



**RWANDA FDA INTERNAL RULES AND REGULATIONS  
ON HUMAN RESOURCE**

**RWANDA FDA**  
Rwanda Food and Drugs Authority  
**MAY, 2021**

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## ADOPTION AND APPROVAL

In EXERCISE of the powers conferred upon the Board of Directors of Rwanda Food and Drugs Authority by Article N° 9 of the Law N° 003/2018 of 09/02/2018 establishing Rwanda FDA and determining its mission, organization and functioning, the Board of Directors adopted and approved these Internal Rules and Regulations on Human Resource during the meeting held on 11<sup>th</sup> May 2021.

  
**Dr. KARITA Etienne**  
Chairman, Board of Directors



**RWANDA FDA**  
Rwanda Food and Drugs Authority

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## DEFINITION OF TERMS

Appointment	An offer of job or position of responsibility to a person in Rwanda FDA. These include promotion from one position to another or transfer from one post to another.
Code of conduct	Written collection of rules, principles, values and employee expectations, behavior and relationship considered essential for successful operations of Rwanda FDA.
Conflict of interest	A situation in which someone, who has to make a decision in an official capacity, stands to gain personally from the decision.
Contract terms	An agreement of employment in which a specific period of employment and related benefits are expressed.
Dependent	A member of an employee's family who legally depends on that employee for his /her livelihood.
Deployment	Transfer of an employee from one work station to another within the same department at the same level.
Duty station	A place where a Public servant is posted/ or deployed for the purpose of providing Public Services.
Immediate family	Unit of social relationship comprising an employee, a spouse, biological or legally adopted children aged below 25 years of age and depend on the employee and biological parent.
Leave of absence	is when a member of staff who is occupying a permanent post in the Authority and who, for reasons of personal interest, is authorized to interrupt his/her duties for specific or non-specific period
Member of staff	A person who has an employment relationship with Rwanda FDA.
Secondment	is when a member of staff is assigned duties for a specified period of time in an international organization, a public or private enterprise in which the Government of the Republic of Rwanda or the Authority has interest.
Spouse	A wife or husband of Rwanda FDA employee
Suspension	is when a member of staff due to particular reasons is temporarily stopped from executing his/her duties.
Transfer	is when a member of staff is relocated from one duty station to another or

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	moved from one department, division or unit to another, within the Authority.
Effective date	Date of commencement

## ABBREVIATIONS AND ACRONYMS

Authority	Rwanda Food and Drugs Authority
Internal rules and regulations	Rwanda FDA internal rules and regulations
Rwanda FDA	Rwanda Food and Drugs Authority
QMS	Quality Management System

In these Regulations, the following verbal forms are used:

- “shall” indicates a requirement;
- “should” indicates a recommendation;
- “may” indicates a permission; and
- “can” indicates a possibility or a capability.

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## 1.0 INTRODUCTION

### 1.1 Mandate of Rwanda Food and Drugs Authority

Rwanda Food and Drugs Authority hereafter designated as the “Authority”, was established by the law N° 003/2018 of 09/02/2018 determining its mission, organization and functioning. The mandate of the Authority is to protect public health through regulation of human and veterinary medicines, vaccines and other biological products, processed foods, poisons, medicated cosmetics, medical devices, household chemical substances, tobacco & tobacco products.

### 1.2 Vision of Rwanda FDA

A world class regulatory Authority effectively protecting and promoting public health

### 1.3 Mission of Rwanda FDA

To regulate medical products, processed foods, household chemicals, and tobacco and tobacco products to ensure their quality and safety so as to protect the population of Rwanda from defective, falsified and substandard products.

### 1.4 Core Values of Rwanda FDA

The conduct and performance of the Authority is underpinned by the following five core values:

serving with **Professionalism** for excellent service delivery  
continuously work with **Integrity** promoting **Accountability** at all times  
nurturing **Teamwork** to achieve common objectives  
striving for **Innovation** to create value for our stakeholder and other interested parties

### 1.5 The Board of Directors

The Board of Directors of Rwanda FDA is the supreme management and decision making organ. It has full powers to make decisions regarding administration, human resources and property of Rwanda FDA in order to fulfill its mission (ref. Law N° 003/2018, Article 14).

The Board of Directors of Rwanda FDA is composed of seven (7) members appointed by a Presidential Order including the Chairperson and the Deputy Chairperson (ref. Law N° 003/2018, Article 13).

The responsibilities of the Board of Directors of Rwanda FDA are as follows:

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- 1) to oversee the functioning of the Executive Organ and provide strategic guidance to be followed in the fulfillment of its mission;
- 2) to approve strategic plan and action plan of Rwanda FDA and related reports;
- 3) to sign a performance contract with the supervising authority of Rwanda FDA and follow up its implementation;
- 4) to approve the procedures manual and internal rules and regulations of Rwanda FDA;
- 5) to approve the draft budget proposal of Rwanda FDA and monitor the budget use and its execution;
- 6) to take decision on all matters falling under the mission of Rwanda FDA;
- 7) to assess the functioning of Rwanda FDA in accordance with the action plan and budget;
- 8) to adopt the draft organizational structure of Rwanda FDA;
- 9) to adopt activity and financial reports for the previous year; and
- 10) to submit quarterly report to the supervising authority of Rwanda FDA.

### **1.6 The Executive Organ of the Authority**

The Executive Organ of Rwanda FDA is composed of the Director General appointed by a Presidential Order and other staff members recruited in accordance with relevant laws. The Director General is the administrative and technical head of Rwanda FDA.

The Executive Organ of Rwanda FDA has the following key responsibilities:

- 1) to monitor and coordinate daily duties and activities;
- 2) to perform any other duty as may be assigned by the Board of Directors falling within the mission of the Authority

The Director General of Rwanda FDA has the power of decision in the administrative and financial management of Rwanda FDA in accordance with relevant laws. He/she coordinates and directs the activities of Rwanda FDA to monitor and coordinate daily duties and activities; to perform any other duty as may be assigned by the Board of Directors falling within the mission of Rwanda FDA.

The Director General of Rwanda FDA has the following duties:

- 1) to serve as legal representative of Rwanda FDA;
- 2) to monitor daily activities of Rwanda FDA;
- 3) to serve as the spokesperson of Rwanda FDA;
- 4) to ensure the implementation of the decisions of the Board of Directors of Rwanda FDA;

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- 5) to ensure the management of staff, equipment and property of Rwanda FDA and submit a related report to the Board of Directors;
- 6) to prepare the activity plan and report to be approved by the Board of Directors of Rwanda FDA;
- 7) to prepare the draft internal rules and regulations of Rwanda FDA to be approved by the Board of Directors of Rwanda FDA;
- 8) to prepare and implement the strategic plan and action plan of Rwanda FDA;
- 9) to prepare the draft budget proposal of Rwanda FDA;
- 10) to ensure the execution of Rwanda FDA budget;
- 11) to produce the annual activity and financial reports of Rwanda FDA; and
- 12) to perform any other duty relating to the mission of Rwanda FDA as the Board of Directors may assign to him/her.

