



TOWARDS SAFEGUARDING AGAINST SEXUAL HARASSMENT IN THE WORLD OF WORK IN RWANDA

POLICY BRIEF

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I. INTRODUCTION

Sexual harassment in the workplace is a widespread issue around the world. More than one in five persons in employment (22.8 percent or 743 million) have experienced at least one form of harassment at work during their working life¹. In Rwanda, sexual harassment in the workplace is still prevalent, manifesting through sexually suggestive remarks, coercion from superiors for sexual favors, and demands for sexual acts in exchange for career advancements and opportunities². While comprehensive and detailed official data on workplace sexual harassment in Rwanda remains limited, several studies provide valuable insights into the issue. A regional study on the effectiveness of Anti-Sexual Harassment Policies revealed that 47.6% of Rwandan respondents had experienced verbal sexual harassment at least once, while 29% reported physical sexual harassment in the workplace³. Furthermore, a study on the barriers faced by women journalists in Rwanda found that 45% of respondents had been sexually harassed at work⁴. Additionally, a survey by Transparency International Rwanda indicated that over 60% of respondents had heard of gender-based corruption, including sexual harassment, in their workplace within the previous 12 months⁵.

Sexual harassment in the world of work causes harm to individuals, families, businesses and societies. It affects people's lives, dignity, health and wellbeing. It also exacerbates inequality in societies and undermines business productivity. Subsequently there should be no place for or tolerance of harassment at work – anywhere⁶.

According to ILO Convention on Violence and harassment, Sexual harassment in the world of work constitutes a human rights violation or abuse, and is a threat to equal opportunities. It is unacceptable and incompatible with decent work⁷. Sexual harassment disproportionately affects women and girls in the world of work. Recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending sexual harassment in the world of work⁸.

Adopted in 2019, International Labour Organization (ILO) Convention (C190) recognizes the right of everyone to work in an environment free from violence and harassment and establishes comprehensive measures for prevention, protection, and redress.

Sexual harassment, as a form of violence and harassment, is directly addressed under C190. The convention mandates that member states to take effective measures to prevent and eliminate sexual harassment in the world of work. This includes adopting policies, providing training, and ensuring that victims have access to safe reporting mechanisms and support services. By ratifying C190, Rwanda commits to creating a safer and more respectful work environment, making it a crucial tool in combating sexual harassment globally.

Owing to the above, this policy brief seeks to discuss progress and highlight remaining gaps in existing legal, policy and institutional framework related to safeguarding against sexual harassment in the world of work, in order to trigger further appropriate legal and policy reforms by relevant policy makers and key stakeholders in Rwanda.

II. THE NORMATIVE FRAMEWORK: UNDERSTANDING SEXUAL HARASSMENT IN THE WORLD OF WORK

Sexual harassment is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment⁹. Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics. Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the targets or the perpetrators.

Sexual harassment can occur not only within the traditional workplace setting but also in any context related to work, including outside the workplace and beyond official working hours. This may include incidents during official travel or work-related social functions. Sexual harassment can be perpetrated by any colleague, whether they are a supervisor, peer, or subordinate. When the perpetrator is a supervisor or senior official, their status may be considered an aggravating factor.

Sexual harassment can manifest in various forms, including inappropriate looks, suggestive words, and physical contact of a sexual nature. Examples of sexual harassment (non-exhaustive list) include:

- Sharing or displaying sexually inappropriate images or videos in any format;
- Sending sexually suggestive communications in any format;
- Sharing sexual or lewd anecdotes or jokes;
- Making inappropriate sexual gestures, such as
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person;
- Staring in a sexually suggestive manner;
- Repeatedly asking a person for dates or asking for sex;
- Rating a person's sexuality;
- Making sexual comments about appearance, clothing, or body parts;
- Name-calling or using slurs with a gender/sexual connotation,
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity

According to the ILO Violence and Harassment Convention 2019, violence and harassment in the «world of work» and gender-based violence can be considered as separate concepts or a single concept under the national laws and regulations of State Parties to the Convention. The Convention then goes on to define violence and harassment, as well as gender-based violence and harassment as follows¹⁰:

1. For the purpose of this Convention:

(a) the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

(b) the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

2. Without prejudice to subparagraphs (a) and (b) of paragraph 1 of this Article, definitions in national laws and regulations may provide for a single concept or separate concepts.

III. SCOPE OF THE CONVENTION

Additionally, the ILO Convention sets a broad scope of its application in terms of persons protected. It provides under article 2 that “this Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.” It goes ahead to stipulate that: “this Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.”

