

RWANDA / JUDGMENT

Niyo House v Umutoni

RCA 00044/2020/HC/KIG

COURT

High Court

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Niyo House v Umutoni

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Text

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NIYO HOUSE Ltd v UMUTONI [Rwanda URUKIKO RUKURU – RCA 00044/2020/HC/KIG (Kabagambe, P.J.) 10 Gasyantare 2021] Impanuka mu kazi – impanuka yatewe n’inyubako – Impanuka zikomoka ku murimo n’impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa ku bindi bijyanye n’akazi igatera umukozi igikomere. Iteka rya Minisitiri N°01 ryo kuwa 17/05/2012 rigena ishyirwaho rya Komite z’ubuzima n’umutekano ku kazi n’imikorere yazo, ngingo ya 2 Indishyi – Indishyi zikomoka ku mpanuka yatewe n’inyubako – Indishyi zikomoka ku mpanuka yatewe n’inyubako zitangwa na nyiri nyubako kabone nubwo uwayikomerekeyemo cyangwa uwo yahitanye yakoraga kuriyo nyubako ariko afitanye amasezerano n’ikindi kigo. Incamake y’Ikibazo:Uru rubanza rwatangiye Umutoni arega Niyo House Ltd mu Rukiko rwisumbuye rwa Nyarugenge asaba Urukiko gutegeka Niyo House Ltd kumuha indishyi zikomoka ku mpanuka umugabo we Karuranga yagize ubwo yakoraga akazi k’ubusekirite kuriyo nyubako hanyuma yegamiye garde foux mu igorofa ry’iyo nyubako ihita isenyuka na fer à béton zarimo amanukana nabyo yikubita hasi ahita apfa. Umugore wa nyakwigendera yegereye Niyo House Ltd asaba indishyi zikomoka kuri iyo mpanuka ariko ntibazimuha hanyuma atanga ikirego asaba ko uregwa amuha indishyi z’akababaro, izo gushyingura n’ikurikiranarubanza.Niyo House Ltd

yiregura ivuga ko ikirego cya Mutoni kitakwagirwa kuko iyi mpanuka yaturutse ku kazi nyakwinda yakoraga, akaba yari umukozi wa RGL Security Company Ltd , amasezerano y'uburinzi akaba yari hagati yiyo Company na Niyo House LTD, ivuga ko iyi mpanuka ikomoka ku kazi yakoraga akaba yaragombaga no guteganyirizwa, indishyi akaba yazaka umukoresha we kuko nta masezerano yagiranye na Niyo House Ltd. Urukiko Rwisumbuye rwa Nyarugenge rwemeje ko ikirego cy' Umutoni gifite ishingiye rumugenera indishyi. Niyo House Ltd ntiyishimiye imikirize y'urubanza ijurira mu rukiko Rukuru isaba gusuzuma niba uru rubanza rwari ruri mu bubasha bw'Urukiko Rwisumbuye mu manza mbonezamubano; anasaba Urukiko gusuzuma ugomba gutanga indishyi mu gihe mukozi ugize impanuka ari aho akorera akazi ke. Umutoni mu yatanze ubujurire bwuririye kubundi asaba gusuzuma amafaranga y'indishyi uko zari zasabwe mu rukiko rwisumbuye rwa Nyarugenge, indishyi z'akababaro, anasaba igihembo cya avoka mu rwego rw'ubujurire. Urukiko rwemeje Urubanza ari mbonezamubano, rwemeza kandi ko indishyi zigomba gutangwa na Niyo house kuko atari impanuka y'akazi. Rwemeje nanone ko indishyi zatanze n'Urukiko rwabanje zidahindutse. Incamake y'icyemezo:

1. Impanuka zikomoka ku murimo n'impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa ku bindi bijyanye n'akazi igatera umukozi igikomere. Bityo impanuka Karuranga yagize ntabwo ari impanuka y'akazi kuko itabaye ku mpamvu cyangwa kubera imiterere y'akazi ke, ntacyo umukoresha we yari gukora kugira ngo yirinde iyi mpanuka. 2. Indishyi zikomoka ku mpanuka yatewe n'inyubako zitangwa na nyiri nyubako kabone nubwo uwayikomerekeyemo cyangwa uwo yahitanye yakoraga kuriyo nyubako ariko afitanye amasezerano n'ikindi kigo.

