

**LAW N° 06/2003 OF 22/03/2003 MODIFYING AND COMPLETING THE DECREE
LAW OF AUGUST 22, 1974 CONCERNING ORGANIZATION OF SOCIAL
SECURITY**

[J.O. n° 12 bis of 15/06/2003]

We, KAGAME Paul,
President of the Republic;

**THE TRANSITIONAL NATIONAL ASSEMBLY HAS ADOPTED AND WE
SANCTION, PROMULGATE THE LAW AS DECLARED BY THE SUPREME
COURT, SECTION OF CONSTITUTIONAL COURT, TO BE IN HARMONY WITH
THE FUNDAMENTAL LAW, IN THE RULING N° 007/11.02/03 PASSED ON
14/03/2003, AND WE ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE
OF THE REPUBLIC OF RWANDA.**

The Transitional National Assembly, meeting in its session of October 7, 2002 ;

Given the Fundamental Law, as amended to date, especially the Constitution of June 10, 1991 in its Articles 69 and 97 and the Arusha Peace Agreement in its part on Power-Sharing in its Articles 6-d), 40, 72 and 73 ;

Given Law-Decree n° 39/75 of November 7, 1975 concerning Public Institutions as modified and completed to date ;

Having reviewed Law-Decree of August 22, 1974 concerning the organization of Social Security as modified and completed to date especially in its Articles One, 2, 3, 5, 6, 7, 10, 12, 13, 14, 15, 17, 20, 22, 23, 25, 26, 27, 29, 30, 31, 32, 36, 40, 42, 43, 44, 45, 49 and 50;

ADOPTS :

Article One:

Article One of Law-Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ There is hereby established a Social Security branch which is responsible for :

- a. paying benefits for occupational hazards and occupational diseases
(occupational hazards branch) ;
- b. paying funds for old age pension, invalidity and death pensions (basic pensions branch);
- c. retirement, invalidity or death allocations (supplementary pensions branch) ;
- d. other Social Security related funds that are intended for the salaried employees.”

Article 2 :

Article 2 of Law-Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“§1st This Law applies to the following :

- a. workers subjected to the provisions of labour regulations without any distinction while working in Rwanda, in Public or Private sectors ; notwithstanding the nature, the type and validity of the contract or remuneration ;
- b. non-retired political appointees;
- c. government statutory.

Are considered as salaried workers, workers referred to in paragraph one of this article, occasional or temporary workers, professional and in-service trainees, apprentices, those placed in youth training, re-adaptation or re-education centers for the branches and depending modalities determines by a decree of the Minister having Social Security in his/her attributions and in accordance with the suggestions made by the Board of Directors of Social Security Fund.

A Decree of the Minister having Social Security in his/her attributions determines the list of political appointees retired in paragraph one, b.

§ 2.The following are also subjected to this law:

- a. Rwandan workers who are employed in Rwanda by an enterprise operating in Rwanda but who have been deployed into another country territory in order to work for that enterprise may, upon agreement with the relevant institution of that country remain subjected to internal legislation provided the period given to that work does not exceed six months. If, for unpredictable circumstances, the initially set period has exceeded six months, the legislation they are subject to remain applicable until the work is completed, in case this new period does not exceed six months;
- b. foreign workers that are employed by an enterprise which is located outside the country and that are transferred on to the Rwandan territory so as to work there for that enterprise may, upon authorization by the Social Security Fund, remain subject to the legislative provisions usually governing them provided the period set for that work does not exceed six months. If, for unpredictable circumstances, the initially set period has exceeded six months, the legislation they are subject to remain applicable until the work is completed, in case this new period does not exceed six months.

§3. Provisions of §2 are applicable when they are not contrary to International Conventions of reciprocity to which Rwanda is party.”

Article 3 :

Article 3 of Law– Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

«Any person who, having registered with the Social Security scheme for at least six consecutive months, and is unable to continue meeting the conditions of the compulsory scheme, can remain an affiliated member to the pensions branch provided he/she request for it within the twelve months following the date on which the compulsory scheme has ended.

Self employed workers who have never been members of the Social security scheme provided their age is not above 45 years, also acquire voluntary membership on demand.

A decree by the Minister having Social Security in his/her attributions determines the modalities of application of this article.”