The Scope of the Convention also covers sexual harassment beyond the classic work place. As stated in article 3; “This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) through work-related communications, including those enabled by information and communication technologies; (e) in employer-provided accommodation; and (f) when commuting to and from work.

IV. THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK RELATED TO SEXUAL HARASSMENT IN RWANDA: PROGRESS AND GAPS.

In Rwanda, measures to prevent and combat sexual harassment in the world of work has foundation in various legal instruments. These include the Rwandan Constitution of 2003 (rev 2015), domestic laws such as labor and punitive laws as well as ratified international

and regional human rights and labor conventions.

The Constitution of the Republic of Rwanda:

The Constitution of the Republic of Rwanda establishes a strong legal foundation for protecting citizens against sexual harassment in the workplace. Key constitutional provisions include the right to physical and mental integrity (Article 14), the right to non-discrimination (Article 16), the right to privacy, honor, and dignity (Article 23), and the right to free choice of employment (Article 30). These constitutional rights form the basis for a robust legal and policy framework aimed at preventing and protecting against sexual harassment.

In alignment with these provisions, the State has an obligation to respect, protect, and fulfill its human rights commitments. This includes enacting policies, legislation, and institutional reforms to prevent and address sexual harassment, ensuring the full enjoyment of the constitutional rights guaranteed to all citizens.

International and regional human rights instruments ratified by Rwanda.

Rwanda is a signatory to multiple regional and international human rights instruments which guarantee protection of sexual harassment. These include:

- **ILO Violence and harassment Convention, 2019.**

Rwanda ratified the International Labor Organization's Violence and Harassment Convention (ILO C190) on May 23, 2023, and deposited the instrument of ratification on November 1, 2023. The Convention, the first global labor standard addressing violence and harassment at work, will take effect on November 1, 2024. This ratification marks a significant step towards addressing sexual harassment in the workplace through Rwanda's legal, policy, and institutional frameworks.

As a State Party to ILO C190, Rwanda is required to implement legal and policy reforms to align with its obligations under the Convention. These obligations include adopting comprehensive strategies to prevent and combat workplace violence and harassment, ensuring access to remedies for victims, and establishing effective enforcement mechanisms.

- **Other Conventions**

Rwanda is also a signatory to other conventions and international human rights instruments such as International Convention of civil and Political rights(articles 2, 3, 9, 17 and 26); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 16); Convention on the Elimination of all forms of Discrimination Against Women (Articles 2, 3, 11 and 15); African Charter on Human and Peoples' Rights(articles 2-6, 15-16, 18, 28) and the Protocol to the African Charter on Human and Peoples' Rights

on the Rights of Women in Africa (Articles 2-4, 8, 13 and 25), which further reinforce its commitment to preventing sexual harassment in the workplace.

According to Article 95 of the Rwandan Constitution, these international instruments take precedence over domestic laws, obligating Rwanda to uphold the standards set forth in these conventions.

- **Ordinary Laws.**

Rwanda has a number of existing laws and Orders that regulate matters related to sexual harassment. These include but not limited to:

Law n° 66/2018 of 30/08/2018 regulating Labour in Rwanda

The 2018 Law regulating labour in Rwanda governs employment relations across both private and public sectors, including apprentices, interns, self-employed individuals, and informal sector workers, with particular attention to occupational health and safety and protection against workplace discrimination.

Article 8 of the Labour Law prohibits sexual harassment by an employer towards an employee and protects employees from dismissal for reporting or testifying about such harassment. If an employee resigns due to sexual harassment by a supervisor, it is considered an unfair dismissal.

However, the Labour Law has several gaps in addressing sexual harassment. It lacks definitions for sexual harassment, violence, or gender-based violence at work, leaving interpretation to individual discretion. The law's scope is limited to harassment by supervisors, excluding cases involving peers or external parties, which is narrower than the provisions of the ILO Convention on Violence and Harassment (ILO C190). Furthermore, the Labour Law does not specify sanctions for sexual harassment, requiring recourse to criminal law, nor does it detail procedures for reporting and handling harassment claims, which are sensitive and require specialized treatment.

The ILO Convention mandates comprehensive measures, including clear reporting procedures, victim support, privacy protections, and sanctions for perpetrators, none of which are adequately addressed in the current Labour Law. Additionally, the Labour Law does not outline the responsibilities of employers, workers, and their organizations in preventing and combating sexual harassment, as required by the Convention.

