

**AN EXAMINATION OF THE WORK-LIFE BALANCE UNDER THE NIGERIAN
EMPLOYMENT LAW***

Abstract

Work, work, work all day with no avenue to pay attention to other aspects of one's life brings with it neglect and imbalance. This is because life is multifaceted and no sphere of an individual's life should be underrated at any point in time. While commitment to work serves as a paddle for career growth through key performance indicators, work-life balance should be a determination of success because good health, marriage, family, self-development, skill acquisition, rest, and recreation but to mention a few are constituents of work-life balance. Following the outbreak of the corona virus pandemic, the initial abnormal mode of doing things have now become the new normal and things may never return to their original state. The field of human resource must begin to map out plans in ensuring work-life balance in a boisterous world as this. The concept of work-life balance under the African context is a relatively emerging norm following the incidences of slavery and patriarchy. This paper analyzes the concept of work-life from a gender neutral perspective under Nigerian employment law and argues that while it may be difficult to have a codified legislation on work-life balance, legislations connected with work-life balance should be enacted as the society evolves in order to fill up the existing lacunas in the Nigerian legal framework on work-life balance.

Keywords: Work-Life Balance, Work-Life Integration, Work-Life Conflict, Human Resource, Decent Work, Employment Law

1. Introduction

Mondays often mark the beginning of a work-filled week for Nigerians after the weekend rest. The hustling usually starts as early as 5:00am for those living in metropolitan cities, particularly Lagos who are awake in order to beat the traffic on the road, which still confronts them while returning home from work after a long day. Living this type of life repeatedly inevitably takes its toll on other aspects of the individual's life from the hectic trip to work, to working, and returning home late which comes with stress and fatigue if not properly managed. The narrative is however different depending on the marital status of the individual and the nature of work the individual engages in because returning home from work does not necessarily mean that work is over as work activities still encroaches into the personal life of individuals who could still receive urgent mails to be treated. Work-life balance varies from jurisdiction to jurisdiction due to the existence of different styles of governance and cultural values. Family is an integral angle of work-life balance for both single and married employees and hence should be afforded ample attention. In the field of human resource, work-life balance is an emerging norm advocating for equilibrium in the affairs of work and personal life. While traditionally, leave opportunities serves as the carved avenue for employees to attend to personal areas of their lives, work-life balance differs on this because while leave could be taken twice or seldom. Work-life balance is embedded in the job and demands that employees are actively involved in every aspect of their personal lives without having any suffer as a result of work. This can only be achieved through the nature of work done, scope, duration, flexibility, distance of work from home, and other welfare terms of employment.

2. An Analysis of the Concept of Work-Life Balance in Employment Relations

The concept of work-life balance stems from the old adage which goes by 'all work and no play, makes Jack a dull boy'. A deeper understanding of this adage refers to the need to jump out of the long hours of work and the need to rejuvenate in order to observe new things and conceive new ideas. If life revolved solely around work, there will be no structures for leave, pension, and retirement. This is because a time will come in an employee's life where the strength to work will be missing and the only available dose to be taken is to rest. The outbreak of the corona virus pandemic displaced several conventional modes of operations especially in the field of employment relations.¹ The control, organizational, and multiple tests of determining who an employee is, is however becoming unfashionable owing to the work from home schedules which is outside the physical control of an employer. The role of technology in recent time has added a new dimension under employment relations since the outbreak of the corona virus. At first glance,

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¹ OECD 'Impact of Covid-19 on Employment and Jobs'

<https://www.oecd.org/employment/covid-19.htm> accessed 22 November 2021

remote work seemed to help with the work-life balance conundrum but in turn, it left employees staying online past scheduled hours or flooded with emails and messages late into the night.²

Any discourse on work-life balance without recourse to work-life conflict should be considered incomplete because work-life balance serves as a response and elixir to the hardships occasioned by work-life conflict. Work-Life Conflict (WLC) can be described as workers experiencing difficulty in finding a balance between work responsibilities and other multiple roles they can be engaged in such as being a spouse or a parent or being actively involved in voluntary activities, leisure activities, religious activities etc.³ Work-life balance aims at minimizing the amount of work-life conflict experienced by workers. The concept also refers to the level of prioritization between personal and professional activities in an individual's life and the level to which activities related to their job are present in the home.⁴ The increase in mobile technology, cloud-based software and the proliferation of the internet has made it much easier for employees to be 'permanently' at work under the work from home culture,⁵ hence, blurring the distinction between professional and personal life. In the information economy, stress is a common feature of a poor work-life balance which has been identified as a significant economic and health problem if not properly managed.⁶ Several multinational companies have adopted the work from home culture as a permanent means of working, hence, dispensing with the physical work mode.⁷