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Ubujujire nta shingiro bufite Amategeko yashingiweho Iteka rya Minisitiri N°01 ryo kuwa 17/05/2012 rigena ishyirwaho rya Komite z'ubuzima n'umutekano ku kazi n'imikorere yazo, ingingo ya 2 Iteka rya Minisitiri No 02 ryo kuwa 17/5/2012 ryo kuwa 17/05/2012 rigena ibigomba kubahirizwa birebana n'ubuzima n'umutekano ku kazi, ingingo ya 4 Nta manza zifashishijwe Inyandiko z'abahanga zifashishijwe. <https://www.ilo.org/public/french/standards/relm/ilc/ilc90/rep-v-1.htm> Urubanza I. IMITERERERE Y'URUBANZA [1] Uru rubanza rwatangiriye mu Rukiko rwisumbuye rwa Nyarugenge Umutoni Sylvine arega Niyo House Ltd asobanura ko kuwa 10/4/2015 umusekirite warindaga ku nyubako ya Niyo House Ltd ya Niyonzima Gade iri mu marembo ya gare yegamiye garde foux mu igorofa ry'ayo nyubako ihita isenyuka na fer à béton zarimo amanukana nabyo yikubita hasi ahita apfa. Umugore wa nyakwigendera yegereye Niyo House LTD asaba indishyi zikomoka kuri iyo mpanuka ariko ntibazimuha akaba aregeye urukiko asaba ko uregwa amuha indishyi z'akababaro, izo gushyingura n'ikurikiranarubanza. [2] Niyo House Ltd mu kwiregura isobanura ko iki kirego kitakwagirwa kuko iyi mpanuka yaturutse ku kazi nyakwinda yakoraga, akaba yari umukozi wa company ikora iby'uburinzi yitwa RGL Security Company Ltd , amasezerano y'uburinzi akaba yari hagati ya Company na Niyo House LTD, kuba nta masezerano ayo ari yo yose yagiranye na nyakwigendera, bituma iyi mpanuka ikomoka ku kazi yakoraga akaba yaragombaga no guteganyirizwa, indishyi akaba yazaka umukoresha we kuko nta masezerano yagiranye na Niyo House LTD. [3] Umutoni Sylvine mu kwiregura asobanura ko atari impanuka y'akazi kuko ntaho bihuriye, kuba yari umusekirite no

kugwirwa n'inzu yubitse nabi kandi itarafatiwe ubwishingizi, ntaho bihuriye ku buryo byaba impanuka y'akazi, akaba yahabwa indishyi asaba. [4] Kuwa 30/12/2019 Urukiko Rwisumbuye rwa Nyarugenge rwaciye urubanza rwemeza kwakira ikirego rwashyikirijwe na Umutoni Sylvie rugisuzumye rusanga gifite ishingiro; rutegeka Niyo House LTD kumwishyura indishyi zingana na miliyoni eshanu n'ibihumbi magana arindwi (5.700.000Frw); Rutegeka Niyo House LTD kumwishyura amafaranga angana na miliyoni imwe (1.000.000Frw) y'igihembo cy'avoka; ruvuga ko amafaranga ibihumbi makumyabiri (20.000Frw) yatanzeho ingwate y'amagarama arega aguma mu isanduku ya Leta, Niyo House Ltd ikayamusubiza mu minsi umunani uru rubanza rubaye itegeko.