Article 4 :

Article 5 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“The Social Security Fund is run by the Board of Directors. A decree of the Prime Minister determines, upon request by the Minister having Social Security in his/her attributions, members to the Board of Directors, appointment requirements and the number of Government representatives, employees, employers, duration for their term of office and the Board of Directors functioning modalities.”

Article 5 :

Article 6 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“The daily management of Social Security Fund is run by the Director. The Social Security Fund Director is appointed by a Decree of the Prime Minister upon request by the Minister having Social Security in his/her attributions.

The Social Security Fund Director is responsible for the following :

- a. implementing the decisions of the Board of Directors ;
- b. directing Social Security Fund services ;
- c. giving the necessary instructions for the functioning of the Social Security Fund and the administration of any Social Security branch ;
- d. preparing the annual budget proposal and budgetary report for the previous year and submitting the same to the Board of Directors ;
- e. determining Funds to be used as Social Security Fund running fees but within the limits as set by the Board of Directors while adopting the budget ;
- f. monitoring the recruitment and managing the Social Security Fund personnel in accordance with the instructions as set by the Board of Directors and approved by the Minister having Social Security in his/her attributions.

The Director attends the Board of Directors meeting and is its Rapporteur.
He/She may give view therein but has no voting rights during decisions making.

Articles 6 :

Article 7 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified as follows:

“ The organization and attributions of the Social Security Fund organs are determined by the decree of the Prime Minister upon request by the Minister having social security in his/her attributions on the Board of Directors’ notice.”

Article 7 :

Article 10 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follow :

“§1st The Fund resources are constituted by

- a. workers and employers contributions remitted regularly to finance different branches of the regime of Social Security;
- b. surcharges on late remittance of contributions and late declaration of workers salaries by employers;
- c. investment proceeds;
- d. donations and legacies;
- e. government subsidies;
- f. any other resources legally made available to the Fund in order to ensure its financial stability.

§2. The Social Security Fund resources are only incurred on what is provided for by this law and necessary expenses for its functioning.”

§3. The allocation of contributions intended for the functioning of pensions branch as well as those for Professional hazards branch is made on the basis of the expenditure and receipt rate for each branch on one hand and the expenditure and receipt rate for all the branches on the other hand.

However, contributions intended for the functioning of the supplementary pension branch, can not exceed 15 per cent of all related contributions.”

Article 8

Article 12 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ Contributions to the Social Security Fund are fixed up to a limit of the total remunerations including allowances, bonuses and any other cash as well as the value of fringe benefits. However, these do not include the refund of the funds deposited by the employer in accordance with provisions of article 35 of the Decree – Law of August 22, 1974 concerning organization of Social Security as modified and completed to date and, contributions are calculated per branch as follows :

- a. contributions of basic pension is calculated on the basis of the maximum salary for which contributions are due;
- b. contributions of supplementary pension branch are calculated on the basis of surplus of the maximum salary for which contributions are due;
- c. contributions of professional hazards pension branch are calculated on the basis of the whole salaries for which contributions are due.

The maximum limit will be determined by a decree of the Minister having Social Security in his/her attributions upon request by the Board of Directors.”

Article 9:

Article 13 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“ Contributions rates are fixed in terms of percentage of remunerations for which contributions are due such that the total revenue of each branch can cover its expenditure on social security benefits and constitute sufficient reserves.

The percentages rates of contributions are fixed by the Presidential Decree upon request by the Minister having Social Security in his/her attributions. The rates can be revised in the same procedure after being confirmed by the Board of Directors. The revision must be made in circumstances as specified in article 19 of the Decree–Law of August 22, 1974 concerning organization of Social Security as modified and completed to date.

The contributions rates for the branch of pensions may vary for categories of workers who work under hard conditions. Such categories are defined by the decree of the Minister having Social Security in his/her attributions, upon request by the Social Security Board of Directors.

The contributions rates for professional hazards branch may be changed depending on whether the level of hazards is quite high, average and quite low. This type of work is determined by a decree of the Minister having Social security in his/her attributions, upon request by the Social Security Fund Board of Directors.”

The contributions rates for the branch of pension are fixed to ensure the stability of those rates and the funds of this branch during a period of ten to fifteen years.

