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The judiciary and family-friendly policies: an institutional analysis of work-life balance challenges facing Ghanaian judges

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Abstract

Purpose – Relying on institutional theory, this study explores work-life balance challenges facing judges as a result of institutional factors that determine accessibility to family-friendly policies in the Ghanaian judiciary.

Design/methodology/approach – A qualitative design using thematic analysis is employed herein in order to analyse the primary data retrieved from 26 judges using semi-structured interviews. Thus, this paper is among the first to focus on the work-life balance realities of judges in a Sub-Saharan African context, where literature is scarce.

Findings – Considering the definitions ascribed to institutionalised conceptualization of work-life balance, our initial overall findings revealed challenges in attaining it. Further results revealed three key themes: inflexible work design, concerns related to one's career stage, and patriarchy. These factors all constrain judges from effectively utilising available family-friendly policies that could potentially alleviate their work-life conflicts.

Research limitations/implications – The extent to which the findings can be generalised is constrained by the limited sample size. However, the aim of the study was to unpack how institutional rituals, norms, and routines form authoritative guidelines shaping judges' perceptions of institutional practices that constrain the take-up of work-life balance policies.

Originality/value – The study contributes to extant research by showing nuanced experiences of judges – a workgroup conventionally ignored in work-life balance studies.

Keywords Ghanaian family-friendly policies, Ghanaian judiciary, Institutional analysis of work-life balance

Paper type Research paper

Introduction

This paper explores the experiences of work-life balance (WLB) challenges confronting judges by considering the institutional factors constraining the utilisation of WLB policies in the Ghanaian judiciary, where literature is scarce. While a great deal is known about WLB in relation to how personal preferences align with organisational expectations to provide family-friendly policies (FFPs), little is known about the negative consequences for the usage of FFPs

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available within institutional environments (Maheshwari and Lenka, 2022). Furthermore, significant WLB research has been undertaken in western nations (Wilkinson *et al.*, 2017), but little is known about WLB challenges in African contexts, such as Ghana (Darko-Asumadu *et al.*, 2018). Hence, the main contribution of this paper is to respond to wider calls for more novel research from developing African countries (Mushfiqu *et al.*, 2018). This approach will also widen the global understanding of nuanced evidence that focuses on neglected country-specific aspects of lived experiences in relation to WLB (Nwagbara, 2020). Thus, the present study employs an institutional framework to explore the organisational factors that pose WLB difficulties for an under-researched occupational group: judges, who are perceived to be keepers of the law, which comes with extensive judicial responsibilities (Fielding, 2011).

It is noteworthy that the Ghanaian post-colonial judiciary, legal system, and common law practices were built on Western common law, statutory law, and documentation, specifically drawing on British judicial regimes (Boakye and Akoensi, 2021). There is also an enduring body of largely unwritten customary Ghanaian traditions and practices that are contextual features of the modern legal system of Ghana, where judges handle high caseloads (Owusu *et al.*, 2022). This is why Marfo (2019) argues that Ghanaian judges are overwhelmed with the adjudication system, questioning the quality of the WLB confronting them. Studies on working conditions within the judicial profession are relatively novel, because organisational workplace practices in the judiciary stem from the privileged status, social remoteness, and high confidentiality surrounding career trajectories of judges (Casaleiro *et al.*, 2021). Nevertheless, they are also individuals with particular WLB requirements. According to Obimpeh (2021), institutions must concentrate on how people successfully negotiate their economic and social lives with minimum struggle. However, given the level of official immunity and the sensitive nature of the role of a judge in the administration of justice, we seek to answer the following research question:

What are the institutional factors constraining Ghanaian judges from utilising WLB policies?

The research context

The country name “Ghana” means “strong warrior king” (Annor, 2014). Ghana, with a population of over 32 million people, has made great progress towards democracy under a multi-party system in the past 2 decades, with its independent judiciary having earned popular trust (Owusu *et al.*, 2022). The judiciary is the third arm of government after the executive and legislative in Ghana, and it is headed by the Chief Justice, who is appointed by the President in consultation with the National Council of Elders. The judiciary is an independent arm of the state, created to resolve legal conflicts according to the law – impartially and efficiently – for all persons, without fear or favour. This is done through the proper interpretation and implementation of Ghanaian laws (Judicial Service of Ghana, 2022).

