

1963.
Inama ya 47.

Ruhengeri



Rapport V (I)

INAMA NKURU Y'IMILIMO Y'ISI YOSE, IGIYEMO UBWA 47.-

Ikibazo cya 5 mu bizigwa, kuva ku kazi kw'umukozi biturutse ku mukoresha.

Inshingano mu byerekeye kuva ku kazi kw'umukozi biturutse ku mukoresha.

I.- Uko bizagenda n'uko bizakoresheha.-

I.- Ibizanoza iyi nshingano ni ibi :

- Amategeko y'inshinga ya buli gihugu,
- Ubwumvikane rusange hagati y'abakozi n'abakoresha,
- Amategeko yemewe ya buli société,
- Ibizemewe n'urubyiruko rw'imilimo, cyangwa se n'imanza zizaba zakemewe n'urwo rukiko,
- Cyangwa se n'ibindi byose bitazaba binyuranyije n'amategeko y'igihugu kandi bitanyuranyije n'umuco wa buli gihugu.

2.- Iyi nshingano igenewe ibice byose bizamura ubukungu bw'igihugu n'ibindi bice byose by'abakozi, uretse aba bakulikira:

- a) Abakozi bashinzwe gukora mu gihe cyagenewe cyangwa bashinzwe gukora umulimo wagenwe neza, mu gihe umulimo bakora utagomba gutwara (gufata) igihe kirekire;
- b) Abakozi bagaragazwa iyo igihe cy'iryo geragezwa cyemeranyijwe mbere ya byose kandi kikaba kitali kirekire.
- c) Abarejareja.

II.- Amategeko rusange akulikizwa:

3.- Abakoresha bagomba kumvikana n'abahagarariye abakozi mu gihe cyo kugabanyira abakozi, kandi niba bishobotse, mu gihe cyo kwirukana umukozi.

4.- (I) Nta kwirukanywa ku kazi kugomba kubaho nta mpamvu igaragara iguteye, biturutse ku bushobozi cyangwa ku myifatire y'umukozi, cyangwa se biturutse ku bushobore bwa sosiyete bw'ikigo cy'akazi cyangwa bw'umulimo.

(2) Igisobanuro cyangwa kumva iyo mpamvu nyakuli yo kuva ku kazi, biza-shingira ku mategeko yatanze yubahiriza iki cya mbere tumaze kuvuga.

5.- Ibitagombwa kwitwaho ku byerekeye kuva ku kazi:

- a) Kuba uli mu kwiungira hamwe kw'abakozi, (syndicat), kuba waragiye mu nama yo kwiungira hamwe akazi kararangiye, cyangwa mu gihe cy'akazi aliko umukoresha abyemeye.
- b) Kuba wiyamamaje guhagaralira abakozi, cyangwa waligeze kubahagaralira.
- c) Kuba warareze nta buryarya umukoresha cyangwa se waratanze umugabo bamucira urubanza igihe atatanganyije amategeko agenga imilimo.
- d) Ubwoko, isura (ibara), igitsina, igice ubongamiyemo mu bya Mungu, mu bya politike, igihugu kavukire cyangwa umulyango ukomokamo.

6.- Umukozi uzi neza ko yirukanywe ku buryo butakiri bwo, uretse ko icyo kibazo cyaba cyarakemewe ku buryo budasubirwaho mu sosiyete umukoresha, mu kazi akoramo, agomba gushobora kwivuna (kwirengera) atabaza ku buryo bwemewe n'abakozi n'abakoresha, uhagarariye abakozi cyangwa undi wundi ushobora kumurengera inbere y'inama yabyawe n'ubwumvikane rusange cyangwa se inbere y'intabera (urukiko rw'imilimo), inbere y'umucamanza wabashinzwe, y'inteko yabashinzwe mu cyimbo cy'urukiko, cyangwa indi nteko ibarabara yose aliko igenewe gusuzuma imilimo.