Ministerial Order N° 002/19.20 of 17/03/2020 establishing the list of gross misconduct.

The Ministerial Order N° 002/19.20 of 17/03/2020 includes sexual harassment as a form of gross misconduct at work. Gross misconduct is defined as an act or omission by an employee that, due to its severity, circumstances, or consequences, makes continued employment unacceptable. In cases of gross misconduct, article 26 of the 2018 Labour law allows the employer to terminate the employment contract without notice, provided

the employee is informed of the reasons for termination within forty-eight (48) hours of evidence being found. While these provisions offer protection against sexual harassment in the workplace, they primarily address misconduct on a vertical level that is employer to employee. The law does not specify remedies in other cases.

Law N° 68/2018 of 30/08/2018 determining offenses and penalties in general

Law No. 68/2018 of 30/08/2018, which defines offenses and penalties in general, addresses sexual harassment in Article 149. The first paragraph defines sexual harassment as “repeated remarks or behavior of sexual overtones towards a person that undermine or violate their dignity due to their degrading or humiliating nature, creating an intimidating, hostile, or unpleasant situation.” The second paragraph outlines general penalties for those convicted of sexual harassment, including imprisonment for six months to one year and a fine ranging from one hundred thousand to two hundred thousand Rwandan francs (FRW 100,000 to FRW 200,000).

The third paragraph imposes stricter penalties on employers or those in positions of authority who commit sexual harassment against subordinates. In such cases, the offender faces imprisonment for one to two years and a fine of two hundred thousand to three hundred thousand Rwandan francs (FRW 200,000 to FRW 300,000).

However, a closer examination reveals that Article 149 is not fully aligned with the ILO Convention on Violence and Harassment. The ILO Convention recognizes that sexual harassment can occur through both single and repeated incidents and includes a broader range of behaviors and threats. In contrast, Article 149 defines sexual harassment as actions that specifically undermine dignity and create an intimidating, hostile, or unpleasant situation. The ILO Convention’s definition is more comprehensive, covering acts that «aim at, result in, or are likely to result in» such outcomes.

Additionally, Article 149’s focus is primarily on employer-employee or supervisor-subordinate relationships, while the ILO Convention also covers horizontal interactions between peers.

To align with international standards, Article 149 of Law No. 68/2018 should be revised to reflect the broader definitions and scope outlined in the ILO Convention on Violence and Harassment.

Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence

Sexual harassment is also addressed under Law N°59/2008 of 10/09/2008 on the prevention and punishment of gender-based violence. Article 24 of this law stipulates that “Any employer or any other person guilty of exercising sexual harassment by way of orders, intimidation, and terror over a person they lead shall be liable to imprisonment of two (2) years to five (5) years and a fine between one hundred thousand (100,000 Rwf) Rwandan francs and two hundred thousand (200,000 Rwf) Rwandan francs.”

However, this article has several limitations. Firstly, it does not define what constitutes sexual harassment. Secondly, the scope of sexual harassment is limited to acts involving orders, intimidation, and terror. Lastly, it confines the crime of sexual harassment to employer-employee or supervisor-supervisee relationships. To align with the ILO Convention on Violence and Harassment, the definition of sexual harassment should be broadened to include a wider range of behaviors, and the scope should extend beyond hierarchical relationships to cover all forms of workplace interactions.

INSTITUTIONAL FRAMEWORK.

In terms of institutional framework, several structures are in place that can be effectively utilized to combat sexual harassment and ensure a safer work environment. These include, but are not limited to, the following entities:

- **The Ministry of Public Service and Labor (MIFOTRA):**

The Ministry of Public Service and Labour in Rwanda has a crucial mandate that extends beyond public service to encompass the private sector. Its roles include institutionalizing efficiency in public service management, reinforcing values and principles to enhance professionalism and ethics, and creating a conducive environment for decent job creation and workforce development. As the primary custodian of labor-related policies, programs, and orders, the Ministry is well-positioned to lead reforms aimed at improving the legal, policy, and institutional framework for preventing and addressing sexual harassment in the workplace.

However, a significant gap exists in the prevention and response to sexual harassment, as there is currently no national policy on sexual harassment applicable to both public and private institutions. This represents a critical gap, as a national policy could serve as a blueprint for all institutions, offering a standardized approach to be adopted in full or customized to individual institutional needs, while adhering to key national principles.