Generally, work-life balance is also understood as the employees' satisfaction and good functioning of various roles between work and non-work domains⁸. It is the extent to which an individual is equally engaged in and equally satisfied with his or her work role and family role.⁹ The concept is anchored on the belief that paid work and social life should be less seen as competing priorities than as complementary facets of a full life.¹⁰ This perspective goes beyond the individual factors and takes cognizance of social and contextual issues, including institution based issues such as patriarchy,¹¹ long working hours, and job exhaustion all of which trigger work-family imbalance and increases stress for employees.¹²

In this paper, work-life Balance is viewed from a gender neutral perspective and an encompassing position in order to allow for all employees irrespective of marital status. Undoubtedly, while the bulk of stress tilts towards the feminine gender especially for married women, work-life balance is viewed as a policy which every organization in today's world must pursue in addition to its organizational objectives in order to create an equitable and productive employment atmosphere. This is because while profit-making is a cardinal objective of most organizations and which contributes to the growth of the economy, work-life balance through parenting contributes to the build-up of the society in terms of values which will outlive generations and will be needed in leadership roles, and service to humanity after all, charity begins at home.

3. Practicability of the Concept of Work-Life Balance in Nigeria

As part of the United-Nations agenda to secure fair and equitable employment policies, the 8th Sustainable Development Goal of the United Nations on Decent work and Economic Growth evolved to tailor policies

² Holly Garcia, 'Portugal has Uncovered the Real key to Work-Life Balance' Scary Mommy (BDG, 18 November, 2021) <https://www.scarymommy.com/ice-skating-movies/> accessed 22 November 2021

³ I. Ojo, O. Salau, Hezekiah Falola, 'Work-Life Balance Practices in Nigeria: A Comparison of Three Sectors' (2014) 6(2) *Journal of Competitiveness*

<https://www.cjournal.cz/files/167.pdf> accessed 15 November, 2021

⁴ HR Zone, 'What is Work-Life Balance?'

<https://www.hrzone.com/hr-glossary/what-is-work-life-balance> accessed 15 November 2021

⁵ *ibid*

⁶ *ibid*

⁷ Kate Ng, 'Deloitte tells its 20,000 Uk Employees they can Work from Home Forever' Independent News (Uk, 19 June 2021) <https://www.independent.co.uk/life-style/deloitte-work-from-home-employees-b1868977.html> accessed 22 November 2021

⁸ C. Adame, E. Capliure, M. Miquel, (2016), "Work-Life Balance and Firms: A Matter of Women?" (2016) 69(4) *Journal of Business Research*,

⁹ J. Greenhaus, K. Collins, J. Shaw, "The Relation Between Work-Family Balance And Quality Of Life", (2003) 63(3) *Journal of Vocational Behaviour*

¹⁰ Uzoechi Nwagbara, 'Institutions and Organizational Work-Life Balance Policies and Practices' (2020) 12(1) *Journal of Work-Applied Management*

<https://www.emerald.com/insight/content/doi/10.1108/JWAM-11-2019-0035/full/pdf?title=institutions-and-organisational-work-life-balance-wlb-policies-and-practices-exploring-the-challenges-faced-by-nigerian-female-workers> accessed 16 November 2021

¹¹ T. G. Adisa, T. Osabutey, and Gbadamosi, G. (2016), "Understanding The Causes And Consequences Of Work-Family Conflict: An Exploratory Study Of Nigerian Employee", (2016) 38(5)

¹² S. Pasamar, and R. Valle, "Antecedents of work-life involvement in work-life issues: institutional pressures, efficiency gains or both?", (2015) 26(8) *The International Journal of Human Resource Management*

geared towards welfare of employees. Decent work is a substantive norm that calls for full and productive employment for all men and women, including young people and persons living with disabilities and equal pay for work of value.¹³ Decent work occupies a vital position in any discourse pertaining to work-life balance as it is a precursor in achieving and guaranteeing it. In developing countries, work-life is often challenging because of the duplicity of roles employees undertake as first citizens and then as the government. Working in Nigeria comes with a different feeling because the country is currently grappling with governance challenges orchestrated by two decades of a failed democratic project.¹⁴ The absence of the basic amenities of life which is inclusive of stable power supply, drinkable water, good roads, comfortable means of transportation, and qualitative education has created a collapsed state which is simply an aggravated form of a failed state. In this situation, all hopes have been lost in the government's capacity to perform its most basic and essential functions. Thus, the attention shifts to the private sector.¹⁵ Citizens who are faced with these realities are gingered to put in more efforts in their work in order to cater for their basic needs while also contending with other aspects of their lives. Worse of it is that the efforts channeled are often not commensurate with the remuneration which could be overwhelming if not managed.

