005/19.20 of 17/03/2020 determining modalities for the implementation of working hours a week in the private sector.

2 Statement of the cabinet Resolution of 11 November 2022. [index.php](http://index.php) ([primature.gov.rw](http://primature.gov.rw))

3 (1) Ministry of Public Service and Labour | Rwanda (@RwandaLabour) / Twitter

4 ILO C.01-Hours of work (Industry) Convention-1919; ILO C 30-Hours of work (Commerce and Offices)-1930, and ILO C 047- Forty-Hour Week Convention -1935.

The following organisations have worked on this policy brief and endorse its content.

Rwanda Civil Society Platform (RCSP), Rwanda workers' trader union confederation (CESTRAR), Center for Rule of Law Rwanda (CERULAR), Collectif des Liges et Associations de Défense des Droits de l'Homme au Rwanda (CLADHO), Never Again Rwanda (NAR), Rwanda Labour Rights Organization (RLRO)

### **2.1.2. Introduction of flexible hour between 8:00 am-9:00 am where an employee may work remotely:**

This new approach aligns with ILO standards on flexible working hours aiming at advancing economies and businesses while helping employees and families achieve a better work-life balance.

**2.1.3. Promotion of quality education, as well as improving workplace productivity and family well-being:** We support these interconnected objectives as highlighted by the cabinet resolution as they are key in promoting socio-economic growth of the country.

## **2.2. CHALLENGES**

Despite the above-mentioned positive aspects of the introduced changes in working hours, the following challenges can affect implementation.

### **2.2.1. The legality concern:**

While the constitution specifically stipulates in article 95 that "...a law cannot contradict another law that is higher in hierarchy...", the legality of the change of new working hours is at stake because it contradicts the existing labor instruments still in force. Namely:

- Article No. 43 of Law No.66/2018 of 30/8/2018 regulating labor in Rwanda,
- Article No. 9 of the Ministerial Order No. 01/MIFOTRA/22 of 30/8/2022 on public servants governed by an employment contract and weekly working hours for public servants, and
- article 4 of the Ministerial Order No. 005/19.20 of 17/03/2020 determining modalities for the implementation of working hours a week in the private sector.

In this case, the cabinet resolution that changes working hours from 45 hours to 40 hours a week and 9 hours to 8 hours a day contradicts the above-mentioned labor instruments which maintain 45 hours a week and 9 hours a day.

### **2.2.2. Contradicting messages from the Government communiqués:**

There is a contradiction between the communiqué of the cabinet resolution issued on 11th November 2022 and the Announcement of Mifotra of 18th December 2022 on starting and ending working time. The former states that the starting working time is 9:00 am to 5:pm while the latter stipulates that starting working time is 8 am to 5 pm.

This discrepancy of one hour can give room for misinterpretation and labor disputes between employer and employee on actual work time. Further, the cabinet resolution can lead to working 7 hours instead of 8 hours a day and 35 hours instead of 40 hours a week.

### **2.2.3. Lack of clear guidelines on flexible hour and remote work:**

There are no clear guidelines on implementing flexible hour and working remotely. This can cause labor disputes resulting from a lack of clear definitions of rights and obligations between employers and employees and other connected implications.

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#### 2.2.4. Working hours for essential services:

There is an absence of clear and harmonized guidelines specifically for essential services which can lead to unequal treatment of workers in different sectors providing essential services.

#### 2.2.5. Limited consultation:

Apparently, the decision to change working hours was done without meaningful consultation with relevant stakeholders including social partners, civil society organizations, and the general public. This practice is not in line with the spirit of the cabinet manual 2013 which calls for robust consultation before the adoption of a public policy. Subsequently, this may lead to limited ownership and inadequate implementation.

### 3. RECOMMENDATIONS

In light of the above issues and challenges, the following recommendations are highlighted:

Issues	Recommendations
<b>1. Articles to be amended</b>	
Article 43/Law No. 66/2018 of 30/8/2018 regulating labor in Rwanda, stipulates that:  “The maximum working hours are forty-five (45) hours a week...”	This article should be amended as follows:  “The maximum working hours are forty (40) hours a week...”
Article 9/ Ministerial Order No. 01/ MIFOTRA/22 of 30/8/2022 on public servants governed by an employment contract and weekly working hours for public servants:  “The weekly working hours for public servants are forty-five (45) hours worked from Monday to Friday.  Daily working hours are nine (9) hours worked from 7:00 am to 5:00 pm with a break time of one (1) hour starting from 12:00 noon up to 1:00 pm.”	This article should be amended as follows:  “The weekly working hours for public servants are forty (40) hours worked from Monday to Friday.  Daily working hours are eight (8) hours worked from 8:00 am to 5:00 pm with a break time of one (1) hour starting from 1:00 pm up to 2:00 pm.”  From 8:00 am to 9:00 am is a flexible hour where employers and employees can agree on suitable use in fulfilling both work and personal duties.

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<p>Article 4/ Ministerial Order No. 005/19.20 of 17/03/2020 determining modalities for the implementation of working hours a week in the private sector</p> <p>1° “Hours of overtime are calculated as follows: hours worked for after forty-five (45) hours per week...”</p> <p>2° “hours worked for after the working hours stated in working timetable, in case the working hours specified are below forty-five (45) hours in a week;</p> <p>3° hours worked for after the working hours stated in the employment contract, in case the working hours specified in such contract are below forty-five (45) hours in a week</p>	<p>This article should be amended as follows:</p> <p>1° “Hours of overtime are calculated as follows: hours worked for after forty (40) hours per week...”</p> <p>2° “hours worked for after the working hours stated in working timetable, in case the working hours specified are below forty (40) hours in a week;</p> <p>3° hours worked for after the working hours stated in the employment contract, in case the working hours specified in such contract are below forty (40) hours in a week</p>
<p><b>2. Other actions to address highlighted policy issues</b></p>	
<p>Lack of clear guidelines on flexible hour and remote work</p>	<p>-Establish clear and practical regulations on flexible hour in both the public and private sector considering new trends and dynamics of the global labor market.</p>
<p>Working hours for essential services</p>	<p>Set up harmonized guidelines in sectors that provide essential services to ensure equal treatment for workers.</p>
<p>Limited consultation with stakeholders in matters related to labor and family welfare and human rights</p>	<p>The government should strengthen meaningful consultations with all the relevant stakeholders in formulating, and implementing public policies.</p>

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