Additionally, even among institutions that do have sexual harassment policies, these are often not widely disseminated among staff. Policies enacted by civil society organizations are frequently donor-driven and may not adequately address the needs of all institutions.

Another challenge associated with national policies on sexual harassment is that even the few institutions which have them, *they are not widely disseminated among the staff. Those enacted by civil society organizations, are donor-driven to fulfill donor requirements and largely inadequate²¹*. Under the ILO Convention on Violence and Harassment, it is mandatory for State parties to adopt a national policy on sexual harassment, which should be aligned with both public and private sector institutions. This policy is essential for ensuring comprehensive and effective protection against sexual harassment in the workplace.

- **The National Public Service Commission (NPSC):**

The Commission is an independent body set up by law to promote professionalism among public servants. Its main role is to ensure that government institutions follow rules and laws related to hiring and managing public workers. It also checks how public servants conduct themselves and makes final decisions on employment-related disputes, such as appeals brought to it by public employees. Additionally, it can request penalties against any authority that fails to follow its decisions without a valid reason. Each year, the Commission submits a report to Parliament and the Cabinet outlining its activities.

The Commission is well-suited to handle cases of sexual harassment within the public sector, as it acts as the highest authority for appeals. Its decisions are legally binding, and authorities who refuse to enforce them can face consequences.

However, the Commission's scope is limited to public sector employees. There is no similar body for dealing with sexual harassment or employment disputes in the private sector, civil society, faith-based organizations, or the informal economy. This leaves a significant gap in protections for workers outside the public sector.

- **Labor Inspectorate:**

The Labour inspectorate is responsible for monitoring compliance with the labor law, its implementing orders, collective agreements as well as awareness and providing advice on matters relating to laws governing labor and social security¹². At every district, there are 2 labor inspectors posted to deal with all labor related matters/disputes including sexual harassment. Labor Inspectors play a critical role in handling all disputes between employees and employers.

However, it should be highlighted that more awareness is needed about the central role of Labor Inspectors in handling cases of sexual harassment in non-violent sexual offences, such as verbal sexual harassment.

- **Gender Monitoring Office (GMO):**

The study on barriers faced by women journalists in Rwanda highlights that workplace sexual harassment disproportionately affects women compared to men¹³. In this context, the Gender Monitoring Office (GMO) plays a vital role in promoting gender equality by overseeing the implementation of gender-related commitments across public, private, civil society, and religious institutions in Rwanda. A key responsibility of the GMO is to evaluate the effectiveness of mechanisms designed to prevent and address gender-based violence (GBV), including sexual harassment, ensuring that institutions are equipped to support victims and promote accountability.

Moreover, the GMO monitors compliance with regional and international gender commitments, ensuring that national institutions fulfill their obligations to advance gender equality. However, despite its mandate, the GMO has not yet produced specific data on the prevalence of sexual harassment in both public and private sectors. This gap

in data collection and monitoring could hinder effective policy responses. Therefore, strengthening data collection on sexual harassment is essential for facilitating informed interventions and enhancing workplace protections across all sectors.

- **Judicial chain actors:**

These include Investigators, Prosecutors as well as Judges/courts. They are in charge of investigating, prosecution and adjudication over both criminal and civil matters related to sexual harassment. It should be recalled some forms of sexual harassment are criminal offences under existing penal laws while others can be handled as civil or administrative matters. While there is paucity of data in terms of cases of sexual harassment at the level Rwanda Investigation Bureau, the Rwanda Prosecution offices and the Judiciary, judicial actors have competence to handle them in accordance with the law, especially article 149 of Law N°68/2018 of 30/08/2018 determining offenses and penalties in general and article 24 of Law N°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence.

Overall, despite the law criminalizing world of work sexual harassment and the existence of a judicial system, using the law to address world of work sexual harassment is still riddled with challenges that make it hard for victims to seek justice.

TRENDS OF SEXUAL HARASSMENT ON THE GROUND.

Beyond the progress made of and the existing gaps/challenges in the legal, policy and institutional framework on sexual harassment in Rwanda, sexual harassment remains prevalent. According to existing literature review, world of work sexual harassment is still prevalent; the majority of cases of sexual harassment go under reported; and there is limited knowledge about what constitutes sexual harassment.

- **World of work sexual harassment is prevalent.**

In Rwanda, while comprehensive official statistics specifically on workplace sexual harassment are lacking, available research provides insight into the issue. One study indicates that 10% of surveyed adult workers have experienced workplace sexual harassment. Another survey by Transparency International Rwanda found that over 60% of respondents had heard about gender-based corruption (a form of harassment) in the workplace within the past year.