In Nigeria, long working hours, irregular work schedules, and general lack of work-life balance policies such as flexi-time options characterizes the culture of many organizations and as such many employees working under poor conditions, are less likely to achieve work-life balance.¹⁶ The negative impacts of casualization of labour has contributed to the imbalance in work-life as several workers in Nigeria have no contract of employment defining their terms and conditions of employment.¹⁷ While those who have contracts of employment also experience the challenge of balancing their work lives. From the outset of the recruitment, interview questions often tend to be discriminatory which points to the fact that securing such job offer is devoid of work-life balance as several employers in Nigeria employ single persons into their organizations in order to engage them in long working hours based on the assumption that they are not married and are not giving any major attention to their husbands and children. This misconception has triggered and increased the imbalance in work-life.

The outbreak of the corona virus pandemic institutionalized a new normal in the world which calls for adaptability in all areas. The use of technology by several organizations during the lockdown cannot be overemphasized as the pandemic taught the world that some things which were not considered impossible can become possible. Employers generally own a major stake in achieving work-life balance through employment policies in line with the Organization for Economic Cooperation and Development (OECD) principles for multinational enterprises.¹⁸ Since the public sector cannot absorb all citizens in terms of job employment, the need for public-private sector partnership has arisen overtime which has indirectly opened the floodgates of exploitation. The absence of a formidable human resource personnel and structure has further worsened the exploitation as some organizations do not have employees' handbook, arbitrarily deduct the employees remuneration on baseless grounds, and some even deny their employees leave when due.

Culture has a strong explanatory variable in understanding the predominant gender ideology as it affects work-life balance in the Nigerian society.¹⁹ Patriarchy which is a set of social relations has a material base

¹³ Similoluwa Daramola, 'Decent Work and Economic Growth under Nigerian Labour and Industrial Relations' SSRN Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3847698 accessed 16 November 2021

¹⁴ Obasesam Okoi and MaryAnne Iwara, 'The Failure of Governance in Nigeria: An Epistocratic Challenge' Georgetown Journal of International Affairs (United States, 12 April, 2021) <https://gjia.georgetown.edu/2021/04/12/the-failure-of-governance-in-nigeria-an-epistocratic-challenge/> accessed 17 November 2021

¹⁵ Toyin Falola, 'Is Nigeria a Failing State?' Premium Times News (Nigeria, 13 August, 2021) <https://www.premiumtimesng.com/opinion/479054-is-nigeria-a-failing-state-by-toyin-falola.html> accessed 17 November 2021

¹⁶ T. Adisa., G. Gbadamosi, O. Adekoya (2021) The Myth and the Reality of Work-Life Balance in Nigeria. In: Adisa T.A., Gbadamosi G. (eds) *Work-Life Interface*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-66648-4_5 accessed 16 November 2021

¹⁷ Similoluwa Lala, 'Casual Work in Nigeria-The Shortcomings of the Current Legal Framework' Aelx Publication <https://www.aelx.com/casual-work-in-nigeria-the-shortcomings-of-the-current-legal-framework/> accessed 23 November 2021

¹⁸ Brian Coyle 'Corporate Governance' (2nd Edn, ICSA Information & Training Ltd, 2012)

¹⁹ T. Ajayi, 'Cultural Explanation of the Status of Nigerian Women' (2008) 6(1) Journal of Research in National Development <https://www.ajol.info/index.php/jorind/article/view/42397> accessed 16 November 2021

that allows for male solidarity which causes domination.²⁰ The crucial elements that constitute patriarchy are heterosexual marriage, female child rearing and house work, and women's economic dependence on men.²¹ In Nigeria, it is observed that the womanhood has been reduced to a mere infidel and a second-class citizen, hence, there is the commonality of general belief system that the best place for women is in the 'Kitchen'.²² These cultural values have resulted in slowing the career progression of women through motherhood who were hitherto not allowed to take up paid jobs.²³ The struggles of parenting for women often leave them swarmed and exhausted especially when the nature of their jobs does not give room for balance. The nosediving state of the Nigerian economy caused by the global crash in the prices of crude oil, rising inflation of commodities, unstable price of the Naira and insecurity have increased the working hours of most Nigerians in the quest to eke out a living following the rising cost of living. This economic situation has subtly etched a mentality of work with no rest in the minds of most Nigerians who are driven by monetary demands. It has now become the tradition of most Nigerian employees to convert their leave into monetary means thereby working round the year with no leave taken. This act though illegal under Section 18 (3) of the Labour Act has become the norm which in the long run adversely affects the life of such employee in all areas particularly in health and productivity. Human Resource Practitioners' are therefore implored to be more conscious of employees who are yet to take leave in order to allow for work-life balance.

