

Frequently Asked Questions

Date: 30.03.2020

Staffing and Rwandan Labor Law in times of crisis

BPN is currently interviewing 150 entrepreneurs during the national lockdown following the spread of COVID-19. In this document we provide answers to the questions that are most often asked by the different entrepreneurs. We will update this document regularly and share it with you. If you have questions, or maybe also answers, make sure to share them with your BPN coach.

1. What does the labor law say on rights & obligations with regards to employees in times of crisis?

Labor Law Provisions

The Labor law provides for a suspension of contract under the following circumstances:

Article 18: Suspension of employment contract

- 5 ° A company that temporarily suspends its activities for economic or technical reasons;
- 6 ° When there are unavoidable reasons that cause the company's activities to stop (force majeure).

In this situation it is advisable to reach out to the staff informing them of the suspension of the contract until the situation (which ever it maybe) settles back to normal.

How to reach out:

1. Write a letter informing staff that due to economic difficulties and force majeure the company has to suspend their contract until the situation (COVID-19) stabilizes and the company is able to resume its activities. A copy has to be sent to the labor inspector.

It would be good to ask a labor inspector to advise on the content where one is not confident of what to include in the letter.

2. Call each employee one by one explaining to them the reality at hand and why the company is unable to continue salary payment.
3. For companies that are still able to sustain the salaries, some allowances (extra to their net salaries) e.g. transport, airtime etc. can be reduced or removed if their employees are not working anymore.

Under this suspension;

- The company is not expected to pay their employees
- The company does not terminate employment contracts in this situation
- If a company is able to support the staff with a small monthly allowance, it's a great initiative as well. Remember employees have been solely dependent on this salary.

Termination

It is not advisable during this season to terminate employment contracts since it would be more costly than a suspension.

Article 31: Even without infringing any other provisions of the law, terminating the employment contract for economic reasons, technical reasons or illness for an employee who has already worked for at least twelve months (12) without interruption implies that the employer must pay termination allowances to the employee.

2. What is BPN's advise on dealing with employees?

It is advisable that employers/entrepreneurs in this season try as much as possible to keep in touch with their employees socially. Call and find out how they are doing, if their families are doing well Healthwise. Employee or family member could be victim of COVID-19 just like anyone else.

Find out how they are doing financially, how they are managing and if it's possible to support, please support in any possible way.

It is strongly advisable that employers pay their employees for the full month of March since it had already started, considering that they plan ahead and had reserved March salaries. This will also show the staff that the employer thought about them before and cares to even pay for the time they have not been able to work.

The payment of April salary would be a plus for those who can afford it since this was an abrupt situation. Those who can't afford it, they would pay a certain percentage of the salary to help the staff support themselves. ***It will show them that you are a caring employer who always cares - In good and in bad times.***

Below are numbers for labor Inspectors:

They are rotated from district to district, so they have no specific location. They however will give guidance on the inspector to call in case they are not in the district the caller is in. They will be in position to answer any other questions you may have.

1. Frederic: 0788 666 958
2. Ildephonse: 0788 303 836 / 0737 155 864
3. Jean Marie: 0788 453 618