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## CHAPTER I: GENERAL PROVISIONS

### Article 1: Citation

This document and its provisions shall be cited as "*Rwanda Food and Drugs Authority Internal Rules and Regulations on Human Resource*" and is hereafter designated as "*Rwanda FDA Internal Rules and Regulations*".

### Article 2: Purpose of Rwanda FDA Internal Rules and Regulations

- 1) The Rwanda FDA Internal Rules and Regulations specifies the rights and obligations of a member of staff towards the Authority and the Authority to the Member of staff in order to guide timely, consistent, equitable and transparent decision making on human resources to prevent subjective decisions.
- 2) The provisions of the Rwanda FDA Internal Rules and Regulations are intended to create a harmonious working environment for enhanced organizational performance, prevent legal challenges and employee grievances, and provide a system for internal controls in human resource management.

### Article 3: Scope of Rwanda FDA Internal Rules and Regulations

- 1) The Internal Rules and Regulations on Human Resource apply to the members of staff of the Authority and shall be used within the context of, and in compliance with the provisions of the Law N° 003/2018 of 09/02/2018 establishing Rwanda Food and Drugs Authority and Determining its Mission, Organization and Functioning; and any other applicable laws and presidential Orders.
- 2) The extent to which Internal Rules and Regulations apply to interns and service providers is not in the contractual employment of the Authority, but shall be limited to provisions in their specific letters of engagement or terms of reference or memoranda of understanding.
- 3) The Internal Rules and Regulations shall be used within the context of, and in compliance with the provisions in the applicable laws and Presidential Orders. In case of conflict of any section in the Rwanda FDA Internal Rules and Regulations with any law or Presidential Order; the law or the Presidential Order shall take precedence.

### Article 4: Mandate of the Rwanda FDA Internal Rules and Regulations

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The Rwanda FDA Internal Rules and Regulations derives its mandate from the following laws and presidential order:

- 1) Law N° 003/2018 of 09/02/2018 Establishing Rwanda Food and Drugs Authority and Determining its Mission, Organization and Functioning;
- 2) Law N° 66/2018 of 30/08/2018 Regulating Labour in Rwanda;
- 3) Law N° 017/2020 of 7/10/2020 Establishing the General statute governing public servants;
- 4) Presidential Order 021/01 of 24/2/2021 determining professional ethics for public servants.
- 5) Prime Minister order No 162/03 of 21/12/2020 determining the organizational structure of Rwanda Food and Drugs Authority.
- 6) Presidential Order N° 128/01 of 03/12/2020 relating to recruitment of public servant and induction programme
- 7) Presidential Order N° 099/01 of 18/09/2019 establishing special statutes governing employees of Rwanda Food and Drugs Authority;

**Article 5: Responsibility for implementation of the Rwanda FDA Internal Rules and Regulations**

- 1) The Board of Directors is responsible for approval and overseeing the application of the Rwanda FDA Internal Rules and Regulations.
- 2) The Director General shall be responsible for the effective and consistent implementation of the Rwanda FDA Internal Rules and Regulations to all members of staff.
- 3) All members of staff are responsible for reading and understanding the Rwanda FDA Internal Rules and Regulations in order to know their responsibilities, accountabilities, rights and limits.
- 4) The Director Human Resource and Administration is responsible for explaining the provisions of the Internal Rules and Regulations and supporting its application.
- 5) The staff in charge of quality management systems shall be responsible for coordinating the revision and/or amendment of these Internal Rules and Regulations in accordance with authorization by the Director General and approval by the Board of Directors.

**Article 6: Revision and amendment of the Rwanda FDA Internal Rules and Regulations**

- 1) The Rwanda FDA Internal Rules and Regulations may be amended by the Authority and such amendment is adopted and approved by the Board of Directors at any time, as and when necessary i.e., as the Authority becomes aware of changes in governance practices or legislative changes that require changes to any provision herein.

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- 2) Notwithstanding the above, the Rwanda FDA Internal Rules and Regulations shall be reviewed every after three years from the effective date (commencement date) indicated in the footer, even if there is no change or amendment to be done, in accordance with the requirement of the Quality Management System (QMS), to ensure its continued adequacy and suitability.

#### **Article 7: Distribution**

- 1) Controlled hard copies to members of the Board of Directors and members of staff of Rwanda FDA
- 2) Controlled electronic copies to the QMS shared folder on the Rwanda FDA server (\\rwandafdaserver\qms\irr).
- 3) Controlled hard copy to any person upon request.

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## **CHAPTER II: RECRUITMENT, COMMENCEMENT OF SERVICE, PROBATION PERIOD, OFFICIAL APPOINTMENT**

### **SECTION 1: RECRUITMENT**

#### **Article 8: Conditions for recruitment**

Recruitment shall only be carried out if; there is a vacant post(s), budgeted for and included on the organizational structure. However, contractual staff can be recruited on special needs of the Authority for a specific period of time.

#### **Article 9: Requirements for recruitment**

- 1) The recruitment shall be carried out through competition or appointment;
- 2) The Authority shall accord equal opportunity to all applicants
- 3) An applicant shall hold a required degree or certificate with experience and competencies relevant to the position
- 4) Job vacancies shall be advertised in accordance with relevant laws
- 5) External candidates should never have been revoked or dismissed from any previous employer for any misconduct; and
- 6) In case of an internal recruitment, an applicant shall have a clean track record.

#### **Article 10: Internal Recruitment Committee**

The Internal Recruitment Committee is composed of three (3) persons:

- 1) The Director of Human Resource and Administration as the Chairperson of the Committee;
- 2) The Human Resources Officer as the Secretary of the Committee; and
- 3) A member of staff nominated by the Senior Management Team as an advisor of the Committee.

The Chairperson and Secretary of the Committee are permanent members. The Advisor of the Committee is nominated for a term of one (1) year, renewable only once.

In addition to the above internal recruitment committee members, the Authority shall nominate other members temporarily depending on the technical skills needed for any vacant post.