The contributions rates for the branch of occupational hazards are fixed in conformity with the provisions of the Presidential Decree provided for by paragraph two of this article, they can be doubled for the employer who does not conform to the rules and regulations governing the prevention of work injury, the hygienic standards and security at the place of work.

If the revenue of a branch from contributions and investment product is less than its expenditure on social benefits and administrative costs, the rate of contributions is raised according to the procedure described in paragraph two of this article, such that the financial stability of the branch is guaranteed for the next ten to fifteen years.

Article 10:

Article 14 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1stThe contributions for the branch of pensions are shared out equally between the employee and the employer. The contributions for the branch of occupational hazards are exclusively paid by the employer.

§2. The employer is responsible for the remittance of the full contributions which include his/her part and that deducted from the employee’s salary.

The employee cannot refuse his/her share of contribution to be deducted from his/her salary. The employer cannot recover the employee’s contribution by deducting it in arrears.

The employer is under the obligation to pay his/her part of the contributions, any other contrary arrangements being null and void. If a worker is employed by two or more employers, each employer is responsible for the remittance of the contribution calculated proportionately on the gross salary that he/she pays the concerned employee.

§3. The employer remits the total sum of all the contributions for which he/she is responsible in the month following the end of the quarter those contributions relate to, in accordance with modalities determined by a Presidential Decree.

All remittances done late by an employer are surcharged by 1.5 per cent per month or fraction of month of delay payable at the time of the remittance of due contributions. Litigation does not prevent this surcharging.

In case the employer remits the contributions late and is surcharged but can prove that the lateness was due to circumstances beyond his/her control, he/she can appeal to the Fund Board of Directors for the reduction of this surcharge as provided for in paragraph six of this article but this must be done after all the remittances have been effected.

§4. The payment of contributions and surcharge of lateness is guaranteed by and secured from whatever movable and immovable property belonging to the employer except for his/her workers remunerations, allowances and other fringe benefits accorded as per contract, statutes or particular regulations which take the first priority.

An employer who does not comply with remitting the social security contributions for his/her employees in the due time, before legal action, must receive and sign for a registered letter delivered to him/her or by an authorized agent of the Social Security Fund, reminding and warning him/her to pay in 15 days as of the receipt.

If the warning is not respected, the Social Security Fund may, notwithstanding any legal actions, issue a written compelling statement of constraint indicating the detailed amount of debt owed which is certified and rendered implement able by the Director having Social Security in his / her attributions and is considered as an implement able title with all legal implications. The agent of the Social Security Fund provided for in §4, paragraph two of this article can also do it. This allows the seizure of the debtor's property as provided for in the Civil and Commercial Procedure Code. However, this certification can only take effect after the expiry of 15 days from receipt of the constraint by the employer and, if during this time limit no appeal was introduced to the out of court settlement commission contesting the validity of the debt. The Bailiffs will authorize the seizure and the selling of property, except for immovable, the sale of which must be authorized by the notary."

§5. A decree of the Minister having Social Security in his/her attributions determines the modalities of warning issuance and specification of the due amount as well as the details of such amount and the modalities of appeal by the employer.

§6. All farmers, tenants, collectors, bursars, bankers, notaries, court clerks, agents of trustees, proxies and other depositors, debtors of the employer and all those specifically concerned with this article must, on demand by the bailiff, pay any dues they owe to the employer the value of his /her goods that they have in order to clear his/her debt with the Social Security Fund. The bailiff's demand is an order for those who owe anything to the employer to pay or they will be pursued as if they are the ones indebted to the Social Security Fund.

§7. The employers must remit the Social Security Fund contributions together with a duly filled and signed declaration form showing a list of his/her employees and their salaries. Failure to make this declaration will result into a surcharge of 1.5 per cent per month or fraction of the month of delay.

In case the employer has not sent the signed form list showing his/her employees and their salaries in time, a provisional taxation is calculated by the Social Security Fund and is based on the previous declared salaries plus 25 per cent.

If the employer is unable to establish and show clearly the salaries he/she pays his/her workers, the Social Security Fund will do so for him/her basing calculations on the salaries normally offered for a similar profession.

Once the real declarations of workers and their salaries are made for the period in consideration, the procedures provided for in this article, § 3 paragraph two are applicable.

Article 11:

Article 15 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1stThe pensions branch reserves money for working capital and also keeps some money for future Social Security benefits.