The absence of comprehensive official statistics refers to the lack of nationwide, government-backed data that captures the full scope of sexual harassment across all sectors. This includes detailed reporting on incidents, the types of harassment, sectors most affected, and outcomes of legal or administrative actions. Without such data, it is challenging to fully understand the scale of the problem and design effective policies to address it. Globally, workplace harassment is widespread, with 22.8% of workers—roughly 743 million people—reporting at least one instance of violence or harassment during their working lives.

- **The majority of cases of sexual harassment go underreported.**

Despite a high level of knowledge of procedures concerning sexual harassment, the majority of cases of sexual harassment go under reported. Respondents who had experienced workplace sexual harassment and had considered it problematic did not take any steps to address the situation. According to TIR study¹⁴, this is mainly attributed to; Fear of retaliation (33.7%) followed by the lack of sufficient evidence (27%), the feeling that reporting will not change anything (20.2%), not knowing where to report the cases (13%) and taking it as normal (6%).

- **Limited knowledge about what constitutes sexual harassment.**

In Rwanda, the limited knowledge about what constitutes sexual harassment is partly due to the lack of clear definitions in the law. Although legal frameworks exist to address sexual harassment, many people remain confused about which behaviors are punishable. Without explicit definitions and widespread education, actions such as unwanted touching, inappropriate comments, or advances are often not recognized as forms of sexual harassment. This legal ambiguity contributes to underreporting and a general tolerance of inappropriate conduct, underscoring the need for clearer legal provisions and public awareness campaigns.

CONCLUSION

In conclusion, Rwanda has a solid legal, policy and institutional framework to expand measures to prevent and respond to sexual harassment in the world of work. Specifically, Rwanda's ratification of the ILO Convention on violence and harassment ushers in a chapter to revisit existing legal, policy and institutional framework with a view to address any missing gaps. The ILO Convention on violence and harassment is a blue-print to guide any subsequent reforms.

KEY RECOMMENDATIONS

The following recommendations aim to strengthen the response to workplace sexual harassment by addressing gaps in reporting, prevention, and legal protections. These proposals focus on improving data collection, enhancing enforcement mechanisms, and creating safer environments for victims to seek justice. By implementing these measures, policymakers can ensure a more effective and comprehensive approach to combating sexual harassment in the workplace.

- **Law N° 66/2018 of 30/08/2018:**

Amend Article 8 to incorporate a comprehensive definition of sexual harassment, in line with ILO Convention 190, covering harassment by peers, employers, and subordinates, as well as incidents occurring during remote work, work-related social events, and travel. Additionally, mandate all employers (public, private, civil society, and faith-based organizations) to develop workplace policies on violence and harassment, including sexual harassment, in consultation with workers, aligned with the national model policy.

- **Law N° 68/2018 of 30/08/2018:**

Amend Article 149 to better align with the ILO Convention's definitions and standards for sexual harassment. This should include recognizing both single and repeated incidents of harassment, and expanding the range of behaviors considered as sexual harassment.

- **Law N° 59/2008 of 10/09/2008:**

Revise Article 24 to incorporate a broader definition of sexual harassment in line with the ILO Convention. This revised definition should extend beyond the traditional employer-employee relationship to include all forms of workplace interactions, such as those between colleagues, supervisors, and subordinates.

- MIFOTRA should develop a national policy on safeguarding against Violence and Harassment to guide all public and private employers in designing their customized safeguarding against violence and Harassment policies in particular sexual harassment;
- MIFOTRA, in conformity with article 10(a) of the ILO Violence and harassment convention 2019, should develop specific indicators related to sexual harassment at the work place for both the public and private sector, and monitor and publish annual results in order to inform further reforms .
- Strengthen protection for vulnerable workers. MIFOTRA should collaborate with employers and workers' organizations to identify high-risk sectors, especially in the informal economy, and implement targeted measures to protect workers from sexual harassment.
- In accordance to article 8, employers must implement clear anti-harassment policies, provide regular training, and establish reporting and accountability mechanisms to ensure a safe, harassment-free workplace.
- It is recommended that institutions designate a dedicated focal person within their administrative structure to handle cases of sexual harassment in the world of work and ensure full compliance with the national policy.
- It is recommended that labor unions actively participate in the development, implementation, and monitoring of workplace sexual harassment policies, advocating for the rights of workers and ensuring that their concerns are addressed in line with the national policy.

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