Human mobility is essential to the growth and development of cities globally due to its impacts on socio-economic activities. Among the thirty-six states in Nigeria, Lagos appears to be the most commercially viable due to its population and access to ports. While this appears to be an advantage, it has however hampered the productivity of employees working in the state due to its persistent road traffic situation. The chaotic situation and constant exposure of employees and other road users to the menace of traffic jam has been proven to be a cause in the reduction in life expectancy rate.²⁴ Time is of essence and the sad disposition of Africans towards the concept of time is the major reason for accommodating the realities of traffic situation in project management. The long hours spent in traffic impedes the productivity of employees who could have better utilized those moments in achieving better things.²⁵ Increasing road traffic and rural-urban migration situation in Lagos and other parts of Nigeria is largely caused by the absence of necessary infrastructures such as good roads and stable power supply all of which is needed in accelerating productivity and balancing work-life.²⁶

Flowing from the above, it is evident that the concept of work-life balance seems like a Gordian knot in Nigeria due to myriad of factors identified above. These factors have insipidly caused the neglect in the concept of work-life balance and are now impeding the advancement and dynamism that should ordinarily accompany job employment relationship. Imperatively, work-life balance perspective needs no microscopic evaluation as it must be analyzed from a spiral perspective because employment relationship impacts not only the parties involved but indirectly impacts on the lifestyle of other persons connected to the parties and society at large. However, one germane question that must be asked and is begging for answer in this jet age where technology is an advantage is 'can work-life balance be achieved?' if the answer is in the affirmative, then it can be a reality if the necessary structures are put in place.

²⁰ Hartman, H. (1997), "The Unhappy Marriage of Marxism and Feminism: Towards a more Progressive Union" in Nicholson, L. (Ed), *The Second Wave: A Reader in Feminist Theory*. New York, Routledge. Pp97-120

²¹ *ibid*

²² Makama Allana, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' (2013) 9(17) *European Scientific Journal*

file:///C:/Users/Admin/Downloads/1161-Article%20Text-3466-1-10-20130630.pdf accessed 16 November 2021

²³ B. McIntosh, 'Motherhood and its Impacts on Career Progression' (2012) 27(5) *Gender in Management: An International Journal*

file:///C:/Users/Admin/Downloads/gendermanagementMcIntosh12.pdf accessed 16 November 2021

²⁴ C. Chidi and D. Ideh, 'The Menace of Traffic Jams and Quality of Work-Life in Lagos State, Nigeria' (2018) *E-Journal of International and Comparative Labour Studies*

https://www.researchgate.net/publication/332629651_The_menace_of_traffic_jams_and_quality_of_work-life_in_Lagos_State_Nigeria accessed 16 November 2021

²⁵ IProject Master, 'Impact of Traffic Congestion on Workers Health: A Case Study of Lagos State, Nigeria'

<https://www.iprojectmaster.com/human-resource-management/final-year-project-materials/impact-of-traffic-congestion-on-workers-health-a-case-study-of-lagos-state-nigeria> accessed 16 November 2021

²⁶ K. A. Familoni, 'The Role of Economic and Social Infrastructure in Economic Development: A Global View' *CBN Publications*

<https://www.cbn.gov.ng/out/Publications/reports/occasionalpapers/RD/2004/Jos-02-2.pdf> accessed 23 November 2021

4. Legal Framework for Work-Life Balance in Nigeria

The concept of Work-life Balance as earlier explained is a relatively grey area in the field of human resource management. This simply points to the fact that the concept is not expressly stated in any law in Nigeria. However, certain provisions of some enactments impliedly refer to the concept of Work-Life Balance. The 1999 Constitution of the Federal Republic of Nigeria which is the organic law of the land makes socio-economic rights non-justiciable.²⁷ The Fundamental Objectives and Directive Principles of State Policy entrenched under chapter two of the Constitution is bereft of any legal cloak hence making work-life balance an unenforceable concept under employment relations.²⁸ Work-life balance which is related to the ability of employees to balance their work and personal lives concerns itself with policies and plans such as leave period and vacation in employment relations.

Section 17 (1) of the 1999 Constitution of the Federal Republic of Nigeria states as follows:

- (3) The State shall direct its policy towards ensuring that-
 - (a) all citizens, without discrimination of any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
 - (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
 - (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
 - (d) there are adequate medical and health facilities for all persons
 - (h) the evolution and promotion of family life is encouraged.