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[5] Niyo House Ltd ntiyishimiye imikirize y'urubanza ijurira mu rukiko Rukuru isaba gusuzuma niba uru rubanza rwari ruri mu bubasha bw'Urukiko Rwisumbuye mu manza mbonezamubano ; gusuzuma ugomba gutanga indishyi ku mukozi ugize impanuka ari aho akorera akazi ke. [6] Umutoni Sylvine mu kwiregura yatanze ubujurire bwuririye kubundi asaba gusuzuma amafaranga y'indishyi uko zari zasabwe mu rukiko rwisumbuye rwa Nyarugenge, indishyi z'akababaro, igihembo cya avoka mu rwego rw'ubujurire [7] Ibibazo bigomba gusuzumwa mu rubanza ari ukumenya niba uru rubanza rwari ruri mu bubasha bw'Urukiko Rwisumbuye mu manza mbonezamubano; gusuzuma ugomba gutanga indishyi ku mukozi ugize impanuka ari aho akorera akazi ke; gusuzuma amafaranga y'indishyi uko zari zasabwe m'Urukiko Rwisumbuye rwa Nyarugenge, indishyi z'akababaro, igihembo cy'Avoka mu rwego rw'ubujurire. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA A. Gusuzuma niba uru rubanza rwari ruri mu bubasha bw'Urukiko Rwisumbuye mu manza mbonezamubano [8] Uhagarariye Niyo House Ltd avuga ko mu by'ukuri amasezerano y'umurimo yabaye hagati ya Niyo House Ltd na RGL Security Company Ltd akaba yarashingiye ku kuba Company yiyemeje gukora umutekano, bivuze ko yagombaga no kohereza umukozi wayo, ibyo koko byarakozwe ariko Karuranga Jean Claude ntiyigeze amenywa na Niyo House Ltd nk'umukozi wayo, ahubwo yamubonaga nk'umuntu watumwe na RGL Security Company Ltd uri mu kazi ke. Ibi bikaba bisobanuye ko ibyago, impanuka n'ibindi byose byari kumubaho mu kazi ke hagombaga kwitabazwa inkiko ziburanisha imanza z'umurimo zikareba uburenganzira bw'Umukozi ugiriye impanuka mu kazi ke ; [9] Uhagarariye Niyo House Ltd avuga ko asanga uru rubanza rwari gushyikirizwa urukiko ruburanisha imanza z'umurimo kuko ibyabaye byose bishingiye ku mukozi uri mu kazi ke, na none kandi Karuranga Jean Claude iyo aba ataje mu kazi ntiyari gukora n'impanuka kandi niyo ayikora yaje kwitemberera atari mu kazi nibwo byari kuba byashakirwa indi nyito, bityo rero ibyamubayeho basanga ari impanuka yabaye ari mu kazi, ari nayo mpamvu urukiko ruburanisha imanza z'umurimo ari rwo rurebwa n'iki kibazo. Iteka rya Minisitiri no 01 ryo kuwa 17/05/2012 rigena ishyingiraho za Komite z'ubuzima n'umutekano ku kazi n'imikorere yazo mu ngingo ya 2 agace 1 aho igira iti"impanuka zikomoka ku murimo ni impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa kubindi bijyanye n'akazi (...) ibi bikaba bishimangira koko impanuka y'abaye ari iy'akazi. [10] Abahagarariye Umutoni Sylvine

bavuga ko uru rubanza rwari mu bubasha bw'Urukiko Rwisumbuye rwa Nyarugenge kubera ko ari indishyi zasabwe zikomoka ku myubakire mibi ya Niyo House yateje impanuka bitarashobokaga ko umukoresha wa Karuranga yaba yarabashaga kubiburizamo nk'umukoresha ngo bibone uburangare bw'umukoresha bityo byitwe impanuka y'akazi nkuko byasobanuwe mu gika cya [6] cy'urubanza rujuririrwa ujurira atabashije kubonera ibimenyetso byavuguruza izo ngingo zashingiweho n'urukiko rwaruciye.