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## **ROLES AND RESPONSIBILITIES OF INTERNAL RECRUITMENT COMMITTEE**

1. Publication of the vacant job positions
2. Publication of examination results
3. Preparation and submission of recruitment report to the Authority for approval

### **Article 11: Competition process**

- 1) The shortlisted candidates shall sit for a written examination, upon which qualifying candidates will further sit for oral and/or practical examination where applicable.
- 2) All examinations are rated on a total score of 100% where written examination is prepared in accordance with the requirements of each post and is marked out of fifty percent (50%) of the total marks of all exams.
- 3) All examiners must have sufficient knowledge of the subject matter with regard to the vacant post.
- 4) The panel of oral and written examiners shall be composed of at least three (3) members.
- 5) A practical examination is part of the written exam and may, if considered necessary, be done separately and marked out of 20%.
- 6) The written examination is held within a period of 5 working days starting from the date of publication of shortlisted candidates.
- 7) A candidate shall not write his/her name on the answer sheet. Codes shall be used instead of names and shall be kept confidentially by the Authority. The matching of codes and names of candidates shall be made after the marking of the examinations.
- 8) The results of the written examination shall be published within 10 working days from the date on which the examinations were completed.
- 9) Oral examination is marked out of 50% of the total marks of all exams. Only candidates who score 50% in the written examination shall be eligible for oral examination.
- 10) An oral examination shall be conducted after three (3) working days starting from the day following the date of publication of the results of the written examination. If a candidate appeals against the results of the written examination, the oral examination shall then be conducted after conclusion of the appeal.
- 11) During an oral exam, an audio-visual recording shall be conducted.
- 12) The results of an oral examination shall be published in a period not exceeding three (3) working days from the date when the examination was finalized.

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## **Article 12: Appeal**

- 1) A candidate who believes that he/she is aggrieved during the recruitment process may appeal on the first degree to the Authority within the period not exceeding 3 working days starting from the date of the act or decision; he/she is appealing against. The appeal must be done in writing. The Authority is required to provide the response within 3 working days from the date of reception of the appeal.
- 2) If a candidate is not satisfied with the decision, he/she will appeal to the second degree which is the public service commission within two working days from the date of receipt of the response from the Authority.

## **Article 13: Passing of exams**

- 1) A candidate who achieves a cumulative grade of 70% of total marks is considered successful. If no candidate obtains this grade, the vacancies are re-advertised and other exams are conducted.
- 2) If 2 candidates obtain equal marks for one post and one of them has a disability, the latter is given preference.
- 3) If 2 candidates with disabilities obtain equal marks for the same post, experience is taken into consideration. If they have the same experience, preference is given to a female candidate.
- 4) The successful candidates shall provide the following documents before their effective appointment:
  - a) Detailed Curriculum Vitae;
  - b) Certified copy of the degree, diploma or certificate;
  - c) Two passport-size photographs;
  - d) Criminal record Clearance;
  - e) Medical certificate;
  - f) Certificate of service from last employer, if any.

## **Article 14: Competent authority for recruitment**

The Director General shall recruit all staff for Rwanda FDA with exception of political appointees namely Deputy Director General, Heads of Departments, Division managers and analysts.

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### **Article15: Appointment Letter and Job Description**

- 1) Before commencement of work, a new member of staff shall be given an appointment letter and a job description by the Director General or other competent Authorities
- 2) The job description shall state, among other things, the duties and responsibilities, and shall be periodically reviewed and signed by the Director General.
- 3) The job description shall form a basis for periodic evaluation of the performance of the member of staff in accordance with the performance evaluation procedure of the Authority.

### **Article16: Senior Management Team of the Authority**

The Director General, Deputy Director General, Heads of Department, Chief Finance Officer, Division Managers, Quality Assurance Analyst, Legal Analysts and Directors shall constitute the Senior Management Team of the Authority. Any other staff member might be invited to the management meetings by the Director General when a need arises.

### **Article17: Appointment of staff of the Executive Organ of the Authority**

- 1) The Director General, Deputy Director General, Heads of Department, Chief Finance Officer, Division Managers and analysts shall be appointed by a Presidential Order.
- 2) The Director General shall recruit other members of staff.

### **Article18: Employment Grading Levels**

The positions established by the Authority are graded in the following levels corresponding to the established organizational structure:

Position	Level
Director General	E
Deputy Director General	F
Head of Department/ Chief Finance Officer	1.IV
Division Manager	2.III
Analyst	2.III
Director	3.II
Specialist	3.II

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Legal Affairs Officer,	4.III
Public relations Officer	4.II
Officer/ Lab technicians/ Administrative Assistant to Director General & Deputy Director General	5.II
Documentation & Archives	6.II
Head of Central Secretariat & Administrative Assistant to Chief Finance Officer	7.II
Secretary in Central Secretariat & Secretary to Director Finance ,	8.II
Drivers	10.II

**Note:** These Grades are subjected to change any time by the Ministry having Public Service and Labor in its attributions, when deemed necessary

### **Article 19: Recruitment of temporary staff**

The Authority may recruit temporary staff on a limited contract, when necessary, in accordance with Article 9 of these regulations.

## **SECTION 2: COMMENCEMENT OF SERVICE**

### **Article 20: Effective commencement of work**

The date of commencement of service of the appointed member of staff is the one mentioned on the appointment letter but, his/her salary is calculated from the actual date of commencement of work.

### **Article 21: Assets declaration**

- 1) Rwanda FDA shall annually determine a list of employees who are eligible to declare their assets to the office of Ombudsman.
- 2) Any deliberate refusal to declare or false declaration of assets shall be considered as gross misconduct that is subject to disciplinary action and the member of staff may be sanctioned or dismissed.

## **SECTION 3: PROBATION PERIOD**

### **Article 22: Duration of probation**

- 1) A new member of staff shall be subjected to a probationary period of six (6) months upon which an evaluation of performance in relation to competence, skills, knowledge and moral conduct shall be carried out by the immediate supervisor. The member of staff shall be deemed to have been confirmed to his/her post if he/she is not informed of his/her results after the end of the

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probationary period.

- 2) The probationary period of six months includes one month of induction training where applicable, but may be extended to a maximum period of two months due to the uniqueness of some job positions. A member of staff under probation shall have equal rights as the confirmed members of staff.
- 3) A member of staff, whose probationary period has not been conclusive, will not be allowed to sign a permanent engagement contract with the Authority.
- 4) A person who carried out professional internship in Rwanda FDA for a period of six (6) months is not subject to probationary period if he/she is appointed to the job position on which he/she conducted professional internship.

### **Article 23: Employment Contract**

After the period of probation, the successful member of staff shall be given an appointment letter with a job description and the unsuccessful member of staff shall be dismissed.

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## **CHAPTER III: WORK IMPLEMENTATION AND INCOMPATIBILITIES**

### **SECTION 1: WORK IMPLEMENTATION**

#### **Article 24: Place of work**

The place of work is within the Rwandan territory.

#### **Article 25: Duration of work**

- 1) The daily working hours are nine (9) hours from Monday to Friday.
- 2) Staff members may work on weekends and public holidays when there is a special assignment.
- 3) The daily working hours start from seven (7:00am) to five (5:00pm) with one (1) hour lunch break starting from twelve noon (12:00noon) to one o'clock (1:00pm).
- 4) Members of staff that work in shifts and those at border posts may have a different working schedule which shall be determined by the Senior Management Team but the total working hours a day shall be nine (9) as per ministerial order N°02/mifotra/15 of 09/06/2015 determining weekly working hours in public service and modalities of their respect

#### **Article 26: Overtime**

- 1) Overtime means any period of work on weekends, public holidays or in excess of 9 hours on any day, from Monday to Friday.
- 2) No compensation in terms of money shall be given to a member of staff that will be requested to work beyond the prescribed working hours. However, a day-off shall be granted by the immediate supervisor and the in charge of Human Resource.