The strategic goals of the Ghanaian judicial service, as explicitly stated in its official documents, include but are not limited to improving administrative capacity and the efficient management of the judiciary’s resources and strengthening public trust and confidence in the judiciary (Judicial Service of Ghana, 2022). The Ghanaian judiciary is managed by the 18-member Judicial Council, with the Chief Justice serving as the Chairperson, with representation from the National House of Chiefs, the Ghana Bar Association, the Ghanaian Armed Forces, the Judicial Staff Association of Ghana, and government appointees. The Judicial Council serves as the highest decision-making body of the judiciary in Ghana, with its core values enumerated to include independent-mindedness, honesty, and impartiality (Judicial Service of Ghana, 2022).

In terms of the sociocultural context, Ghanaian society is broadly collectivist, with a traditionally organised gender-based system that emphasises respect for and acceptance of hierarchy (Marfo, 2019). Emphasis is placed on the extended family system, in which strong ties and obligations form the basis of a kind of “social insurance” that often takes priority over personal goals and aspirations that people seek to fulfil in the western world (Ituma *et al.*, 2011). Traditional gender norms expect Ghanaian women to actively engage in home management and

caregiving, while men are socialised to become breadwinners (Dartey-Baah *et al.*, 2020). Other common values of the Ghanaian society include a deference to authority and the acceptance of status differentials. In addition, a wide range of WLB and flexible working solutions are currently being proposed in Ghana's various employment sectors (Annor, 2014). As such, these policies are directed at fostering organisational commitments through the provision of flexible labour arrangements and responsive work environments that allow employees to balance their work and family/personal responsibilities by adhering to these family-friendly policy requirements (Obimpeh, 2021). In principle, these policies are often evident on paper but do not materialise in reality because of weak implementation mechanisms at the governmental and organisational levels. These situations are possibly institutional reasons constraining the usability and accessibility of WLB policies in Ghana.

Theoretical background of the study

Institutional theory is a widely acknowledged concept that explores how social choices are shaped and directed by the institutional environment (Scott, 2008). Some WLB scholars (e.g. Den Dulk and Groeneveld, 2013; Nwagbara, 2020) argue that social context provides the rationale and motivation for human behaviour, thus shaping individual WLB claims from the institutional environment. This perspective is consistent with institutional theory, which considers "the processes by which structures – including schemas, rules, norms, and routines – become authoritative guidelines for social behaviour" (Scott, 2005, p. 461). From a WLB perspective, the neo-institutional standpoint, for instance, shows the degree to which institutional pressure on organisations to implement WLB initiatives is increasing as a result of public attention on WLB matters, growing state regulations, and a changing workforce (Den Dulk and Groeneveld, 2013). Therefore, all organisations are obligated to respond to these corporate expectations in order to gain social legitimacy (Gambles *et al.*, 2006). Therefore, WLB policies serve the purpose of highlighting the need for organisations to demonstrate acceptable culture and supportive arrangements to employees' changing relationships between their work, family, and personal lives (Bouwmeester *et al.*, 2020).

Undoubtedly, implementing WLB policies amplifies structural and cultural support, which helps in maintaining relatively stable forms of employee welfare, primarily for agency economics and performance (Chou *et al.*, 2013). However, little is known about the reasons constraining employees from utilising or accessing these FFPs, which have been proven to foster wellbeing (Den Dulk and Groeneveld, 2013). This is particularly the case in developing economies (Akanji *et al.*, 2020). The work of Ituma *et al.* (2011) is consistent with a growing body of research that suggests that the unique institutional environment in Africa (characterised, for instance, by political instability, economic upheaval, corruption, poor infrastructure, weak leadership, and social insecurity) has profound influence on individual behaviours and management practices. However, research examining a specific national context in Africa in relation to institution-based views that inhibit WLB practices and policies is rare.