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- [11] Abahagarariye Umutoni Sylvine bavuga ko urukiko rwabisobanuye mu buryo bukurikira: «Rubona mu gusobanura impanuka y'akazi hakwiye kwifashishwa ibiteganywa n'Iteka rya Minisitiri N°01 ryo kuwa 17/05/2012 rigena ishyirwaho rya Komite z'ubuzima n'umutekano ku kazi n'imikorere yazo mu ngingo ya 2 al 1 aho basobanura ko impanuka zikomoka ku murimo ari impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa ku bindi bijyanye n'akazi igatera umukozi igikomere n'ingingo ya 4 y'Iteka rya Minisitiri No 02 ryo kuwa 17/5/2012 ryo kuwa 17/05/2012 rigena ibigomba kubahirizwa birebana n'ubuzima n'umutekano ku kazi iteganya ko umukoresha wese agomba kubungabunga ubuzima, umutekano n'imibereho myiza by'abantu bose bakora mu kigo cye cyangwa aho ashinzwe kuyobora. Rukaba rusanga impanuka yahitanye Karuranga Jean Claude itakwitwa impanuka y'akazi kuko ntacyo umukoresha we yari gukora kugirango yirinde iyi mpanuka ku mukozi we; bityo kuba nyakwigendera Karuranga Jean Claude wari umusekirite muri iyo nyubako ya Niyo House yaregamiye garde foux akamanukana nayo muri étage akikubita hasi agahita apfa ntaho bihuriye n'akazi yakoraga k'ubusekirite, abo mu muryango wa nyakwigendera hakaba ntacyababuzaga gukurikirana nyiri inzu yahitanye nyakwigendera, akaba rero ari ikirego cy'imbonezamubano kiburanishwa n'uru rukiko». [12] Abahagarariye Umutoni Sylvine bavuga ko iyi mpamvu rero y'ubujurire ya Niyo House ntikwiye guhabwa ishingiro kuko nta bisobanuro atanga byavuguruza isesengura ry'urubanza ryakozwe n'Urukiko, ndetse atanashobora kuvuguruza imanza RC0138/12/TGI/Gasabo rwaciwe kuwa 21/10/2013 na RCA0669/13/HC/KIG rwaciwe n'uru rukiko kuwa 27/06/2014, zombi za Nsanzimana J. Damascène waburanaga na Uwimbabazi Marie Gonzague. UKO URUKIKO RUBIBONA [13] Urukiko rukuru rusanze, nkuko urukiko rwisumbuye rwa Nyarugenge rwabisanze, hashingiwe ku biteganywa n'Iteka rya Minisitiri N°01 ryo kuwa 17/05/2012 rigena ishyirwaho rya Komite z'ubuzima n'umutekano ku kazi n'imikorere yazo mu ngingo ya 2 al 1 aho basobanura ko impanuka zikomoka ku murimo ari impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa ku bindi bijyanye n'akazi igatera umukozi igikomere n'ingingo ya 4 y'Iteka rya Minisitiri No 02 ryo kuwa 17/5/2012 ryo kuwa 17/05/2012 rigena ibigomba kubahirizwa birebana n'ubuzima n'umutekano ku kazi iteganya ko umukoresha wese agomba kubungabunga ubuzima, umutekano n'imibereho myiza by'abantu bose bakora mu kigo cye cyangwa aho ashinzwe kuyobora; rusanze impanuka yahitanye Karuranga Jean Claude atari impanuka y'akazi kuko itabaye ku mpamvu cyangwa kubera imiterere y'akazi ke, ntacyo umukoresha we yari gukora kugira ngo yirinde iyi mpanuka ku mukozi we kuko ibyayiteye atari uburyo bwo gukora akazi ke. Bityo, nkuko urukiko rwisumbuye rwa

Nyarugenge rwabisanze kuba nyakwigendera Karuranga Jean Claude wari umusekirite muri iyo nyubako ya Niyo House yaregamiye garde foux akamanukana nayo muri étage akikubita hasi agahita apfa ntaho bihuriye n'akazi yakoraga k'ubusekirite, abo mu muryango wa nyakwigendera hakaba ntacyababuzwa gukurikirana nyiri inzu yahitanye nyakwigendera. Rusanze rero ari ikirego cyatanze na Umutoni Sylvine ari ikirego cy'imbonezamubano. Rusanze rero urubanza rwaburanishijwe n'umucamanza ubifitiye ububasha. B. Gusuzuma ugomba gutanga indishyi ku mukozi ugize impanuka ari aho akorera akazi ke