The working capital for the pension branch is equal to one quarter of the total expenditure of this branch in the previous year.

The Social Security benefits are the result of the difference between receipts and expenses of the branch in the current year after deduction of the needed amount for the working capital.

On no account can the technical reserve fund in pensions branch be lower than the total expenses for the current three years.

§2. There is hereby reserved, in the supplementary pension branch, money for the payment of Social Security benefits.

The Social Security benefits in the supplementary pension branch equal to the difference between the contributions calculated on the amount above the maximum limit, plus all interests made from bank deposits and capital after deducting all the funds used for Social Security benefits in that branch during the concerned year.

§3. Funds are set up in the branch of occupational hazards for technical reserves, security reserves and working capital.

The amount for technical reserves is equal to the total amount to be allotted. A decree of the Minister having Social Security in his/her attributions fixes the modalities of determining funds constituting allowances.

The amount of security reserves in the occupational hazards branch is equal to a quarter of expenses for the previous three years.

The amount of working capital for the branch of occupational hazards is equal to one quarter of the total expenses in that branch for the previous year.”

Article 12:

Article 17 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ Funds allocated to each branch, their investment and profits, are accounted separately.

A Prime Minister’s decree determines how the funds collected by the Fund are invested and deposited.

The management of these funds is carried out following the plan for financial investment fixed by the Board of Directors of the Fund and approved by the Cabinet.

The plan for management of funds must particularly render its financial situation stable and profitable and allow the use of funds to promote the social welfare and the country economic growth.

Articles 13 :

Article 20 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1st Work injury is considered as any accident, whatever the cause may be, that befalls a worker while on duty.

The following situations are also considered as work injury:

- a. The accident which befalls a worker on his /her usual route from his/her residence or to the place where he/she normally gets his/her meals, to his/her place of work or to and from where he/she receives his /her remunerations as long as the journey is not interrupted or diverted for personal reasons and not related to duty. Residence in this article means the main residence or secondary residence on condition that it is of stable nature.
- b. The accident which befalls a worker during a journey financed by an employer.

An occupational disease is any disease that results from work or that befalls someone in the cause of work, or working conditions or directly connected with hazards that are peculiar to this work.

Legal provisions relating to work injury also apply to occupational diseases. The date on which the disease is noticed by a Doctor is considered as of the date of the accident occurrence.

Upon request by the Minister having Social Security in his/her attributions, on notice by the Minister having Health in his / her attributions, a Prime Minister’ s decree establishes a list of occupational diseases that shows for each disease, tools, professions involving hazardous elements or providing working conditions under which workers can catch such a disease. This list also indicates the time limits for the under taking of Social Security claims.

Where necessary the list can be updated in the same way as in the preceding paragraph to include new diseases due to new technology in production and progress in medical research on occupational diseases”.

§2. Occupational diseases which are diagnosed long after the date on which the worker stopped the work which may lead him/her to catching them, can open the way to receiving Social Security benefits if the claim is made in the time limit indicated on the list provided for in §1st paragraph 5.

The state of functional or anatomic manifestation of a disease which does not appear on the list provided for in §1st, paragraph 5, of this article but which originates from salaried work or the place of work, can be considered as occupational disease.

Any Doctor who identifies the indications of an occupational disease or who realizes that the work or tools used may lead to catching occupational diseases not on the list above mentioned must report this information to the Minister having Social security in his / her attributions.”

§3. The victim of work-injury must immediately, except when it is absolutely impossible or for some legitimate motive, inform the employer or one of his appointees. This obligation also applies to his legal successors in case of his/her death.

The employer must report to the Fund and the relevant Labour Inspectorate any work – injury or occupational disease befalling any of his employees within 4 days of notification.

In case this is not done or where it is impossible for the employer to make this report, the victim himself, or his legal successors or the relevant authority can convey the information about the accident within two years from the date it took place.

Modalities for reporting work – injury or occupational disease are determined by a decree of the Minister having Social Security in his/her attributions, on a notice by Labor Commission”.