The above provisions recognize the need for work-life balance through the usage of phrases such as family life, leisure, health, safety, and welfare. The feasibility of the above provisions in a country like Nigeria is rather a mirage following the dictates of socio-cultural and socio-economic practices. The provisions however beautiful are yet to locate its roots in a fertile soil due to the non-justiciability of the provisions as citizens cannot hold government accountable on the above constitutional provisions, hence, anything goes. Section 37 of the 1999 Constitution of the Federal Republic of Nigeria states that the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected. This provision impliedly respects the right to privacy of family life. How practicable this is in the face of the work from home policy of most organizations is questionable. Sections 16 and 18 and of the Labour Act guarantees the employees' right to sick and annual leave respectively. Section 16 states that a worker shall be entitled to be paid wages up to twelve working days in any one calendar year during absence from work caused by temporary illness certified by a registered medical practitioner. Section 18 also states that every worker shall be entitled after twelve months continuous service to a holiday with full pay.

The Head of Civil Service of the Federation recently passed a policy in the Public Service Rules granting fourteen days paternity leave to fathers.²⁹ Lagos State and Enugu State have also recognized the need for fathers to be involved in parenting at the inception of a child's birth by granting three weeks paternity leave respectively to nursing fathers in employment. In 2018, there was a private members' Bill in the House of Representatives that proposed the inclusion of paternity leave in Nigeria's legislation, this was shot down by the legislators on patriarchal grounds fanned by religion and culture.³⁰

5. International Human Rights Law Perspective on Work-Life Balance

Human Rights are universal and inalienable; indivisible; interdependent and interrelated. They are universal because everyone is born with and possesses the same rights, regardless of where they live, gender, race or religious beliefs.³¹ From a pedagogical perspective, work-life balance is a dramatic heuristic device for demonstrating the relevance of international law through various conventions as well as the incorporation of

²⁷ Section 6(6)(c) of the 1999 Constitution of the Federal Republic of Nigeria

²⁸ Femi Aborisade, 'The Imperatives of Justiciability of Socio-Economic Rights in Nigeria: An Analysis of Chapter II of the 1999 Constitution and Judicial Attitudes' Femi Aborisade's Blog (Nigeria, 1 May, 2013)

http://femiaborisade.blogspot.com/2013/05/the-imperatives-of-justiciability-of_1.html accessed 16 November 2021

²⁹ Johnbosco Agbakwuru, 'FG Approves 14 Days Paternity Leave' Vanguard News (Nigeria, 29 September, 2021)

<https://www.vanguardngr.com/2021/09/breaking-fg-approves-14-days-paternity-leave/>

accessed 26 November 2021

³⁰Ray Ekpu, 'Paternity Leave: Enhancing Family Values' The Guardian (Nigeria, 12 October, 2021)

<https://guardian.ng/opinion/paternity-leave-enhancing-family-values/> accessed 26 November, 2021

³¹ Maria Balseira, 'Human Rights: Universal, Inalienable and Indivisible' (Action Aid International)

<https://actionaid.org/opinions/2019/human-rights-universal-inalienable-and-indivisible> accessed 24 November 2021

international human rights norms into domestic law.³² The concept of work-life balance will be examined under the following sub-headings;

International Labour Organization Convention No. 156: Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981

This Convention recognizes the need to create effective equality of opportunities and treatment for male and female employees with family responsibilities. The Convention also takes into cognizance, the need to improve the conditions of employees through response measures to timely needs in workplace.³³ Nigeria being a signatory to this Convention is yet to domesticate it as part of its local legislation and when this is the case, the Convention can only hold a rather persuasive effect. Article 1 states that the provisions of this Convention shall apply to all male and female employees with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. Article 2 states that the provisions of the Convention shall apply to all economic activity and all categories of employees. Article 3 implores all Member States to pursue national policies capable of enhancing employees with family responsibilities who are engaged or who desire to engage in any employment. Member States should also ensure that employees can freely exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

Article 5 states that national policies pertaining to employment should take into account employees with family responsibilities in child care and community planning. Article 6 states that relevant authorities and agencies at national level should ensure that adequate information and sensitization fora are organized in order to promote family life and reduce family friction. Article 8 prohibits the termination of employment on the basis of family responsibilities. Imperatively, while it must be noted that Nigeria is yet to ratify this Convention as part of its local legislations.³⁴ The above examined provisions are instructive and do have a critical position in employment relationship particularly in Africa where family is viewed as a communal and integral part of human existence. Several women and men have being victims of career retrogression due to the cultural perception that women and in some cases men should not be allowed to work due to family. However, the provisions of this Convention have explicitly proven that work and family life should be balanced with none overshadowing the other.