Furthermore, studies of this nature that focus on the third arm of government – the judiciary – are extremely limited (Casaleiro *et al.*, 2021). Moreover, the concept of institutional theory has been widely used to assess a range of organisational outcomes, workplace practices, and policies (Wilkinson *et al.*, 2017). These include research on performance appraisals (Outila and Fey, 2022), organisational culture (Zilber, 2012), workplace diversity (Kondra and Hinings, 1998), and organisational leadership (Khassawneh and Elrehail, 2022). However, very few studies have focused on examining institutional theory from a WLB perspective (Ahmad and Ercek, 2018).

Review on work-life balance perspectives

Common among the divergent perspectives on WLB dynamics is the propagation of the ideal that a person's economic and social lives should be seen less as competing priorities but rather

as complementary elements of a full life (Shockley *et al.*, 2018). Different scholarly perspectives propelling these ideals move between employees' subjective construal and those aligned with scrutinising organisations to implement FFPs (McDonald *et al.*, 2013). The perception of WLB as a western social concept (Bouwmeester *et al.*, 2020) can be traced to work-life conflicts (WLCs) or problems workers experience in trying to find a sense of balance between their employment and private-life affairs. Consequently, WLB initiatives have been at the forefront of research and policy in an attempt to address concerns about WLB in organisations stemming from demographic changes in the workplace (e.g. increasing participation of women in the labour force), technological advancement (which has blurred the boundaries between work and life affairs), and the longer working hours (Dousin *et al.*, 2021). Although, it is noteworthy that the adoption of the post-COVID-19 hybrid working mode increased flexibility and focus on work-family integration, especially for mothers with preferences for remote working (Akanji *et al.*, 2022).

The extant literature evidences some relatively consistent policies in various contexts. Agarwal and Lenka (2015), for example, list four major categories of these WLB policies, which are: alternative work arrangements, dependent care policy, leave policy, and employee assistance/wellbeing management programmes. However, the availability of these policies varies across time, context, regions, and cultures. Furthermore, Wang *et al.* (2017) suggest that WLB is a social construct according to which people make choices about WLB initiatives within a set of institutional structures and occupational constraints. This perspective on individual choices is generally conceptualised in terms of career path (Carless and Wintle, 2007), lifestyle (Agarwal and Lenka, 2015), organisational human resources systems (De Cieri *et al.*, 2005), a supportive culture (Mladenović and Krstić, 2021), gender (Akanji *et al.*, 2020), and other broader contextual factors.

Speaking of wider contextual issues, western-based organisations in particular are gravitating towards greater workplace diversity, where a commitment to equal opportunities is necessitating the implementation of more inclusive WLB policies because of the egalitarian nature of these societies (Shockley *et al.*, 2018). By contrast, WLB research that focuses on a non-western context, such as the African continent, has revealed national-level indicators embedded in patriarchy, strict gender role-based divisions of labour, inequality, and impoverished socioeconomic conditions that shape WLB practices and policies in these developing nations (Akanji *et al.*, 2022). As a result, most Africans are confronted with the challenges of balancing their work and private lives. Such challenges are often more acute for women than men, as they are traditionally assigned the role of primary caregivers (Adisa *et al.*, 2016).

While past studies capture the impact of the broader national context on WLB experiences of its citizens (Idrovo Carlier *et al.*, 2012), scholars still argue that there remains a paucity of research on the structural, cultural, and practical constraints shaping individuals' sense of organisational WLB entitlements and their ability to achieve WLB from an institutional perspective (Den Dulk and Groeneveld, 2013). Mordi *et al.* (2013) argued that conceptualising the institutional constraints limiting WLB experiences, particularly in extremely volatile economies in developing parts of the world, presents an opportunity for specific studies to be undertaken in order to broaden the debate on WLB instead of limiting the field to the already well-researched western regions. Hence, the focus of this study is to explore institutional practices shaping the professional behaviour of judges who are tasked with adjudicating legal disputes in the name of the State of Ghana (Fielding, 2011).