#### **Article 27: In service**

- 1) A member of staff is in service if he/she is performing the assigned duties of the Authority.
- 2) A member of staff shall also be considered to be in service when he/she is:
  - a) on leave;
  - b) on official mission;

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- c) on training;
- d) suspended due to freeze of jobs;
- e) suspended due to disciplinary fault which is still under investigation;
- f) in detention not exceeding six (6) months; and
- g) serving an imprisonment of less than six (6) months.

#### **Article 28: Obligations of members of staff**

Members of staff of Rwanda FDA are under obligation to abide by, but not limited to, the following:

- 1) regular attendance at work;
- 2) serve the Authority with integrity, fidelity and devotion;
- 3) safeguard, in whatever circumstances, the interests of the Authority;
- 4) Carry out conscientiously their tasks;
- 5) implement with due diligence the duties assigned by their hierarchical superiors and mutually work together in the interest of the organization;
- 6) have good moral conduct; and
- 7) dress formally in accordance with the Rwanda FDA dressing code as described in the Code of Conduct.

#### **Article 29: Confidentiality and conflict of interest**

- 1) A member of staff shall not disclose any confidential information to any other party during the period of his/her employment with the Authority or after the termination of employment, except in the ordinary and proper course of the business of the Authority. However, the Director General may authorize the disclosure of confidential information to any other party when it necessitates so. Breach of this obligation constitutes gross misconduct that leads to disciplinary sanctions.
- 2) Upon appointment, and during the course of employment as may be required, a member of staff shall sign a Confidentiality Declaration Form (Doc. N° QMS/FOM/003) to confirm his/her confidentiality undertaking with the Authority; and a Staff Annual Declaration of Interest Form (Doc. N° QMS/FOM/004).

#### **Article 30: Property of the Authority**

A member of staff shall be accountable for all resources under his/ her possession.

#### **Article 31: Loss of office property**

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- 1) Where office property gets missing or destroyed during the course of official duty, it should be reported immediately to the immediate supervisor or Unit Head who shall in turn inform the Logistics Officer.
- 2) The logistics officer shall notify the Director of HR and Administration.

Where theft is suspected to have resulted in the loss of office property, an incident report shall be submitted to the security company for action and the police for further investigations.

- 3) A member of staff who takes office property outside the office without permission and in whose custody the property gets missing/destroyed shall be made to refund the value of the property at the time of loss or destruction or replace it with the same specifications and in the same condition as the missing/destroyed one.

### **Article 32: Member of staff conduct**

The Member of staff is required to abstain from any activities that are contrary to moral conduct as defined in the staff code of conduct.

## **SECTION 2: PROHIBITION AND INCOMPATIBILITIES**

### **Article 33: Political activities**

- 1) Members of staff are required to remain politically neutral while executing their duties.
- 2) It is not only forbidden to carry out any activities or incitements related to politics, but also to deliver any speech or bear distinct signs of political parties at the workplace.
- 3) Members of staff who wish to participate in political activities are required to apply for leave of absence or annual leave during the election campaign.

### **Article 34: Business activities and employment contracts**

Members of staff shall not carry out any business activity or conclude any other employment contract that may lead to conflict of interest. Business activities include, but are not limited to; pharmacies, food and beverages outlets, veterinary pharmacies, and any other business that might be related to the mandates of the Authority.

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### **Article 35: Smoking and drinking**

It is forbidden to take alcohol during working hours, smoke at work premises and/or report to work in a drunken state.

### **Article 36: Prohibition related to marital status and relatives**

1. First degree relatives shall not work in the same department
2. A supervisor will not supervise his/her first degree relative.



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## **CHAPTER IV: SALARIES, ALLOWANCES AND BENEFITS**

### **SECTION 1: SALARIES**

#### **Article 37: Salary**

- 1) Salary is the remuneration paid for work done and is calculated in accordance with the salary scale as provided by the competent Authority.
- 2) Professional and support staff from 10.II to 4.III are entitled to the basic salary corresponding to their level plus the housing and transport allowances, and from 3.II to E are entitled to the basic salary corresponding to their level plus housing allowances and lump sum
- 3) The salary and fringe benefits for the employees of Rwanda FDA are determined by the Board of Directors of Rwanda FDA taking into account the specialty of their job positions, in accordance with the Rwanda FDA employment grading levels.
- 4) The Authority shall also grant to the concerned member of staff benefits provided by other relevant regulations.

#### **Article 38: Calculation of salary**

The member of staff's salary shall be calculated from the date of commencement of work to the last date of his/her duties. In case the member of staff does not work for a complete month, the salary shall be prorated to the period worked.

#### **Article 39: Deductions**

The monthly gross salary of every member of staff shall be deducted for contributions to the national social security fund, medical insurance and pay as you earn in accordance and other deductions with relevant laws. However, other additional deductions agreed with concerned member of staff may be made but the deduction of staff's salary member should not exceed 1/3 of the net salary at any case.

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## **SECTION 2: ALLOWANCES**

### **Article 40: Performance Based Financing (PBF)**

Based on the overall organizational performance, staff performance and condition of work, the Authority may approve performance-based staff remuneration for sustainable staff retention.

### **Article 41: Reward and recognition of employees**

The best employee of the year shall be rewarded based on the criteria preset by the Senior Management Team. However, members of the Senior Management Team shall not be entitled to this reward.

### **Article 42: Promotion**

#### **1) Horizontal promotion**

- a) The Horizontal promotion shall be awarded to a member of staff who has completed three consecutive years; and
- b) The ratings and conditions for performance appraisal provided in these Rwanda FDA Internal Rules and Regulations grant the member of staff increment of the annual basic salary in accordance with the Presidential Order N° 53/01 of 19/08/2015 establishing the job classification and salary index grid in public service.

### **Article 44: An acting member of staff**

- 1) In case a member of staff at managerial level has a reason for not being on duty, he/she shall temporarily appoint another member of staff within the same unit in writing to act on his/her behalf, and shall submit copies to the immediate supervisor, the Director of Human Resource Unit; and inform the relevant staff.
- 2) For the member of staff below the managerial level, the supervisor shall determine another member of staff to act on his/her behalf.
- 3) In case the member of staff is not in position to appoint a member of staff to act on his/her behalf, then his/her immediate supervisor shall appoint an acting member of staff and copy the Director of Human Resource Unit.
- 4) The acting appointment of the member of staff more than one month (30 days) will be granted

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by the Director General of Rwanda FDA

- 5) The member of staff shall be entitled to the salary and other benefits of the position he/she has been acting in, after thirty days and it shall be calculated from the thirty first (31<sup>st</sup>) day including the preceding thirty days
- 6) The member of staff in acting position of less than thirty days (30) shall not be entitled to the benefits mentioned in the preceding paragraphs.