Article 14

Article 22 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ Medical Care comprises the following :

- a. medical assistance, surgical, dental as well as x-rays, laboratory examinations and analysis;
- b. supplying drugs pharmaceuticals products and accessories;
- c. treatment in approved hospital plus feeding. The Board of Directors fixes the amount of food allowances for victims hospitalized where food is not provided taking into consideration the average cost in several hospitals in the country;
- d. the supply, the up-keep and the renewal of prosthesis or orthopedics necessitated by infirmity which are recommended by an authorized Doctor and approved by the Social Security Fund’s medical advisor as indispensable or of the nature that ameliorates the functional re – adaptation or professional re – education;

- e. the supply or the renewal of eyeglasses, frames will only be supplied by the Social Security Fund at the price of ordinary frames while glasses will be supplied at their price;
- f. functional re-adaptation and re-education of the victim;
- g. transport expenses of the victim from the place of accident to hospital and to his/her residence whenever the state of his/her health so requires.

A part from emergency care provided by the employer, it is the Social Security Fund which is responsible for the victims medical care. In this case, the Social Security Fund pays directly to the doctors, medical assistants, the suppliers of drugs or health centers, public or private, approved by medical authorities.

The reimbursement of the money spent as in the preceding section is based on the rates in current regulations. The transport expenses provided for in g. of paragraph one may be refunded to the victim on condition that he/she produces clear proof.

If death occurs when the victim is on the way to or from the place of work, the Social Security Fund pays for expenses of transporting the body to the nearest hospital from his/her usual residence.

Where necessary and as confirmed by the Medical Committee, the victim can receive specialized medical treatment inside the country or abroad.”

Article 15 :

Article 23 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1st In case of temporary incapacity confirmed by relevant medical authority, the Social Security Fund pays the victim, be it for working day or not, the allowances account for all the period of incapacity.

These daily sickness allowances will continue to be paid during the period of incapacity before healing, stabilization or death, but that period must not exceed one hundred eighty days as of the confirmation by a relevant Doctor.

The employer who pays the daily sickness allowances to his worker-victim of work injury or occupational disease, can claim for refund from the Social Security Fund to the maximum limit of legal rate of daily sickness allowances.

§2. The amount of daily sickness allowances is equal to 75 per cent of the victim’s average daily remuneration.

The average daily remuneration is obtained by dividing by 90 the total remunerations received by the appointee during the last three months preceding the month in which the accident occurred, and from which contributions were counted.

In case the victim did not work all the three months, or has not yet completed three months working for an enterprise, his/her average daily remuneration is calculated basing on the remuneration he/she would have received if he/she had worked during the three months in the same conditions.”

Article 16 :

Article 25 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“The degree of permanent incapacity is determined by the nature of infirmity, the general state, the age, the physical and mental faculties of the victim as well as his/her aptitude and professional qualifications, basing on the official table of incapacity established by a Decree of the Prime Minister, upon request by the Ministers having Social Security and Health in their attributions.

Where the total permanent incapacity of the victim is 100 per cent, he/she is entitled to a pension of 85 per cent of his/her average monthly remuneration.

The amount of partial permanent incapacity pension is given according to the degree of incapacity in proportion to the pension the victim would get if he had total permanent incapacity.

The amount of the lump sum allocation for incapacity of less than 15 per cent is equal to three times the proportional annual pension corresponding to actual degree or incapacity percentage of the victim.

The average monthly remuneration serving as the base for calculating such lump sum benefits is 30 times the average daily remuneration provided for in Article 15, § 2, paragraph 2.”

Article 17 :

Article 26 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“ In case of permanent incapacity confirmed by an authorized Doctor or by the Fund medical advisor, the victim has the right to:

- a. incapacity pension if the incapacity is at least 15 per cent, on condition that there was loss of revenue due to the accident;
- b. if the incapacity is less than 15 per cent the victim receives lump sum benefits, on condition that there was loss of revenue due to the accident.”

Article 18 :

Article 27 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ If the work injury is followed by death of the victim, any body who has incurred funeral expenses is entitled to be reimbursed.

The amount for funeral expenses is determined by a decree of the Minister having Social Security in his/her attributions, upon request by the Board of Directors of the Social Security Fund.”

Article 19:

Article 29 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1st If the beneficiary of permanent incapacity benefits becomes again a victim of work injury, the new incapacity benefits are calculated considering all the accidents and taking the remuneration used in previous calculations as the base.
However, if the last average remuneration is more than the previous, it is taken as the base for calculating the new benefits.