Methodology

This study is guided by interpretivism, which involves employing a qualitative research design, which in turn allows the researchers to discover rich narratives from people's lived experiences (Creswell, 2013). This paper draws on the findings of an unpublished thesis entitled "An examination of work-life balance policies and practices: A case analysis of

Ghanaian judges” (Afari-Mensah, 2024). However, this paper focuses on the factors constraining the utilisation of WLB policies in the Ghanaian judiciary, which is a novel aspect of the doctoral thesis.

Data collection

A purposive sampling technique was used to collect the dataset, because qualitative researchers must have good knowledge of the sample size to be utilised and target the intended samples (Patton, 2015). Purposive sampling is primarily based on the defined characteristics of the research participants. In all, 15 male and 11 female judges participated. The participants were solicited through existing contacts and a snowballing process. The eligibility of the participants was primarily based on their status as judges, the years of their judicial experience, and their keen interest to participate in the study. A detailed demographic profile of the participants is presented in Table 1.

In compliance with ethical considerations, formal permission was sought and granted by those in charge of the research (e.g. the court registrars) after the study was found to have met the requirements and administrative approval of each category of the court’s standards for research on human subjects (Creswell, 2013). Ethical approval was granted by the first author’s university’s Faculty Research Ethics Committee, which reviewed the research proposal and concluded that respect for the rights and dignity of participants, including confidentiality, would indeed be prioritised. One of these demands was that the identities of the participants must be anonymised. Thus, the participants were ascribed pseudonyms for confidentiality purposes. Additionally, their informed consent and voluntary participation were highly prioritised. Before each individual interview, consent forms were completed, and each judge was informed from the outset about of the purpose of the study, the confidentiality of the information they would be sharing, and their rights to withdraw from the study at any time.

The researchers are African, with similar cultural backgrounds to those of the participants, thus alleviating any reticence that the interviewees may have otherwise felt. They were therefore encouraged to fully engage in the interviews. The one-to-one conversations lasted for about 60–70 min and were all conducted in each judge’s chamber. Each session involved semi-structured open-ended questioning, allowing for flexibility in the discussions. The researchers were keen to gain insights into the institutional circumstances constraining the WLB experiences of judges. To improve the study’s credibility and reliability, the researchers chose to use iterative questioning – asking probing questions. The reason for this approach was to elicit credible data, as the researchers constantly returned to issues previously raised by participants in order to verify their claims by rephrasing questions, with the sole aim of eliminating the risk of bias (Saunders *et al.*, 2019). Examples of the questions are as follows: 1

Table 1. Demographic profile of the participants

S/N	Court	Number of judges	Gender F – female M –male	Age bracket	Years of judicial experience
1	Supreme Court	2	1M, 1F	65–69	31–38
2	Court of Appeal	4	3M, 1F	60–66	30–33
3	High Court	7	4M, 3F	55–65	21–32
4	Circuit Court	5	3M, 2F	50–58	20–27
5	District Magistrates	8	4M, 4F	45–55	15–21

Source(s): Authors’ own creation, 2025

What do you understand is WLB? 2 Do you encounter challenges in achieving WLB as a judge? 3 What constrains you from utilising WLB initiatives within the institutional framework of the judiciary? The interviews were all conducted in the English language, which is the official language of Ghana. All the interviews were electronically recorded with the participants' consent. The researchers continued the data collection until a data saturation point was achieved. This is the point at which further interviews would not reveal any more novel insights, making the data collected ready for analysis.