African Charter on Human and Peoples Rights, 1981

The African Charter on Human and People's Rights to which Nigeria is signatory has been domesticated and viewed as a veritable part of Nigeria's legislation. In the case of *Abacha v Fawehinmi*,³⁵ the court held that the African Charter on Human and Peoples Rights has been domesticated and is part of Nigeria's municipal law, though its practicability is questionable in the light of current trends and realities. The Charter addresses a culminative aspect of work-life aspect from Articles 15 and 18 particularly. Article 15 states that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work. Article 16 states that every individual has the right to enjoy qualitative mental and physical care and such right shall be guaranteed by the State. Article 17 recognizes the right of an individual to take part in the cultural life of his community. Article 18 recognizes the family as a natural unit and basis for society and bestows a duty on the State to ensure that traditional values associated with family are preserved.

6. Comparative Discourse on the Legal Framework for Work-Life Balance in Portugal and New Zealand

Work-life balance is a global phenomenon because labour holds a vital position as a factor of production and spans across every sphere of human life. While it may appear impossible to have a singular document on work-life balance, the concept entails certain integral issues which every society should concern itself with in its legislative enclave. This section of the paper examines the practice of work-life balance in selected jurisdictions in order to borrow cues which Nigeria can glean wherefrom. These jurisdictions were selected based on their peculiarities from the family angle and work-from home schemes following the outbreak of

³² Similoluwa Daramola, 'The Adequacy of the Law on Domestic Violence in Nigeria' (LL.B Thesis, Bowen University 2019)

³³ 'Convention 156 ILO Gender Network Handbook 2006 Edition https://www.ilo.org/wcmsp5/groups/public/---dgreports/gender/documents/genericdocument/wcms_114192.pdf accessed 23 November 2021

³⁴ International Labour Organization, 'Up-to-date Conventions not Ratified by Nigeria' https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:103259 accessed 26 November 2021

³⁵ (2000) 6 NWLR Pt. 228

the corona virus pandemic. The stereotyped perspective of African women as homemakers has posed the challenge of securing an African jurisdiction with a suitable legal framework on work-life balance. The Nigerian legal framework for work-life balance is not expressly stated since the concept is relatively new. However, while the law is an instrument of social engineering, the laws of any society must conform to the changing dynamics in the society in order to retain its veritable nature and relevance. The Nigerian Labour legislation on other areas affecting labour and employment such as casualization of labour is hitherto largely inadequate, though a bill is currently pending at the National Assembly to criminalize the casualization of labour.³⁶ The concept of work-life balance like every other concept is still unknown to the Nigerian labour legislation, though while a combined interpretation of the examined provisions impliedly recognizes the concept of Work-life Balance, Nigeria must ensure that necessary legislations concerning issues such as this are duly enacted and enforced in order to guarantee the social security of its citizens.

A comparative analysis of the legal framework of work-life balance in New Zealand and Portugal simply indicates that the concept is recognized and prioritized in order to ensure that all aspects of the life of employees are held in utmost importance. Countries across the world protecting people's right to a healthy work-life balance are responding appropriately to modern work culture.³⁷ The Portuguese government recently enacted a law as part of its response to the modern work-life balance culture. The legislation was conceived by Portugal's ruling Socialist party to improve work-life balance for the country's remote workforce, which expanded due to Covid-19, and to make Portugal a more attractive base for foreign investments.³⁸ The Portuguese Parliament recently banned bosses from exchanging correspondences out of working hours under its Labour Laws. The rationale behind the enactment is to improve work-life balance in response to an expansion of working from home in the country. Companies with more than ten staff could face fines if they contact employees outside their contracted hours.³⁹ The law also permits staff with children to work remotely. Parents are now allowed to work from home indefinitely without seeking prior approval from their employers until their child turns eight, also, it behooves on companies to contribute to higher household bills from being home-based, such as energy and internet costs.⁴⁰ An examination of the Portuguese law is a simple reflection of the social importance of parenting which work-life balance depicts.