- 7.- (1) Inteko zivuzwe muli iyi ngingo ya gatandatu, zigomba gushobora gusuzuma impanvu zose zitanzwe zishakakunvisha ko umukozi yirukanwe mu kuli, n'ibindi byaba byateye uko kwirukanwa kandi zigomba kugira icyo zibivugaho ubwazo.
(2) Aka kagingo tumaze kuvuga ntigashaka kuvuga kw'inteko y'intabera ishobora kwiroha mu byerekeye kwemeza umubare w'abakozi bagomba gukora muli za sosiyete cyangwa se umulimo bashinzwe.
- 8.- Inteko zavuzwe mu ngingo ya gatandatu, zigomba gushobora kwemeza, iyo zisanze ko umukozi yirukanywe mu mafuti, ko niba adasubiye ku kazi ke, bamuhaye kandi n'umushahara azaba atabonye, abona indishyi ihwanye n'ibyo abuze cyangwa se indi ndishyi yose izaba yarashyizweho n'amategeko yateganyijwe n'ingingo ya mbere.
- 9.- (1) Umukozi ugiye kwirukanwa agomba kubona préavis ingana n'igihe cyategetswe n'amategeko y'igihugu, cyangwa indishyi y'akababaro ingana n'igihe cyategetswe n'amategeko y'igihugu, cyangwa indishyi y'akababaro ingana ~~xxx~~ n'iminsi ya préavis.
(2) Mu gihe cya préavis, umukozi agomba gushobora kuva ku kazi, nanone mu buryo bushobotse, kugira ngo ashobore gushaka akandi kazi, umushahara we ntugabanywe.
- 10.† (1) Umukozi wirukanywe ku kazi agomba byanze bikunze kwaka umukoresha urupapuro rwanditsweho igihe yatangiriye akazi, igihe akaviriyeho, n'umulimo yakoraga uwo ari wo.
(2) Nta cyabuza umukozi kubona akandi kazi gishobora kwandikwa kuli urwo rupapuro.
- II.- Abakozi birukanywe bagomba kuba baraziganyirijwe: Iryo ziganyirizwa ryaba ari iryo kurwanya ubushomeri, cyangwa irindi rikaziganyirizwa libonetse ryose ryateganyijwe n'isanduka yo kwitega iminsi, cyangwa indishyi y'akababaro ko kuva ku kazi, cyangwa se anafanga abonetse yose atanzwe n'umukoresha iyo yirukanywe abakozi cyangwa uruvange rw'amafranga rwateganyijwe n'amategeko y'igihugu, n'ubwumvukane rusange rw'abakozi n'abakoresha cyangwa se icyo umukoresha azaba yariyemeje mu byerekeye abakozi be.
- 12.- (1) Igihe kwirukanwa ku kazi bitewe n'ikosa likomeye, igihe cya préavis cyangwa indishyi ingana na cyo, bishobora kwirengangizwa, ndetse n'indishyi yo kuva ku kazi yabuliramo.
(2) Ukwirukanwa biturutse kw'ikosa likomeye, kuzabaho, mu buryo bwumvikana, igihe byumvikana ko umukoresha nta kundi yagira.
(3) Umukoresha uzaba atirukanywe umukozi wakoze ikosa likomeye, kuva igihe abimenyeye kandi nta n'igihano amuhaye, ni ukuvuga ko azaba atamwirukanywe
(4) Umukozi nawe wirukanywe muli ubwo buryo, uzaba atareze banaze kumwirukana, ntakulikize igihe cyategetswe guhera amaze kwirukanwa, azaba atagishoboye kurega.
(5) Mbere yo kugira ngo ukwirukanwa kw'umukozi wakoze ikosa likomeye, kwemezwe, umukozi afite uburenganzira bwo kwitabara, ahagaraliwe mu buryo bwumvikana, n'umuntu umurengera yitoreye.
- III.- Anategako yiyongereyeho ku byerekeye kugabanya abakozi.
- 13.- Ababizaba bireba bese bagomba, bakulikije amategeko yabigenewe, mbere ya byose kwiga ibyacyubya igabanywa ry'abakozi cyangwa kuli hagaliye ku mubare uyu n'uyu, ku buryo bashoboye kandi bitatuma ukujyanbire kwa sosiyete, k'umulimo, kudasubira inyuma.
- 14.- (1) Mbere y'igabanywa ry'abakozi, ababahagaraliye bagomba kuba babizi, bakugira icyo babivugaho.
(2) Dore bimwe mu byo bagomba kubagishamo inama: Ibyacyubya igabanywa ry'abakozi, ukugabanya amasaha akorwamo nyuma y'akazi, ukugaragaza gukurikira abavuye ku kazi n'igenda ryabo ku buryo batagenda mu kivunge, gucyubya ku buryo bushoboka bwose, ingaruka mbi yazongaga abakozi bavuye ku kazi n'imiryango yabo, kwita kandi n'ihitamo ry'abakozi bagomba