Data analysis

Analysis began with transcription of the interviews. Thereafter, the transcribed data were subjected to an interpretivist evaluation identified as thematic analysis (TA). This procedure is a qualitative design employed to identify, analyse, and report patterns (themes) within datasets (Braun and Clarke, 2006). Before the analysis, the interview transcripts were given to each judge for "member checking" – to confirm the accuracy of all the relevant data (Birt *et al.*, 2016). Adopting Braun and Clarke's (2006) TA design, the analysis began by the researchers familiarising themselves with the interview transcripts, which involved repeated and meticulous reading of all the transcribed data. Thereafter, the researchers collectively started a data-reduction protocol, an analytical process through which data is fractured and integrated to form conceptual themes grounded in the data. In doing so, the researchers initially created provisional categories via first-order codes (Creswell, 2013). From the nature of the research inquiry, this meant scaling down datasets through open coding, which involves analysing textual content and creating words or phrases that symbolically assign a salient, summative, and essence-capturing attribute of interview extracts that directly addressed our research inquiry (Table 2).

By collectively coding the datasets, the researchers facilitated inter-coder reliability by ensuring consistency in the coding procedure, until all the researchers reached a consensus. Thereafter, the researchers listed all the initial codes and began axial coding by consolidating the first-order codes to create conceptual categories (i.e. sub-themes), as demonstrated in Table 2. This made the first-order coding more theoretical and more abstract (Pratt *et al.*, 2006). The researchers then amalgamated the conceptual categories in a bid to generate theoretical explanations for the occurrence of the phenomenon under study. In doing so, a process of cross-comparison and validation of conceptual categories continued until the researchers reached a consensus on the main themes of the study, grounded in the data. Table 2 presents the themes, the sub-themes, and a summary of findings from the sampled interview excerpts.

Findings

The detailed findings of the study are presented below.

Institutionalised conceptualisation of WLB

This theme, which emerges from the overall findings, is based on participants' responses to the question of what they understand as WLB within the context of their judicial role. Based on the judges' nuanced experiences of WLB, the social concept was traditionally conceptualised into the following sub-themes to mean: having increased autonomy and control, absence of WLC, and achieving financial stability. The narratives of these participants also highlight their struggles in achieving this desired state.

First, some judges generally defined WLB from the standpoint of having increased autonomy and control over their schedule or activities. For example, some participants shared:

I think WLB, as the name implies, is about having the ability to make decisions and take charge of the demands of your work and also of life. But I would say our job is intensive, and there's always a court user who is waiting for pronouncement on their cases (Joyce, High Court judge).

Table 2. Study findings

S/N	Themes	Sub-themes (conceptual categories)	Summary of findings from the excerpts (codes)
1	Institutionalised conceptualization of WLB	<ul style="list-style-type: none"> * Increased autonomy and control * Absence of work-home conflict * Achieving financial stability 	<ul style="list-style-type: none"> - Deciding to balance work and life demands regardless of the high caseload of judges (Joyce) - Having the power to consolidate work and private-life affairs satisfactorily (Joshua) - Reducing the interference between work and family time (John) - Having a good work-life equilibrium (Nancy) - Making money from work to fund family needs (Mary) - Having a steady income as a judge to facilitate WLB (Peter)
2	<i>Institutional factors constraining the usage of family-friendly policies</i>		
a	Inflexible work design	<ul style="list-style-type: none"> * Job rigidity * Judicial conservatism * Pressurised work performance 	<ul style="list-style-type: none"> - Long working hours and large workload (Paul) - The expectation that judges must have a reserved lifestyle (George) - Keeping to strict judicial deadlines (Carey)
b	Career-stage concerns	<ul style="list-style-type: none"> * Prioritising ambition instead of WLB * Judicial work promotions * Career development trade-off 	<ul style="list-style-type: none"> - Declining flexibility in the pursuit of career progression (Stella) - More skills and knowledge acquisition (Israel) - A required physical presence at work undermining the use of WLB policies (Sarah)
c	Patriarchy	<ul style="list-style-type: none"> * Gender stereotypes * Institutionalised patriarchy 	<ul style="list-style-type: none"> - Masculine hegemony disadvantages female judges (Jenny) - Rarely opting for WLB incentives in order to break the glass ceiling (Sandra)

Source(s): Authors' own creation, 2025

For me, WLB is having control over your work as a judge, which will give satisfactory space to attend to private-life affairs, too. However, sitting long hours in court is intense; writing judgments at the apex court of the land sometimes makes my WLB a struggle (Joshua, Supreme Court judge).