If the beneficiary of the lump sum allocation becomes again a victim of work injury so that the incapacity degree becomes 15 per cent or more, new benefits will be accorded considering all the accidents and the previous remuneration only if the conditions stipulated in article 17-a are fulfilled.

§2. The incapacity benefits are always accorded on temporary terms. All modification of the state of the victim by aggravation or by alleviation of infirmity confirmed by an authorized Doctor and on a notice by the Social Security Fund medical advisor upon request by the Social Security Fund or by the victim give rise to the review of the benefits which will be increased, reduced or stopped from the date the increase or reduction of infirmity was notified.

These medical examinations must be carried out every six months for the first two years from the date of apparent steady healing or where there are no changes or worsening and then every year after this period. The victim cannot resist medical examination when the Social Security Fund initiates it.

Five years after the date of healing, no medical examination can be undertaken upon the request of the Social Security Fund.

§3. The Social Security Fund organizes the prevention of work injuries and occupational diseases. The Fund takes, for the benefits of workers, the necessary measures to improve the hygienic standards and security at the place of work.

The Fund makes sure it gathers on diverse enterprises all sorts of information that can help making statistics as work injuries and occupational diseases, their frequencies and impact.

Article 20 :

Article 30 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“§1st A member of the Social Security Fund who attains at least the age of 55 years, or the age as provided for by the statutes governing the Rwanda Defense Forces and National Police or on the age as specified by the Decree of the Minister having Social Security in his/her attributions for those working under hard conditions, receive old age pension if he/she fulfills the following conditions:

- a. having been a contributing member for at least a 15 years period;
- b. having stopped working for a salary under statutes or contract”.

The age for being accorded pension benefits may be reduced for a member having no incapacity referred in article 21 of this law who incurs untimely physical or mental incapacity that prevents him/her from working for a salary and this must be certified by an authorized Doctor.

This reduction of age as well as modalities of checking on such anticipated incapacity are determined by a decree of the Minister having Social Security in his/her attributions on a notice by the Minister having Rwanda Defense forces in his/her attributions, the Minister having National Police in his/her attributions and the Minister having Civil Service in his/her attributions depending on the duties of each”.

§2. Old age pension and anticipated pension are effected as of the first day of the month following the date on which all requirements for pension benefits have been handed in to the Social Security Fund. However, such a request must be referred to the Social Security Fund within 6 months following that date. Where the request is made after that period has expired, pension benefits are effected as of the first day of the month following the date on which such request was made.

Any member who has paid his/her contributions for twelve months and who has attained the age provided for by this article, §1st, and has stopped from working for any salaried job but not fulfilling all the conditions for old age and anticipated pensions benefits, is given lump sum.

Article 21 :

Article 31 of Law –Decree of August 22, 1974 concerning organization of social security is modified and completed as follows:

“§1st A member who incurs disability before attaining the age of at least 55 years is eligible for invalidity pension if he /she fulfills the following conditions:

- a. having been a member for at least 5 years;
- b. having contributed towards the Fund for six months in the last twelve months preceding the injury which led him/her to disability.

Notwithstanding the provisions of the preceding paragraph in the case where the invalidity is due to accident, a member is eligible for invalidity pension on condition that:

- a. he/she was a member at the time of the accident;
- b. he/she had a registration number before the accident.

§2.He/she is considered as invalid, the member who, following a non – occupational disease or accident, suffers from permanent reduction of his/her physical and mental abilities, which render him /her incapable of earning more than one half of the salary of his /her healthy counter-part, such incapacity is ascertained by a medical advisor of the Social Security Fund.

§3. The invalidity pension takes effect from the healing of the injury or its stabilization, or after six consecutive months of incapacity and if the incapacity must, according to the notice of an authorized Doctor, last at least another six months or when the member stopped working in case the date of healing or stabilization is not specific but it must be certified by the medical advisor of the Social Security Fund.

The invalidity pension is granted on temporary terms. Medical examination by an authorized doctor is arranged for every two years.

The invalidity pension is replaced by an old age pension of the same amount when the beneficiary attains the age of 55 years.”

Article 22:

Article 32 of Law –Decree of August 22, 1974 concerning organization of social security is modified and completed as follows :

“ §1st The monthly amount for old age pension, invalidity pension or anticipated pension is determined in accordance with the average monthly remuneration and equals to a one thirty-sixth or one sixtieth of all salaries paid in the last three or five years preceding the date on which the pension benefits were accepted. The choice is made in the interest of pension beneficiary.