gutwarwa n'iryo gabanya ry'abakozi.

- I5.- (I) Muli izo nana z'ubwunvikane, abakoresha n'abahagaraliye abakozi, bagomba kwihutira kubimenyesha abategetsi ba Leta babigenewe, kugira ngo bagire icyo babivugaho.
- (2) Niba igabanywa ry'abakozi rishobora gutera ingaruka mbi ku bakozi b'agasozi aka n'aka, cyangwa se muli sosiyete iyi n'iyi, unukoresha, mbere yo kugira icyo akora muli ibyo, agomba kubanza kubimenyesha abategetsi ba Leta babigenewe.
- I6.- (I) Guhitamo abakozi bagomba guhitanywa n'iryo gabanya, bigomba gukorwa bikulikije ibintu by'ingenzi bizwi mbere y'igihe kandi byashyizweho ku buryo inyungu ya sosiyete n'iy'abakozi itahungabana.
- (2) Dore ibigomba gukulikizwa:
- a) Gushaka ko sosiyete, ikigo cy'akazi, cyangwa se umulimo, bigenda neza nta nkomyi.
 - b) Ubushobozi, akamenyero kabyaye ubushobozi, ubwenge mu milimo ushinzwe n'ubundi bumenyi ku kazi bya buli mukozzi.
 - c) Imyaka y'akazi ye.
 - d) Imyaka y'ubuvuke ye.
 - e) Umuryango we (ingaragu, uwubatse).
 - f) N'ibindi byose by'ingenzi bidakwiye kwirengagizwa muli buli gihugu, agaciro n'ikurikizwa z'ibyo ngibyo tumaze kuvuga, bizashyirwaho bikurikije umuco n'amategako ya buli gihugu.
- I7.- (I) Abakozi bavuye ku kazi kubera igabanywa ryabo bagomba, mu buryo bushobotse bwose, kubanza guhitwamo mu bandi basaba akazi, iyo umukore-sha yongeye gutanga akazi.
- (2) Iryo hitwamo ry'ibanze lishobora kugira igihe kigenwe mbere y'igihe.
- (3) Uko kwongera gutanga akazi kugomba gukulikiza bya bindi by'ingenzi byo mu ngingo ya I6.
- (4) mushahara w'abakozi bashubijwe ku kazi, ntugomba kujya mu muni y'uwo bali bafite, n'iyi akazi baba bashinzwe kaba kadahuje n'ako bakoraga, cyangwa se n'iyi ukujyambere kw'ubukungu kwaba kumeze ukundi.
- I8.- Ibiro bya Leta bishinzwe imilimo cyangwa ibindi biro byose bibigenewe, bigomba gukora uko bishoboye kwose kugira ngo umukozi igabanywa ry'abakozi lihitanye, abone akazi bidatinze.
- I9.- Nta n'umwe muli izo ngingo z'iyi nshingano yerekeye kuva ku kazi biturutse k'umukoresha inyuranyije n'izindi ngingo z'inama y'imilimo y'Isi yose.

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