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- [14] Uhagarariye Niyo House Ltd avuga ko Umukozi wese uri mu kazi agirana amasezerano n'umukoresha we cyane cyane hakitabwa ku by'ingenzi birimo ubwishingizi bw'akazi ku mpanuka n'ibindi mu gihe umukozi ari mu kazi ke. Nkuko babigaragaje, amaserano y'akazi ari hagati ya Niyo House LTD na RGL Security Company Ltd, Karuranga Jean Claude ntaho agaragara muri ayo masezerano, bityo rero impanuka yose cyangwa ikindi cyamuhungabanya mu migendekere y'akazi ke cyizitwa impanuka y'akazi, bikaba bigomba kubazwa umukoresha we maze hakarebwa amasezerano bagiranye. Niyo House LTD kumuca indishyi zikomoka ku mpanuka umukozi utari uwe yagiriye mu kazi ke, byaba ari ukumurenganya. [15] Uhagarariye Niyo House Ltd avuga ko Urukiko ku rwego rwa mbere narwo amategako rwashingiyeho agaragaza ko ubuzima bw'umukozi bushinzwe umukoresha we igihe ari mu kazi, nyamara icyitwa impanuka y'akazi cyose ni ikigusanze mu kazi kawe waba wakagezeho cyangwa uri mu nzira werekeza aho akazi gakorerwa. Impanuka kandi iza itunguranye kandi utayigizemo uruhari bikaba byuvikana neza ko Karuranga Jean Claude yagize impanuka ari mu kazi ke yari yatumwemo n'umukoresha we, akaba ari nawe wabazwa indishyi zose zikomoka kuri iyo mpanuka. [16] Uhagarariye Niyo House Ltd avuga ko bitumvikana ukuntu Urukiko ku rwego rwa mbere rwatandukanya ibyabaye ku mukozi uri mu kazi ke mu gihe ingingo ya 81 agace ka 1 na 3 y' Itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda iteganya ko "Mu rwego rwo gukumira no kurwanya impanuka n'indwara bikomoka ku kazi, umukoresha akora ibi bikurikira: 1 ° kugenzura ibyatera impanuka n'indwara zikomoka ku kazi; 3 ° gukumira ibyatera impanuka n'indwara zikomoka ku kazi; ibi bikaba bivuze ko n'Umukoresha wa Karuranga Jean Claude atigeze abona ko aho umukozi we akorera hateza ikibazo, kuko iyo koko haba hari icyateza impanuka, umukoresha we akaba abizi ntiyari kuhashyira umukozi we nk'uko amategako abivugaga, na Niyo House Ltd iyo aza kuba abizi, ntibyari kuba bikitwa impanuka byari gushakirwa irindi zina ari nabwo Niyo House Ltd yari kubibazwa akaba yanabacirirwa indishyi, ariko nkuko bigaragara n'impanuka y'akazi kuko umukoresha mu gukora amasezerano na Niyo House Ltd yabonaga aho akazi gakorerwa hajyanye n'ibisabwa. Indishyi rero zicibwa Niyo House Ltd zikaba nta shingiro zahabwa kuko nta mukozi wayo wakoze impanuka. [17] Uhagarariye Niyo House Ltd avuga ko ariko na none n'ubwo uwareze ku rwego rwa mbere asaba indishyi ashingiye ku mpanuka, nyamara nta kimenyetso agaragaza ko koko iyo mpanuka yabayeho kuko nta nyandiko ya Police cyangwa y'urundi rwego rubifitiye ububasha bigaragaza ko impanuka yabereye kuri iyo nzu, nta n'icyemezo

cy'urwego urwo ari rwo rwose cyemeza ko iyo nzu hari ubusembwa yari ifite bwashoboraga guteza impanuka kandi niyo iyo mpanuka yabaho harebwa uko amasezerano ateye, kuko amasezerano agira ingaruka kubayagiranye: Ingingo ya 64 y'Itegeko No45/2011 ryo kuwa 25/11/2011 rigenga amasezerano aho igira iti"Amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyumvikanyeho cyangwa kumpamvu zemewe n'amategeko. Agomba kubahirizwa nta buriganya. Ibi byose bikaba bigaragaza ko nta ndishyi zabazwa Niyo House Ltd. [18] Uhagarariye Niyo House Ltd avuga ko inyandiko yakozwe n'ubuyobozi bw'Akagari ka Nyabugogo ntiyashingirwaho kuko atari expertise ya muganga, kuko bizwi neza inzego zemeza urupfu rw'umuntu n'icyaruteye, ikindi kandi nta muhanga wigeze agaragaza ko iyo nzu yari ifite inenge kugeza aho icyuma cyacika kigahubukana umuntu agapfa ibyo bikaba nta gihamya