Since family life constitutes an integral part of an employees' life, the New Zealander's Government enacted the Domestic Violence Victims' Protection Act 2018 to allow employees who are victims of domestic violence to take time off from work to deal with issues pertaining to their family life. The implication of the law is that legal protection is provided for employees who are victims of the horrifying scenes of domestic violence.⁴¹ In the purpose Section of Subpart 5 of the Act, employees who are affected by domestic violence are entitled to paid leave for the purpose of assisting the employees to deal with the effects of domestic violence. Section 72A defines a person affected by domestic violence as a person against whom any other person is inflicting or has inflicted, domestic violence or a person with whom there ordinarily or periodically resides a child against whom any other person is inflicting or has inflicted domestic violence. Section 72C of the Act states that an employee is entitled to domestic violence leave if after the employee has completed six months current continuous employment with the employer or has over a period of six months, worked for the employer for at least an average of ten hours a week during that period and no less than one hour in every week during that period or no less than forty hours in every month during that period. Section 72E requires an employee who intends to take the domestic violence leave to promptly inform the employer of his intention to go on leave. Section 72H states that an employee may take up to ten days domestic violence leave in each year. Furthermore, while several employees could be scared of going on leave due to payment, Section 72I of the Domestic Violence-Victims' Protection Act 2018 has allayed the fears by mandating employers to pay an employee an amount that is equivalent to the employee's relevant daily pay or average daily pay for each day of domestic violence leave taken by the employee that would otherwise be a working

³⁶ Ruth Imafidon, 'NLC Hastens House of Reps to Criminalize Casualization of Labour' Nairametrics (4 June, 2020) <https://nairametrics.com/2020/06/04/nlc-hastens-house-of-reps-to-criminalise-casualization-of-workers/> accessed 22 November 2021

³⁷ The Guardian 'Portugal Banned Bosses from Texting Employees after Work. Could it Happen in the US? (15 November, 2021) <https://www.theguardian.com/lifeandstyle/2021/nov/15/portugal-boss-texts-work-us-employment> accessed 22 November 2021

³⁸ BBC News 'Portugal Bans Bosses Texting Staff After-Hours' (12 November, 2021) <https://www.bbc.com/news/business-59263300> accessed 22 November 2021

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ Ministry of Business Innovation, and Employment New Zealand Government <https://www.employment.govt.nz/assets/Uploads/tools-and-resources/documents/40d89abf29/domestic-violence-victims-protection-act-factsheet.pdf> accessed 22 November 2021.

day for the employee. Section 108A prohibits the adverse discrimination of employees who are victims of domestic violence in any manner.

Flowing from the above jurisdictional provisions on work-life balance, an evaluation of what obtains in Nigeria differ as the Constitution which provides for work-life balance is non-justiciable under Section 17 and 6(6)(c) of the 1999 Constitution of the Federal Republic of Nigeria.⁴² The Violence Against Persons (Prohibition) Act 2015 which prohibits domestic violence after long years of having no law on domestic violence in Nigeria is limited in scope of applicability by virtue of Section 46 of the Act which states that the Violence Against Persons (Prohibition) Act shall apply only in the Federal Capital Territory, Abuja. The absence of a widely applicable legal framework on domestic violence has caused several employees who are victims of domestic violence to be apprehensive in taking drastic approach in addressing salient issues pertaining to their lives owing to denial of permission and issuance of query on the part of employers. At the Lagos State Domestic and Sexual Violence Agency, most clients who were either given courtesy calls in response to an allegation levelled against them or who had to lodge complaints of domestic violence sometimes had to sneak from their workplaces in order to honour the calls which could cost them their job particularly⁴³ in private organizations where job security can be likened to the tides and waves of an ocean. Indeed, the provisions on Work-life Balance in Portugal and New Zealand are welcome steps in the right direction which Nigeria must imbibe in its journey towards Work-Life Balance. This paper opines that while it may rather be difficult to have a singular legislation on work-life balance, the Nigerian government must ensure that it reviews and enacts necessary legislations as the society evolves.

Furthermore, a review of Section 37 of the 1999 Constitution of the Federal Republic of Nigeria which guarantees the right to privacy at family level is limited in scope when juxtaposed with the Portuguese Labour Law which prohibits an employer from contacting his employee after close of work. This simply indicates that where the right of privacy ends in Nigeria, is where it begins in Portugal especially in employer-employee relationship. The entire concept of work-life balance sees beyond the economic landscape because every inaction or action comes handy with a reaction which spirals down to every facet of human life. A sociological perspective of the Portuguese and New Zealander legislations already examined above shows that the home plays a pivotal role in the upbringing of a child and constitutes one of the major factor contributing to juvenile delinquency and hence should be paid attention due to the shift from female dependency on men to provide for the home.⁴⁴ In Nigeria, more and more mothers are going to work leaving their children unattended at home or on the street, thereby depriving children at their early age of motherly love and affection.⁴⁵ Therefore, once there is a disconnect in the family from the socket of love and unity, nothing positive can be expected from such an offspring of the family, except on rare occasions.⁴⁶

7. Conclusion and Recommendations

Grosso Modo, an examination of the concept of work-life balance laconically reveals that the concept is an integral aspect of human life particularly under employment relationship. The concept is broad because it cuts across a spectrum of economic and social issues which could either make or mar its realization. The concept thrives upon the partnership and dynamism of relevant stakeholders. A further examination of the concept of work-life balance under Nigerian employment relations also reveals that several factors militate against the realization of work-life balance and Nigeria must begin to borrow cues from other jurisdictions in its bid to enhance and enrich its terms and conditions of employment within the precincts of employment law.