#### **Article 45: Member of staff in Interim**

- 1) An interim is when a post is vacant due to, but not limited to, the following: new created post, dismissal, resignation, transfer, retirement or death of member of staff.
- 2) The members of staff in interim position and in acting position are both entitled to the same benefits.
- 3) The member of staff in interim position may be confirmed or replaced depending on his/her performance within three (3) months.
- 4) Member of staff in interim up to specialist shall be appointed by the respective supervisors but senior managers shall be appointed by the Director General who shall there after inform the Board of Directors.

#### **Article 46: Transfer allowance**

A member of staff who is relocated from one duty station to another shall be facilitated to the new duty station.

#### **Article 47: Travel allowance**

- 1) A member of staff who travels on official business outside his/her duty station shall receive travel allowance according to the applicable laws governing public servants.
- 2) The Authority shall grant an allowance for travel and accommodation expenses outside the country, according to the rates prescribed by the applicable laws governing public officials sent in official missions.

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#### **Article 48: Terminal benefits computation**

Where a contract of a member of staff is terminated as a result of suppression or freeze of a post, he/she shall be entitled to terminal benefits and retirement benefits that will be provided in accordance to the Law N° 017/2020 of 07/10/2020 Law establishing the general statute governing public servants.

#### **Article 49: Death allowance**

- 1) In case a member of staff dies, the Authority grants his spouse or legitimate relative, an allowance equivalent to six months' gross salary of the deceased.
- 2) If a member of staff dies, the Authority shall pay to his/her family a funeral indemnity equal to seven hundred thousand Rwandan Francs (700,000 frws) net.
- 3) In case of death of a spouse, child or a first degree parent, brother or sister, the member of staff shall be granted transportation facilitation.
- 4) In all the above cases, a death certificate shall be presented to the Human Resource Unit.

#### **Article 50: Prescription of payment of salary allowance and other terminal benefits**

- 1) Prescription of payment of salary, indemnities, bonuses and other benefits shall be two (2) years. This prescription time limit starts from the date on which the employee was to be paid the salary.
- 2) However, the prescription is interrupted when the member of staff's case in relation to salary is either pending before Court, other competent institutions and/or there is a written claim received by the Authority as stipulated in the article 58 of the law N° 017/2020 of 07/10/2020 establishing the general statute governing public servants.

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## **CHAPTER V: PERFORMANCE APPRAISAL AND PROMOTION**

### **SECTION 1: PERFORMANCE APPRAISAL**

#### **Article 51: Time of appraisal**

- 1) All confirmed members of staff shall be appraised annually by their immediate supervisors using the prescribed performance appraisal form on the basis of performance objectives set in advance.
- 2) All members of staff on probation shall undergo an end of the probation performance appraisal after the first six (6) months of employment and any period of extension.

#### **Article 52: Rating of appraisal**

The outcome of the appraisal is rated as follows:

Outstanding	80% and above	Highest rate (performance exceeding the normal expectation)
Very good	70 – 79%	Significantly higher performance
Good	60 – 69%	Satisfactory
Fair	50 – 59%	Average
Poor	0 – 49%	Performance below average

#### **Article 53: Appraisal process**

- 1) The performance appraisal shall be used to evaluate the performance of a member of staff on the basis of preset targets agreed upon by both the staff and his/her immediate superior.
- 2) The member of staff and his immediate supervisor will be required to discuss the results, find solutions to any serious variations, develop and agree on set targets and development plans for the next period.
- 3) The performance appraisal results may be reviewed by the next hierarchical superior and approved by the second supervisor in hierarchy.
- 4) The performance appraisal results shall be submitted to the Director Human Resource and Administration for action and record purposes.

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- 5) The performance appraisal for Heads of Departments will be done by the Director General.
- 6) The final and signed appraisal forms for members of staff are established in two copies: the original to be put on the personal file of the member of staff, a copy to be sent to the concerned department for filing, and another copy to be given to the member of staff.

**Article 54: Performance rating for members of staff on probation**

- 1) A member of staff on probation shall undergo a performance review after the first 3 (three) months followed by a formal end of probation performance appraisal after the first 6 (six) months of employment and any period of extension.
- 2) A member of staff on probation shall be confirmed upon a rating of “good” (satisfactory) performance in the performance appraisals.
- 3) Where a member of staff is rated “poor” (performance below average) in one of the appraisal reports, he/she shall have his/her probation extended for three (3) months and a performance improvement plan shall be drawn by the immediate supervisor and the employee.
- 4) In case the assessment of the plan after the three months proves satisfactory, the member of staff shall be confirmed and where it is unsatisfactory, the probation shall be terminated.

**Article 55: Performance rating for confirmed members of staff**

- 1) All confirmed members of staff shall be assessed once a year to determine their performance on the set targets.
- 2) A member of staff who attains good (satisfactory) performance in the assessments shall be deemed to have satisfied the requirements for continuity of the contract.
- 3) A member of staff who is rated “poor” in a performance assessment shall be subjected to a six (6) months performance improvement plan, reviewed every three (3) months.
- 4) In the course of the performance improvement plan, the Authority shall give all the necessary support to the employee to enable him/her improve performance. In the process of administering the performance improvement plan, the necessary documentation shall be maintained to support decisions regarding the future of the member of staff in the Authority.

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### **Article 56: Appeal against appraisal results**

- 1) In a period not exceeding five (5) working days after being notified of the performance appraisal results, the member of staff who is not contented with the appraisal results may appeal in writing to the superior of the appraiser.
- 2) The appraisal form shall be forwarded to the second level supervisor to review the assessment. The second level supervisor may involve the Director Human Resource and Administration and/or a colleague of the discontented member of staff.
- 3) In the event that the disagreement is not resolved by the second level supervisor, the matter shall be referred to the Director General for final decision; or to the Chairman Board of Directors for members of staff who are directly supervised by the Director General.
- 4) Where the disagreement involves a member of staff who directly reports to the Director General, other members of staff at the same or higher level than the one being appraised, may be co-opted to participate in the appraisal.
- 5) In the event that the disagreement is not resolved, the matter shall be referred to the Chairman of the Board of Directors.