From the responses, it is clear that judges perceive WLB as an ideal state that is different from their actual experiences.

Second, some judges defined WLB as the absence of WLC. Some of the opinions expressed by the judges are highlighted below:

If you are able to find a common ground where your work does not interfere or conflict with family time, then you can say you have WLB . . . but something is wrong is if your wife begins to complain a lot about you spending quality time at work rather than with the family (John, Court of Appeal judge).

WLB is a perfect state, a condition where conflicts do not arise between my work and non-work affairs. I cannot say I have a good WLB (Nancy, Circuit Court judge).

The preceding narratives suggest that the absence of WLC is the definition of WLB, which is perceived as a perfect, desirable state. This definition aligns with the suggestion of [Greenhaus et al. \(2003\)](#) that WLB is the extent to which a person encounters little or no role conflict when engaging with his or her work and family affairs. However, it is assumed that the institutional

work system of the judiciary propels participants to be enmeshed in work, which makes achieving WLB elusive.

Third, some other judges defined WLB as the ability to pay attention to achieving financial stability by earning high wages and a steady income in order to meet non-work (family) commitments:

You will be surprised, but for me, being financially stable is the ultimate WLB for a judge, who is expected to be reserved and conservative. So, WLB means an ability to fund my family needs as well as succeed in my career as a judge. Although, it is not always easy, given the overwhelming nature of our work (Mary, district magistrate).

In my view, WLB means having enough money to meet my personal and professional responsibilities. Integrating family and work commitments is mostly facilitated through having a decent income and the benefits of the high status associated with being a judge. Although, achieving WLB can be very difficult as a judge. The workload is immense ... (Peter, High Court judge).

From the excerpts, the desire for financial gain was considered important in defining WLB, despite the repeated emphasis on the difficulties in achieving this state.

Given the challenges inhibiting the WLB of the participants, the researchers further explored the possible difficulties that may be constraining judges from utilising them. The prevalent responses suggest three major forces. The few FFPs that were mentioned as existing in the Ghanaian judiciary.

Despite the limited range of available WLB policies, the following themes emerged as constraining factors:

Inflexible work design

This theme relates to the nature of judges' work, which prevents them from achieving WLB. The majority of the participants agreed that the idea of a judge's need to sustain WLB is an important issue that needs to be addressed. For instance, one judge claimed that the culture of working long hours and the restrictive nature of their job, wherein they are supposed to maintain a high level of judicial conservatism, is making WLB alien to them. This is evidenced in the comment below:

To be honest, because of the rigid nature of my job, I doubt if WLB is possible ... The judiciary is clearly not the place – or, let me say, being a judge is clearly not the kind of job [for WLB] ... because the long working hours are almost non-negotiable. The routine is always the same – extensive court sittings, and the workload is not a joke (Paul, Court of Appeal judge).

Furthermore, the institution-based perspective that judges are supposed to maintain a high level of conservatism and a reserved lifestyle is often interpreted that judges as prime custodians of justice must be readily available to attend to caseloads regardless of their non-work affairs. The following extract illustrates this:

As the federal and state caseloads grow, it is very problematic to take advantage of flexible working arrangements, which I feel do not exist, despite the difficulty I face in satisfying my family commitments at times. There is this normative expectation within the purview of the judiciary and beyond that the lifestyle of a judges should always be that the judge lives indoors; they are either writing judgements in chambers or working on caseloads from their study at home ... that prevents me from taking up any FFPs (George, High Court judge).

Flexible working is one of the major ways of achieving WLB, but a senior judge surprisingly emphasised:

I do not know what you mean by 'flexible working arrangements'. It is the first time I am hearing the phrase. The large number of cases I handle as a judge put me under intense pressure to perform and keep to strict judicial deadline ... This flexible working pattern you are asking about is not used in Ghana. I think it is foreign (Carey, Circuit Court judge).