However, if the beneficiary does not work during three or five years preceding the date of his/her membership, the average monthly remuneration is equal to a one thirty-sixth or one sixtieth of all salaries he/she was paid during the last three or five years preceding the date on which the beneficiary stopped working.

If the number of months of membership is inferior to thirty-six, the average monthly remuneration is obtained by dividing by all salaries paid from the date on which the person joined the Social Security Fund to the date on which he/she ceased his/her salaried activities.

§2. Concerning the calculation of the invalidity pension sum, the number of years between the date on which the invalidity began and the age of fifty-five is considered as registration with the Social Security on a six months a year basis.

The monthly amount for old age pension, invalidity or anticipated pension is equal to 30 per cent of the average monthly remuneration of the beneficiary.

The monthly sum for old age, invalidity or anticipated pensions equal 30 per cent of the average month salary of the member concerned. When the total sum of or all months of the membership and all other months considered as such exceeds one hundred eighty months, to the sum to be delivered is added 2 per cent for every 12 months period of membership or any period considered as such, when the number of months exceeds one hundred eighty.

The monthly sum for old age, invalidity or anticipated pensions has not to be less than 50 per cent of the whole monthly basic salary earned as per legal working timetable in accordance with the labour code provisions thereof.

The old age lump sum benefits awarded to an old member not fulfilling the requirements for old age pension is equal to the average salary of the member multiplied by the time periods of 12 months of his/her membership to the Social Security Scheme.”

Article 23 :

Law –Decree of August 22, 1974 concerning organization of Social Security is completed by the article 34 bis worded as follows:

“ Article 34 bis:

The management of contributions and the counting and payment rate of funds to be allocated to the branch of additional allowances are determined by a decree of the Minister having Social Security in his/her attributions, upon the request by the Board of Directors.

At all costs, the scale of additional allowances has to be provided for in a way that its profits do not go below the profit delivered on the market in general considering the categories of the allocated amount.”

Article 24:

Article 36 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“ A decree issued by the Minister having Social Security in his/her attributions on the proposition of the Board of Directors lays down the conditions and formalities of agreement with public or private health institutions approved by the Minister having Health in his/her attributions with view to entrusting them with the responsibility of rendering medical services and medical examination to the Social Security affiliated members.”

Article 25:

Article 40 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ The beneficiary of incapacity or invalidity benefits who needs the constant assistance of another person has a right to an increase of those benefits. The increase is accorded after presenting a medical certificate issued by an authorized Doctor upon the notice by the Social Security Medical Advisor. This increase is fixed at 40 per cent of the usual social security benefits.”

Article 26 :

Article 42 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

“ The social security benefits are not transferable and non seizable, except in the same conditions and limits as for salaries for paying for alimony.

In case of forged documents unduly incurred benefits strictly give rise to compensation.”

Article 27

Article 43 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“ In the event of work injury, the victim has the right to both the incapacity and invalidity benefits, the payment of the latter is suspended up to the amount equal to that paid for permanent incapacity.

In the event of a member's death due to work injury, the survivors have the right to both the incapacity and invalidity benefits, the payment of the latter is reduced up to the amount equal to the paid for work injuries.

If the beneficiary has a right to two or several pensions or allowances by virtue of the provisions of this law, he will receive the bigger amount plus half the others. Nevertheless, the orphan of both mother and father is entitled to the totality of those social security benefits."

Article 28 :

Article 44 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

"§1st Benefits are not payable if incapacity or death is a consequence of a criminal act or negligence committed by the beneficiary or an intentional fault on his/her part.

Benefits are not payable if the beneficiary does not conform to medical notice or to other instructions pertaining to the examination of his level of incapacity.

Benefits are payable to legal beneficiaries if the initial beneficiary is in detention or if it is not possible for him/her to get them.

§2. Benefits are not transferable abroad if the beneficiary no longer resides in Rwanda save for case of reciprocal Accords or International Conventions."