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babigarariye y'umuhanga wemewe n'amategeko ariyo mpamvu Niyo House Ltd nta ndishyi yabazwa. [19] Uhagarariye Umutoni Sylvine avuga ko ubujurire bwa Niyo House ntibukwiye guhabwa ishingiro kuko nawe ubwe avuga ko kugira ngo impanuka yitwe iy'akazi ishingira ku bivugwa mu ingingo ya 81 agace ka 1 na 3 y' Itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda aho iteganya ko «Mu rwego rwo gukumira no kurwanya impanuka n'indwara bikomoka ku kazi, umukoresha akora ibi bikurikira: 1 ° kugenzura ibyatera impanuka n'indwara zikomoka ku kazi; 3 ° gukumira ibyatera impanuka n'indwara zikomoka ku kazi »; kandi inyubako ya Niyo House Ltd ntacyo RGL Security Company Ltd yari buyikoreho ngo irinde Karuranga mu kazi ke dore ko itari izi ko yubatswe nabi. Indishyi rero zatanze zari zubahirije itegeko gusa n'uko izatanze ari nke ugereranyije n'umubabaro Umutoni Sylvine yasigiwe n'urupfu rw'umugabo we Karuranga. UKO URUKIKO RUBIBONA [20] Hashingiye ku biteganywa n'Iteka rya Minisitiri n°01 ryo kuwa 17/05/2012 rigena ishyirwaho rya Komite z'ubuzima n'umutekano ku kazi n'imikorere yazo mu ngingo ya 2 al 1 aho basobanura ko impanuka zikomoka ku murimo ari impanuka iza mu buryo butunguranye iturutse ku kazi cyangwa ku bindi bijyanye n'akazi igatera umukozi igikomere. Kandi Abahanga mu by'amategeko by'umurimo nabo basobanura ko impanuka y'akazi n'impanuka yatewe n'imikorere y'akazi mu gihe cy'akazi. 1 [21] Urukiko rusanze, nkuko byasobanuwe n'urukiko rubanza nyakwigendera Karuranga Jean Claude wari umusekirite mu nyubako ya Niyo House yaregamiye garde foux akamanukana nayo muri étage akikubita hasi agahita apfa, ntaho bihuriye n'akazi yakoraga k'ubusekirite. Rusanze impanuka yabahe atari impanuka y'akazi, kuko idatewe n'akazi nyakwigendera yakoraga, nubwo yabereye ku kazi, nkuko bigaragazwa na raporo y'Ubuyobozi bw'umudugudu wa Nyabugogo, akagari ka Kimisagara, Umurenge wa Kimisagara, akarere ka Nyarugenge, bwemeje ko Nyakwigendera yitabye Imana yahanutse kuri étage ya Niyo House mu mudugudu wa Nyabugogo 1 Organisation Internationale du Travail, Bureau international du travail Genève, conference international du travail, 90e session, juin 2002, rapport V(1) cinquième question à l'ordre du jour: "Enregistrement et déclarations des accidents du travail et des maladies professionnelles et liste des des maladies professionnelles, : Les définitions ci-après proviennent du Recueil de directives pratiques sur l'enregistrement et la déclaration des

accidents du travail et des maladies professionnelles, que le BIT a publié en 1996. Accident du travail: accident survenu du fait du travail ou pendant le travail et ayant entraîné: a) des lésions professionnelles mortelles; b) des lésions professionnelles non mortelles. Maladie professionnelle: maladie contractée à la suite d'une exposition à des facteurs de risque découlant d'une activité professionnelle. Accident de trajet: accident survenu sur le trajet direct que le travailleur parcourt entre son lieu de travail et: a) soit le lieu de sa résidence principale ou secondaire; b) soit le lieu où il prend normalement ses repas; c) soit le lieu où il reçoit normalement son salaire, et ayant entraîné la mort ou des lésions corporelles occasionnant une perte de temps de travail. Événement dangereux: événement facilement identifiable selon la définition qu'en donne la législation nationale, qui pourrait être cause de lésions corporelles ou d'atteintes à la santé chez des personnes occupées à leur travail, ou dans le public. Incident: événement, lié au travail ou survenu au cours du travail, n'ayant pas entraîné de lésions corporelles ou ayant entraîné des lésions corporelles qui ont nécessité uniquement l'administration de premiers soins. <https://www.ilo.org/public/french/standards/relm/ilc/ilc90/rep-v-1.htm> Consulté le 4/2/2021 à 11h51