It is clear from these statements that flexible working arrangements for judges appear to be non-existent. This is not the case in western countries, such as the UK, where flexible work arrangements are often protected by legislation and made available to all employees, regardless of their occupation (Chandra, 2012). Hence, the study findings underscore how the social structure of the judiciary creates restrictions on judges utilising WLB policies based on the normative expectations of adhering to behavioural conservatism. From an institutional-level perspective, the nature of judicial work demands can thus undermine formal WLB practices, which may engender WLCs among judges (Obimpeh, 2021).

Concerns related to one's career stage

A recurring factor that constrains a judge's use of WLB policies in Ghana is their career stage. The ambitions and expectations of young judges were observed to be of a more primary concern than their WLB. The following comments succinctly evidence both perspectives:

I am quite ambitious and always want to be at the top of my game, like Justices of the Supreme Court . . . I do take my study leave regularly in order to develop myself. I also refuse to take casual leave, because it sometimes portrays a person as being lethargic or lacking conviction for their work, which can hinder their career progression within the judicial system (Stella, Circuit Court judge).

In order to rise on the bench, you need to acquire more skills and knowledge – continually. In the judiciary, experience and exposure are critical for staying relevant. So, if you sit in a judge's seat for too long without developing yourself, you may not rise as you require. So, for me, I do take advantage of some policies that afford me the opportunity to take trips for judicial seminars, conferences, and short courses . . . (Israel, High Court justice).

My career as a judge matters more to me than availing myself of FFPs, which may jeopardise my chances of moving up to being a circuit judge. As a woman, I know how my family affairs suffer sometimes because of my career. Nevertheless, the judicial culture of presenteeism here undermines the usage of WLB policies . . . (Sarah, district magistrate).

Central to the preceding comments is that judges who are ambitious only use career-promoting policies, such as study leave, while anything else portrays a lack of commitment to their work, thus affecting their chances of promotion (Akanji *et al.*, 2020).

Patriarchy

Central to the above theme are the struggles female judges encounter in balancing their roles as working mothers within Ghana's strong patriarchal culture. The findings reveal how the perpetuation of patriarchy in the Ghanaian judiciary affects female judges' workplace behaviours regarding their utilisation of FFPs.

Our societal and institutional norms dictate heavy maternal responsibilities for us female judges. The hypermasculinity of the judiciary hinders me from desiring to take up WLB policies, because I compete with them to meet the same deadlines for delivering judgements as my colleague male judges, who are naturally preferred as they fit into their breadwinner role as judges . . . (Jenny, district magistrate).

I rarely take up WLB incentives, because I aim to reach the apex court, like most of my male colleagues, before retiring from the bench. As a woman, it is sometimes tough, because institutional patriarchy subjects us to economic dependence and to the periphery of decision-making, regardless of our age or status as a female judge. I have taken the role of a vacation judge on a few occasions by deferring my annual leave to show my determination . . . (Sandra, Court of Appeal judge).

The main issue restraining me from taking up WLB policies is that I am striving to become a judge at the superior courts of record. The lower courts are filled with male judges, which have been institutionalised through policy and legal frameworks (Joyce, district magistrate).

These accounts all demonstrate the systemic organisation of male supremacy and female subordination prevalent in the Ghanaian judiciary, which restricts the utilisation of WLB

policies by female judges. Hence, the excerpts are characterised by some form of resistance to institutional specificity of patriarchy.

Discussion of the findings

This paper set out to explore WLB difficulties confronting judges as a result of the institutional factors constraining their use of FFPs. While the initial findings offered a contextual understanding of the nuanced definitions of how WLB, the participants expressed various degrees of institutional and work-based pressures in the judiciary that make it difficult for them to achieve a satisfactory balance (Shockley *et al.*, 2018). Judges are recognised as being engaged in highly demanding working environments (Rossouw and Rothmann, 2020). Although it is known as one of the occupational groups that is most vulnerable to WLB difficulties, studies on judicial professionals are scarce and relatively novel (Casaleiro *et al.*, 2021).