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## **CHAPTER VI: TRANSFER, OFFICIAL MISSIONS AND SECONDMENT**

### **Article 57: Transfer of a member of staff**

- 1) Members of staff shall serve in any location in Rwanda in the positions they are appointed in or as the Authority may determine. Where necessary, a member of staff shall be assigned other roles, transferred or rotated within the Authority.
- 2) Transfer arrangements shall be based on the fact that the interests of the Authority take priority. These interests may include, but not limited to, one or a combination of the following:
  - a) revitalizing business;
  - b) improving working relationships;
  - c) improving performance;
  - d) providing missing experience and share good practices;
  - e) enhancing more efficient use of employees;
  - f) minimizing recruitment;
  - g) facilitating occupational rotation; and
  - h) helping to resolve other administrative issues.
- 3) A member of staff may be transferred anytime to any location where the Authority has business.
- 4) The Head of Department/Unit shall initiate a transfer in consultation with the Senior Management Team.
- 5) A self-initiated request for a transfer shall be subject to approval by the Senior Management Team.
- 6) A member of staff on probation shall not be eligible for transfer.
- 7) All transfers shall be communicated to the concerned member of staff in writing by the Director General. A member of staff to be transferred shall be given notice with immediate effect

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- 8) The member of staff shall be paid a transfer allowance to settle in and facilitated to shift her/his property and family basing on the kilometrage rates if the transfer involves a distance of more than 40km.
- 9) A member of staff who has been transferred or deployed shall report to his/her duty station on the first day as specified in the transfer letter or shall be considered to have absconded.
- 10) A member of staff who has been transferred or deployed shall formally handover as instructed by the supervisor.
- 11) A member of staff may appeal against a transfer to the Director General whose decision shall be final.

#### **Article 58: Official missions**

- 1) In the interest of the Authority, a member of staff may be sent on an official mission in or outside Rwanda. Official missions may be proposed by the immediate supervisor and authorized by the second hierarchy and Head of the departments, and approved by the Director General.
- 2) All official missions outside the country shall be approved by Director General of Rwanda FDA.
- 3) Official missions outside the country of the Director General or Deputy Director General shall be Approved by the competent authority
- 4) A report of the official mission shall be submitted within at least seven (7) working days, after return from the mission, using the Trip/Official Mission Report Form (Doc. No QMS/FOM/009).

#### **Article 59: Secondment of a member of staff**

- 1) Secondment of member of staff from the level of Specialist and below shall be authorized by the Director General; while secondment of a member of staff from the level of Director and above shall be approved by the Chairman of the Board of Directors.
- 2) During the secondment period, the member of staff is remunerated by the organization in which he/she was transferred but continues to have the right to; the difference of the salary in case he/she earns less than previous salary and the retirement pension.
- 3) A member of staff under secondment shall be governed by the regulations of the institution in which he/she has been temporarily placed but shall continue to follow the Authority regulations

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on matters related to cessation of service and observe the code of conduct of the Authority.

**Article 60: Period of secondment**

- 1) The maximum period of secondment shall be twelve (12) months for a member of staff from the level of Specialist and below; and six (6) months from the level of Director and above.
- 2) The member of staff shall immediately resume work with the Authority at expiry of the secondment period.



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## **CHAPTER VII: INTERRUPTION OF SERVICE**

### **SECTION 1: LEAVE**

#### **Article 61: Types of leave**

The different types of leave include the following:

- 1) Annual leave;
- 2) Circumstantial leave;
- 3) Maternity leave;
- 4) Sick leave;
- 5) Study leave; and
- 6) Leave of absence.

#### **Article 62: Annual leave**

- 1) Every member of staff is entitled to thirty calendar days of leave at the end of each year of continuous service including the probationary period for the new recruits. The leave can be taken once or split into two or three parts.
- 2) At the beginning of each year, every department shall make a leave schedule for its member of staff. The member of staff on leave shall be entitled to the salary and other welfare benefits.
- 3) All members of staff shall take their annual leave. There will be no financial compensation for leave not taken as per approved annual leave schedule.

Where a member of staff has not been allowed to take an annual leave during the previous year of service due to work load, the postponed leave is taken not later than 31<sup>st</sup> December of the following fiscal year.

#### **Article 63: Leave application**

An application for leave shall be made using the Leave Application Form (Doc. N° QMS/FOM/010) (with the exception of sick leave) which shall be submitted fifteen (15) days prior to commencement of leave and approved by the respective Heads of Unit, Division, Department, and the Director General, as applicable. However, all leave applications shall be the approval of the Director of Human Resource and Administration.

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#### Article 64: Payment in lieu of untaken leave at time of separation

In case a contractual member of staff, governed by Rwandan Labour Law, separates with the Authority (except in cases of death or dismissal), he/she will be entitled to payment in lieu of the outstanding leave at the time of the separation when his/her requested leave was not granted.

#### Article 65: Circumstantial leave

Every member of staff shall be granted circumstantial leave with full payment in event of:

1.	Death of member of staff's sibling	two (2) working days
2.	Death of member of staff child	five ( 5) working days
3.	Death of member of staff's spouse or child	seven ( 7 ) working days
4.	Death of Grandparent ( mother or father)	three(3) working days
5.	Death of parent(s) in-law	four ( 4 ) working days
6.	Death of parent(s) of member of staff:	four (4 ) working days
7.	Paternity leave	four (4) working days
8.	Wedding of a member of staff	four (4) working days

Other incidental circumstances will be catered for following the Law establishing general statutes governing public servants No 017/2020 of 7/10/2020

#### Article 66: Modalities for circumstantial leave

- 1) A circumstantial leave is taken when either of the above incidents/events occurs or is planned to occur. A circumstantial leave cannot be taken in parts nor be deducted from the annual leave.
- 2) The request for a leave related to wedding of member of staff or member of staff's wife delivery shall be subject to a prior request addressed to the Director of Human Resources;
- 3) Before taking circumstantial leave, a member of staff shall inform his supervisor and the Director of Human resource.

#### Article 67: Permission of absence

A permission of absence from work for a day which is not deductible from the annual leave may be granted to the member of staff by his/her immediate supervisor, for duly justified reasons. However, a member of staff cannot be granted more than ten (10) days in one year.

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### **Article 68: Maternity leave**

- 1) A member of staff applying for maternity leave shall provide his/her direct supervisor with a medical certificate signed by a recognized Medical Doctor confirming the expected date of delivery or the exact date of delivery after delivery as a support document for leave application.
- 2) A member of staff shall have the right to maternity leave of twelve (12) consecutive weeks, two (2) weeks of which can be taken before delivery.
- 3) A member of staff, who unfortunately loses a child at birth or less than one month after delivery, shall benefit from a leave period of four (4) weeks from the day the event occurred.

### **Article 69: Breast feeding period**

A member of staff shall be entitled to one hour daily of breastfeeding for a period of twelve (12) months, commencing immediately after the expiry of maternity leave.

### **Article 70: Additional leave in case of complications**

- 1) In case of complications related to the delivery or congenital state, the member of staff shall be granted a prolonged maternity leave on recommendation of a recognized Medical Doctor.
- 2) In case of death of the mother during or immediately after delivery, the father of the child shall be granted a leave of twenty (20) calendar days.