Article 29 :

Article 45 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows :

" § 1st If the event leading to the right of acquisition of social security benefits is due to the fault committed by another person, the Social Security Fund will pay the benefits provided by the Decree-law of August 22, 1974 concerning organization of Social Security as modified and completed to date, to the victim or his/her legal successors. The victim or his/her legal successors can initiate legal action for compensation against the person who committed the fault as provided by general provisions but the Social Security Fund will replace the victim or his legal successors in order to obtain refund. The compensation provided by general provisions on the third party shall not be mixed with money contributed as stated in the Decree-law of August 22, 1974 concerning organization of Social Security as modified and completed to date.

§2. Any beneficiary who takes legal action against the third party responsible for the accident to pay in accordance with the general provision shall willy-nilly inform the Fund and clearly state if he is the beneficiary or his/her legal successor.

The Social Security Fund has the right to take legal action against the third party before the criminal courts to get compensated if the victim, his/her legal successor does not do so. The Social Security Fund has also the right to take a legal action against the culprit.

The employer, his/her appointees and his/her employees are considered third party if they intentionally caused the accident or disease.

If the third party responsible for the accident or disease settles the matter amicably with the victim or his/her legal successors, the Social Security Fund can still take legal action against the third party unless invited to participate in the negotiations leading to settlement.

§3. Apart from the rights provided by the Decree-Law of August 22, 1974 concerning Social Security as modified and completed to date, the employee or his/her legal successors can:

- a. sue the employer for the damage of property caused by occupational hazards;
- b. sue the employer or his/her appointees if the accident befell him/her on the way to or from duty.”

Article 30 :

Article 49 of Law –Decree of August 22, 1974 concerning organization of Social Security is modified and completed as follows:

“There is established within the Social Security Fund, a fund for workers sanitary conditions and social welfare. This Fund has a distinct budget.

The financing of this welfare Fund is covered from, deductions on the profits from deposited money investments, surcharges on late remittances of Social Security Fund contributions as well as other proceeds from the Social Security Fund receipts as long as this does not reduce the minimum reserves mentioned in article 11 of this law. The Board of Directors determines the deductions rate and decides how they are to be used.

The Fund resources allocated to the fund for workers sanitary conditions and social welfare can be used notably for :

- a. all actions for the prevention of accidents and professional hazards, functional re-adaptation and professional re-education;
- b. setting up health and social centers, disseminating information on hygienic standards, rendering the place of work safe and improving medical Care as provided in article 19 of this law;
- c. financial support to public or private health institutions dealing with health and social welfare of the social security members and beneficiaries.”

Article 31 :

Article 50 of Law –Decree of August 22, 1974 concerning Social Security is modified and completed as follows:

“§1st The employer contravening the provisions of article 13 of this law and its implementing decrees shall pay a fine ranging from ten thousand Rwandan francs (10,000 FRW) to twenty five thousand Rwandan francs (25,000FRW). In case of relapse into the act, the fine will vary from twenty five thousand Rwandan francs (25,000 FRW) to fifty thousand Rwandan francs (50,000 FRW).

§2. The employer contravening the provisions of article 35 of the Decree-Law of August 22, 1974 concerning Social Security and its implementing decrees shall pay a fine ranging from fifty thousand Rwandan francs (50,000 Frw) to seventy five thousand Rwandan francs (75,000 Frw). In case of relapse into the act, the fine shall vary from seventy five thousand Rwandan francs (75,000 FRW) to one hundred thousand Rwandan francs (100,000 Frw).”

Article 32:

Law –Decree of August 22, 1974 concerning Social Security is completed by article 50 bis worded as follows:

“ Article 50 bis :

Before bidding, every employer operating in Rwanda has to show the certificate indicating that he/she owes no money to the Social Security Fund.”

Article 33 :

Law –Decree of August 22, 1974 concerning Social Security is completed by article 55 bis worded as follows:

“ Article 55 bis:

All previous contributions received prior to this law and calculated on the salaries superior to the maximum salary provided for in article 8 are subject to this law.”

Article 34:

All previous legal provisions contrary to this law are hereby abrogated.

Article 35 :

“This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.”

Kigali, on 22/03/2003

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Public Service, Skills Development,
Vocational Training and Labour
BUMAYA André Habib
(sé)

The Minister of Health
Prof. DUSHIMIMANA Abel
(sé)

Seen and sealed with the Seal of the Republic :
The Minister of Justice and Institutional Relations
MUCYO Jean de Dieu
(sé)