In terms of this study's theoretical contribution, the study findings highlight how institutional theory is integral for understanding deeper and more resilient aspects of the social structure (Mahmud, 2017) that shapes WLB issues in the Ghanaian judiciary. Through the lens of institutional theory, the research unveiled how social choices are influenced and directed by the institutional environment of the judiciary (Ferejohn and Pasquino, 2002). Based on the study findings, the theory has been utilised to demonstrate structural systems, including workplace routines of long working hours, high-volume caseloads, prioritising one's career progression, and the dominance of patriarchy shaping gender-role expectations. These conditions were found to be established authoritative conditions framing the social behaviour of judges in relation to their utilisation of FFPs. Western-based literature tends to assume that the availability of institutional WLB policies is premised on organisational efforts and public policies aimed at enhancing flexible work arrangements, equity, and family-friendly outcomes (McDonald *et al.*, 2013). Increasingly given primacy in the West is also employees' entitlement, as responsible agents, to use FFPs in order to satisfy their WLB preferences (Wilkinson *et al.*, 2017). This assumption overlooks the importance of employees' differential evaluation of cultural and institutional restrictions, which may lead to a diminished value placed on embracing these policies (Mushfiqur *et al.*, 2018).

In response to recent criticisms of the western-centric focus of extant theories on formal WLB practices in those regions, the findings that emerge from our study conceptualise the nature of work, career trajectories, and male chauvinism (i.e. patriarchy), which are rarely considered as organisational factors defying the reasonable economic value of opting for FFPs (Tsai and Chan, 2010). Of further theoretical relevance is the demonstration that workplace behaviours are shaped by broader institutional and cultural values in Ghana that normalise the disproportionate privileges of the dominant male group in the judiciary. Thus, our results illustrate the state of feminism in the Ghanaian judiciary and the pervasive nature of masculine hegemony, which is a sine qua non of patriarchy (Adongo *et al.*, 2023). Drawing on institutional theory, this study concludes that female judges work in a climate of gender inequality in Ghana, which constraints their preferences for FFPs. Hence, institution-based restrictions on the usage of WLB policies are conceptualised as social reinforcements of gendered social hierarchies (Akanji *et al.*, 2024). In a nutshell, institutions have both formal and informal structures that may regulate, moderate, and/or govern cultural, economic, and social exchanges in any given society.

Managerial and practical implications of the study

Considering these challenges that face judges within the context of this study, managers of the judicial system, such as the Chief Justice of Ghana and other heads of courts, should place more emphasis on WLB practices in order to advocate for judges' satisfaction and healthy functioning in their judicial roles and non-work affairs (Nwagbara, 2020). In particular, strong

legislative emphasis should be placed on introducing a Ghanaian working-time law that would regulate working hours, similar to those of western countries (Wilkinson *et al.*, 2017). For instance, professionals in white-collar jobs in developed economies like the UK have the right to fair working conditions, which sets out that all workers have the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave (UK Fair Work Convention, 2016). This can help ameliorate the WLB challenges arising from the rigid nature of judges' work and create sustainable work outcomes (Bouwmeester *et al.*, 2020). Human resources practitioners and managers in the Ghanaian judiciary should be trained on the importance of implementing flexible work options as a primary source of stress-management intervention. This organisational training will have a huge implication for the sustainable WLB of judicial professionals.

Conclusion, limitations, and avenue for future research

In conclusion, our study findings present novel information about the institutional context of the Ghanaian judiciary and associated organisational pressures that are constraining judges from utilising FFPs. On a final note, this study does have some limitations, including its small sample size, the scope (only the judiciary), methodology (the subjective interpretivist design), and the study context (Ghana) – all of which limit the generalisability of the study findings. However, the significance of the present study is that it provides an in-depth understanding of the institutional challenges associated with the WLB phenomenon among judges. However, future research could utilise quantitative approaches to test larger representative samples in order to fulfil the generalisability criterion (Saunders *et al.*, 2019). It would also be interesting for future studies to engage in cross-cultural research in order to gain more empirical and theoretical insights other than investigating a single country.

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