### **Article 71: Sick leave**

- 1) A sick leave of a maximum of fifteen (15) calendar days is given in case of illness or injury duly diagnosed by a recognized Medical Doctor;
- 2) When the sick leave is more than 15 days while ascertained by a medical committee of 3 recognized doctors the Authority shall grant a long term sick leave to a member of staff not exceeding 6 months;
- 3) When a staff member is on long-term sick leave, the first 3 months she/he is entitled to a full salary and for the remaining 3 months she/he is paid two third (2/3) of his/ her salary.

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## **Article 72: Professional incapacity**

At the end of the prolonged leave and the prolongation was due to professional incapacity caused by illness or injury caused by work, the member of staff shall have his/her contract terminated but receives his/her salary in full for six (6) months.

## **Article 73: Coincidence of leave**

Where an annual leave coincides with circumstantial leave, the annual leave shall be suspended and resumed after the circumstantial leave.

## **Article 74: Study leave - Category one**

- 1) Category one study leave shall be approved by the Board of Directors
- 2) The member of staff who has been officially designated and approved by the competent Authority for an academic training shall continue to have all the rights of an employee in service except transport allowance, and performance based bonus. In case the member of staff is single he/she is not entitled to housing allowances.
- 3) The member of staff shall sign a bonding agreement accepting to be bonded to work for the Authority after the completion of the training, under the following conditions:
  - a) Bonding for a period of one (1) year, if the training period was between three (3) months and six (6) months;
  - b) Bonding for a period of two (2) years, if the training was between six (6) months to twelve (12) months;
  - c) Bonding for a period of three (3) years, if the training was more than twelve (12) months;
  - d) Failure to observe the above conditions, the total training cost incurred, additional acting allowances given to the member of staff who stood in for him/her and a penalty of 1% of the training costs shall be refunded by the member of staff before his/her separation with the Authority;
  - e) If the beneficiary works for less than the prescribed period, he/she shall reimburse all the costs proportional to the remaining period;
  - f) The Authority will have the right to sue the member of staff for the reimbursement of the total cost in case his/her terminal benefits are not sufficient to cover the training costs incurred by the Authority; and
  - g) After the training, the staff rejoins at the same level and shall receive the basic salary,

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housing and transport allowances, treatment corresponding to the his/her level at the time of reinstatement.

**Article 75: Study leave - Category two**

- 1) Study leave category two is leave taken on by a member of staff who goes for further studies on a personal initiative but not guaranteed by the Authority.
- 2) A member of staff may request for study leave of specified period under this category and will be treated by the Law establishing the general statutes governing public servants, provided he/she;
  - a) pursues an academic training related or not related to the activities and/or line of business of the Authority; and
  - b) has not received a recommendation from the Authority for further studies.

**Article 76: Training report and certificate of training**

- 1) Every member of staff, who is trained in Rwanda or outside Rwanda, by the Authority, shall at the end of his training be required to submit a report related to the training and a copy of the training certificate.
- 2) In addition, he/she may at the request of the Authority, conduct one or many training sessions within the organization, based on the various topics that were covered during his/her training.

**Article 77: Leave of absence**

- 1) Leave of absence for non-specific period for a member of staff renders the post vacant. During his/her absence, a member of staff loses his/her right to salary as well as to promotion.
- 2) Upon return through recruitment process, such member of staff shall resume work only when there is a vacant post in the organizational structure that is budgeted for.

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## CHAPTER VIII: SUSPENSION, TERMINATION OF SERVICE AND DISCIPLINARY MEASURES

### SECTION 1: SUSPENSION FROM DUTY

#### Article 78: Suspension from duty

- 1) A member of staff shall be suspended from duty due to any one of the following reasons:
  - a) during investigation not exceeding sixty (60) days for suspected disciplinary offence likely to lead to second degree sanctions;
  - b) as a punishment due to disciplinary sanction not exceeding ninety (90) days;
  - c) detention for a period exceeding six (6) months;
  - d) imprisonment to serve a final judicial sentence of less than six (6) months; and
  - e) termination of secondment caused by disciplinary reasons.
- 2) A member of staff on suspension shall not be entitled to his/her basic salary and benefits attached to his/her job position.
- 3) In case the member of staff is not found guilty, he/she shall receive his/her seized salary and related benefits. In case, she/he is found guilty, she/he loses all rights to the seized salary and the related job benefits.

#### Article 79: Duration of suspension from duty

The period for suspension from duty shall not exceed three (3) months.

#### Article 80: The competent authority to suspend

The Authority that placed the member of staff on the position has powers to suspend him/her from the duty.

### SECTION 2: SEPARATION FROM EMPLOYMENT

#### Article 81: Reasons for separation from employment

Separation of employment with the Authority may be caused by:

- 1) termination of contract;

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- 2) dismissal;
- 3) retirement; or
- 4) death.

#### **Article 82: Termination of Contract**

- 1) The contract term may be terminated at any time by the member of staff or by the Authority, by either party providing a written notice or payment in lieu of notice.
- 2) The notice required to be given by the Authority or by the member of staff shall be:
  - a) not less than two weeks, where an employee has been employed for a period of more than six months, but less than one year;
  - b) not less than one month, where an employee has been employed for a period of more than twelve months, but less than five years;
  - c) not less than two months, where an employee has been employed for a period of five, but less than ten years.

#### **Article 83: Termination of service for absconding from duty**

When a member of staff absconds from duty for more than 7 (seven) consecutive working days, his/her contract shall be deemed terminated effective from the 8<sup>th</sup> (eighth) working day. However, the contract may be re-instated upon acceptable justification.

#### **Article 84: Dismissal**

- 1) A member of staff may be dismissed only in the most serious cases of misconduct and acting in a way incompatible with his or her status.
- 2) When a member of staff is dismissed, he or she forfeits all his or her rights and privileges as an employee of the Authority, including the claim to a period of notice.
- 3) A member of staff may be dismissed:
  - a) if he or she deserts work without a genuine reason for 7 consecutive working days;
  - b) if he/she is not successful after the probationary period;
  - c) if he or she is sentenced to more than six (6) months of imprisonment;
  - d) if he or she is not physically or mentally able to resume work after a long sick leave;
  - e) in case of very poor performance appraisal results;
  - f) if at the end of suspension, the member of staff is not reinstated;

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- g) in case the member of staff is caught red-handed (in the very act of a crime or wrong doing) (flagrante delicto); or
- h) if he/she is found guilty of gross misconduct as defined in the member of staff code of conduct, after completion of a disciplinary hearing.

#### **Article 85: The right to be heard**

- 1) The Authority shall provide a framework for the rules of natural justice in handling employee misconduct so as to ensure transparency and equity.
- 2) No sanction shall be taken against a member of staff without being given the opportunity to defend him/herself before the Disciplinary Committee.