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kuwa 10/04/2015. Rusanze niyo House Ltd nta raporo nimwe igaragaza yaba yarakoresheje, nka nyiri inzu y'aho abereye impanuka, ivuguruza icyemezo cyafashwe n'urukiko rwisumbuye rwa Nyarugenge; bityo rusanze nta kosa urukiko rwisumbuye rwakoze mu kwemeza ko nyiri inzu Niyo House Ltd ariwe ugomba gucibwa indishyi kuko atari impanuka y'akazi. C. Gusuzuma amafaranga y'indishyi zari zasabwe m'Urukiko Rwisumbuye rwa Nyarugenge, indishyi z'akababaro, n'igihembo cy'avoka mu rwego rw'ubujurire [22] Uhagarariye Umutoni Sylvine avuga ko ashingiye ku ngingo ya 152 CPCSA, hatanzwe ubujurire bwuririye ku bwa Niyo House Ltd basaba ko yaryozwa indishyi uko zari zasabwe m'Urukiko Rwisumbuye rwa Nyarugenge zingana na 24.720.000Frw aho batse indishyi mbonezamusaruro zingana na miliyoni cumi n'umunani n'ibihumbi Magana arindwi na myakumyabiri (18.720.000Frw) ahwanye n'amafaranga y'igihembo cy'umugabo we mu gihe cy'ubuzima yari asigaje kwibeshaho akora cy'imyaka 24 kuko yavutse 1974 agapfa 2015 habariwe ku myaka 65 yo kujya mu kiruhuko cy'izabukuru, akiyongeraho indishyi z'akababaro zigenwe mu bushishozi bw'urukiko zahabwa uwapfushije umugabo yakundaga n'impozamarira ku bana yasize za miliyoni esheshatu (6.000.000Frw) zikubiyemo n'ayakoreshejwe ashyinguza umugabo we, yose hamwe akaba angana na miliyoni makumyabiri n'enye n'ibihumbi Magana arindwi na makumyabiri (24.720.000Frw), ndetse hakanatangwa igihembo cya avocat mu rwego rw'ubujurire cya 1.000.000Frw, bityo yose hamwe akaba 25.720.000Frw. [23] Uhagarariye Niyo House Ltd avuga ko ibyo basabye ntashingiro bifite kubera impamvu bagaragaje kuko harezwe utaragombaga kuregwa n'urukiko rukaba ntabubasha UKO URUKIKO RUBIBONA [24] Urukiko rusanze indishyi zatanze atari indishyi zikomoka ku mpanuka yatewe n'ikinyabiziga kugira ngo ibarwe nkuko Umutoni Sylvine azisaba. Rusanze indishyi zitangwa ku zindi mpanuka mu manza z'imbonezamubano zitangwa mu bushishozi bw'urukiko, mu gihe nta tegeko riteganywa uko zigomba kubarwa. Urukiko rusanze kuba izi ndishyi zatanze mu bushishozi bw'urukiko, Umutoni Sylvine akaba atagaragaza ikosa

umucamanza yaba yarakoze mu kuzitanga. Bityo zitagomba guhinduka. Ariko Niyo House LTD igomba guha Umutoni Sylvine amafaranga 100.000frw y'ikurikirana rubanza mu bujurire na 500.000frw y'igihembo cy'avoka mu bujurire, kuko ubujurire bwayo budafite ishingiro, kandi byatumye Umutoni Sylvine akurikirana urubanza rwe mu bujurire ndetse ashaka umwunganira mu mategeko. III. ICYEMEZO CY'URUKIKO [25] Rwemeje ko ubujurire bwatanzwe na Niyo House LTD budafite ishingiro . [26] Rwemeje kwakira ubujurire bwuririye ku bundi bwatanzwe na Umutoni Sylvine rubusuzumye rusanga bufite ishingiro kuri bimwe. [27] Rwemeje ko urubanza RC00680/2019/TGI/NYGE rwaciwe kuwa 30/12/2019 n'urukiko rwisumbuye rwa Nyarugenge rudahindutse.

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[28] Rutegetse Niyo House LTD guha Umutoni Sylvine amafaranga 100.000frw y'ikurikirana rubanza na 500.000frw y'igihembo cy'avoka mu bujurire. [29] Rutegetse ko amafaranga 40.000Frw y'amagarama yatanze na Niyo House LTD irega ahwanye n'ibyakoze mu rubanza.

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