⁴² Section 6(6) (c) of the 1999 Constitution of the Federal Republic of Nigeria states that The judicial powers vested...shall not except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution.

⁴³ Similoluwa Daramola, 'Lessons from N'Zealand Laws on Domestic Violence' Punch Newspaper (Nigeria, 12 July 2019) <https://punchng.com/lessons-from-nzealand-laws-on-domestic-violence/> accessed 22 November 2021

⁴⁴ Etifit D, 'The Nature and Consequences of Juvenile Delinquency in Nigeria: A Study of Enugu North LGA, Enugu State' (BSC Thesis, Caritas University 2012)

https://pub.abuad.edu.ng/Open_Access_Research_Projects_of_Universities_-_Batch_1/sociology/the%20nature%20and%20consequences%20of%20juvenile%20delinquency%20in%20nigeria_%20a%20study%20of.pdf accessed 23 November 2021

⁴⁵ *ibid*

⁴⁶ Similoluwa Daramola, 'Nigerian Youth and what Lies Ahead' Punch Newspaper (Nigeria, 17 August 2018)

<https://punchng.com/nigerian-youths-and-what-lies-ahead/> accessed 23 November 2021

An examination of the above discourse on work-life balance under Nigerian employment law reveals the existence of a lacuna begging to be filled. This is because contrary to the misconception that work-life balance advocates for laziness on the part of employees, the concept simply plays a cautionary role in ensuring that there is a balance in all areas of the employees' life through time. Learning is a continuous process of other jurisdictions and this paper has been able to provide possible solutions below which will guarantee and improve work-life. The institution of government across the world remains the most powerful institution that can garner huge momentum in human compliance through enactment of laws. It is evident that the Nigerian legal framework on work-life balance is archaic and largely inadequate when faced with modern realities in the field of employment relations. The government through the National and State Houses of Assembly should ensure that there is an overhaul in the employment sector of the country in order to forestall continuous exploitation of employees. In accordance with Section 12 of the 1999 Constitution of the Federal Republic of Nigeria which states that no treaty between Nigeria and any other country shall have the force of law unless such treaty has been ratified. It is in this vein that the Nigerian government is implored to ratify Convention 156 of the International Labour Organization on Workers with family Responsibilities into its local legislation. It then behooves on the legislative arm of the Nigerian government to ensure that proper laws that touch on work-life balance are enacted. Cues must also as a matter of necessity and expediency be borrowed from New Zealand and Portugal so that beyond the finances career grants to the individual employee and country as a whole, a stalwart society where proper values are instilled in the young offspring through adequate parenting through work-life balance can be built.

The field of human resource now differs due to its strategic function as opposed to personnel management which used to be a traditional and routine function. Human resource is strategic because of its deviation from the routine role of managing people to taking broader steps in ensuring that adequate manpower is recruited into the organization in order to allow for division of labour and work-life balance. The Human Resource of any organization should note that they owe a duty of care by monitoring employees who are yet to go on work leave. This is because certain employees may never go on leave which could be deleterious to their health and threat to the organization. In terms of employee policy, Human Resource Managers in most organizations should also endeavor to adopt flexible working conditions and remuneration structures, though this may depend on the nature of services and sector in which the employer operates.

Infrastructures play a key role in the growth of any nation's economy. The Nigerian government should endeavor to provide social amenities that will alleviate the working life of Nigerian employees and expatriates. It must be reiterated that time is of essence and key infrastructures must be put in place if foreign investments is to increase. Long hours spent in traffic could be reduced if proper road networks and means of transportation are put in place in order to reduce the volume of cars and heavy-duty trucks on the road.

Discriminatory cultural tenets must also be displaced as a matter of expediency. While culture has a role to play in the life of any society, discriminatory tenets should not be harboured in terms of gender roles and employment relationship. The view that the upbringing of children and catering of the family needs falls within the exclusive purview of women should be discarded because this view has hampered the growth of work-life balance among married women who have to juggle all these traditional roles alongside work responsibilities. Explicitly, employers should not also recruit single individuals on the sole ground of being able to utilize and engage them to the fullest while neglecting other aspects of their lives. Undoubtedly, while the marital status of individuals have a role to play in recruitment especially in guaranteeing occupational safety and health, it should not appear discriminatory as to the detriment of work-life balance.