### **SECTION 3: DISCIPLINARY MEASURES**

#### **Article 86: Disciplinary offence and sanctions**

- 1) The breach of staff obligations shall constitute a disciplinary offence and the procedures for disciplinary action shall be in accordance with the code of professional ethics of public servants. (Ref. Presidential Order 021/01 of 24/2/2021 determining ethics of public servants.
- 2) Disciplinary offences are classified according to gravity as; minor, serious and gross misconduct. The member of staff code of conduct enumerates the offences and they are subject to sanctions classified in two categories as follows:
  - a) The first degree is composed of the following sanctions:
    - 1° Oral warning;
    - 2° Reprimand
    - 3° written warnings; (first warning, second warning and last warning)
  - b) The second degree sanction is composed of:
    - 1° Temporary suspension without pay for a period not exceeding three (3) months;
    - 2° Dismissal.

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## **Article 87: Cancellation of sanction**

- 1) Any sanction taken against the member of staff shall be recorded and filed. The sanction against the member of staff expires within a six (6) months, one (1) year, and two (2) years period for the oral, written and last written warnings, respectively.
- 2) However, a member of staff may request the Director General for cancellation of sanction, if he/she shows devotion, discipline and has got outstanding performance more than 90%

## **Article 88: Language used in drafting the Rwanda Internal Rules and Regulations**

The Rwanda Internal Rules and Regulations were prepared and approved in English language.

## **REFERENCES**

- 1) Law N° 003/2018 of 09/02/2018 Establishing Rwanda Food and Drugs Authority and Determining its Mission, Organization and Functioning;
- 2) Law N° 66/2018 of 30/08/2018 Regulating Labour in Rwanda;
- 3) Law N° 017/2020 of 07/10/2020 establishing the general statute governing public servants
- 4) Presidential Order 45/01 of 30/6/2015 establishing the code of professional ethics of public servants.
- 5) Presidential Order N° 53/01 of 19/08/2015 establishing the job classification and salary index grid in Public Service (Article 10).
- 6) Presidential Order N° 83/2010 of 09/12/2010 Governing Modalities for recruitment of public servants; and
- 7) Presidential Order N° N° 099/01 of 18/09/2019 Establishing special statutes governing employees of Rwanda Food and Drugs Authority;

## **LIST OF APPENDICES**

The following list of appendices designates controlled forms for use with this Rwanda FDA Internal Rules and Regulations but which may be revised independently, at any time.

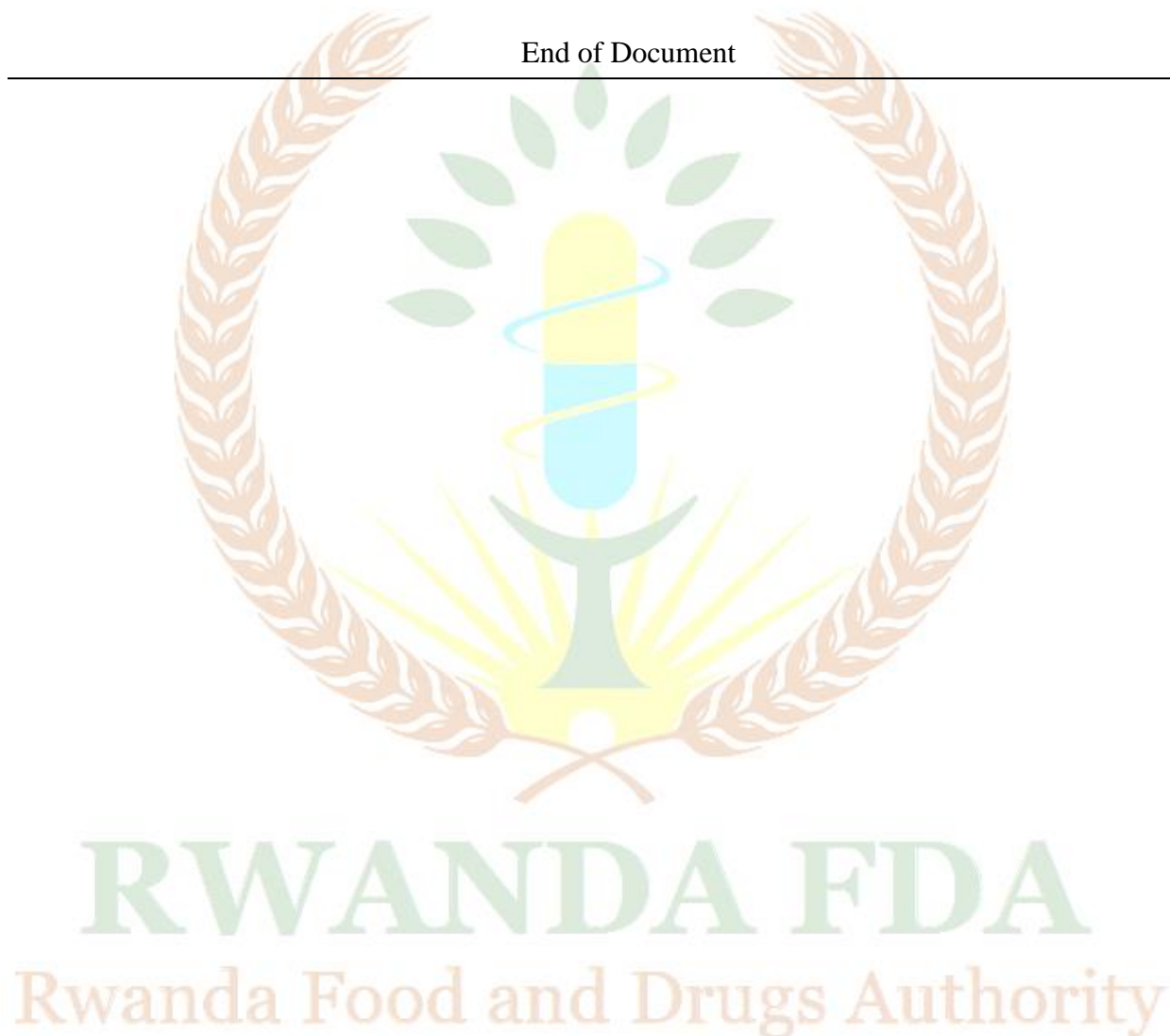
- 1) Confidentiality Declaration Form (Doc. N° QMS/FOM/003)
- 2) Staff Declaration of Interest Form (Doc. N° QMS/FOM/004)
- 3) Trip/Official Mission Report Form (Doc. N° QMS/FOM/009)
- 4) Leave Application Form (Doc. N° CFO/FOM/010)

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## DOCUMENT REVISION HISTORY

Revision Date	Revision number	Summary of Changes
11 <sup>th</sup> May 2021	0	First issue

End of Document



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