

THE CHALLENGES OF THE CONCEPT OF WORKING FROM HOME UNDER THE SPECTRUM OF THE CAMEROONIAN LABOUR LAW

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ABSTRACT

The drastic evolution in technology is one powerful reason why most jobs across the globe are performed with efficiency. The outbreak of the Corona Virus Pandemic across the globe in 2019 forced most labour sectors in developing countries like Cameroon to resort to teleworkⁱ therefore maturing the concept of '*Working From Home*' (WFH). As a new concept, WFH has many advantagesⁱⁱ both to the employer and employee but still remains a nightmare for the legislator because labour laws across most developing countries like Cameroon do not guarantee the rights of workers when WFH. This research was carried out using the empirical research method and data has been analyzed to great extents by making use of the quantitative and qualitative data analyses models. These models have been properly developed through the administration of questionnaires across a section of the Cameroon population in Yaoundé. The results of this methodology showed that: the employee while WFH suffers from isolation, psychological, mental and physical health trauma; employee's rights such as right to leave, rest, safety, privacy, allowance, remunerations, insurance etc are constantly violated and go unprotected because labour legislations provide little or no remedies for those WFH. It is incumbent therefore for law makers in developing countries like the case of Cameroon to act fast to remedy the situation by revising labour legislations to guarantee workers' rights while WFH, sensitize workers about their rights and encourage research in this area

BACKGROUND

Tremendous evolution in technology has enormous adverse effects on man's behavior especially on man's activities in this modern era. In the labour sector, technology stands tall due to the unfortunate wind of the Corona Virus Pandemic that plagued the entire world in 2019. As a result of this pandemic, many jobs witnessed adjustments in its performance. Mostly those soft jobs that were done from the office at the employers working premises where now done from home. Technological advancement made this Work From Home (WFH) adjustment relatively easy though with several encumbrances. Technology has greatly affected labour, making work to be more efficient and quickly executed with more precision than it used to be. For the most part, jobs that were done with manual labour are today largely done with the aid of sophisticated technology. Computer technology has now introduced a more complex but widely used and welcome concept known as the concept of Working From Home (WFH) which seems to be taking a strong hold in almost all countries across the world because of the corona virus pandemic. WFH is a makeshift job side or office from the traditional working environment to the home. WFH simply means working remotely out of the job environment from the home. This aspect of WFH is possible today due computer technology and other related technologies.ⁱⁱⁱ WFH, makes it possible for multiple tasks to be performed at once, at the employee's convenience and saves time. This concept quickly became popular due to wars, pandemics^{iv}, diseases etc. These factors prevent employees from going to work in their offices yet jobs which sustain life must be operational, the machinery of the state must be operational, there is always need for communication and instructions. All these factors played towards the maturity of the concept of working from home in most technological advanced states.^v

Though endowed with enormous advantages, WFH has a plethora of challenges especially in developing countries whose technological evolution is still in a creeping stage, with constant power shortages, the challenge of mastering new technologies and experts etc. The daunting challenge of this concept is being faced in the course of application of archaic labour legislations which for the most part did not foresee this kind of work shift or have been so adamant to adapt to it. Cameroon being one of the developing countries in Sub Sahara Africa has now come face to face with this challenge because the same factors that pushed employers and employees to work from home have also affected Cameroon and working from home is not only eminent but gradually become real. With the presence of giant corporations in

Cameroon and its gradual economic growth and evolution in her labour sector, WFH is inevitable. It seems however, so challenging for the Cameroonian legislator because its labour laws are outdated in the presence of technological evolution and its consequences such as the concept of working from home. The Cameroon labour code is indifferent when it comes to the protection of the workers' rights at home and in the face of technology. The Cameroon tax legislation also needs some revision to adapt with this concept of WFH. The aim of this research is to see how working at home affects workers' rights under labour law especially In relation to both genders and how to propose policy recommendations that will make it better

RESEARCH PROBLEM

The Cameroon labour code greatly protects rights of workers in industries or corporations and traditional work places. The labour code greatly guarantees the protection of employee's rights when it comes to working hours, sick leave, health safety, insurance, overtime, weekly rest, hygiene, right to wages and many others. It becomes complicating when the workman is working from home. The employee's rights when working from home have no protection under the same labour code. Yet, in Cameroon many employees do work from home such as secretaries and other jobs that deal with internet technology and computer related jobs. Not only is the labour code silent on the protection of workers' rights when working from home, it does not guarantee an employee in Cameroon any remedies in case of violation of their rights when WFH.

It is evident that in a developing country like Cameroon, constant blackouts and internet connection disruption often interrupts office work done from home. Sometimes, credit to call the employer or business partners for the corporation is sometimes from the employee's private funds and even the electricity bills at home are from employee's private funds. The employee's house being used as home office goes unnoticed financially. Sometimes the children of the workman can run into an accident due to the equipment installed in the work station at home. What happens to the transport allowances that the workman normally enjoys while going to work on daily bases, will such allowances still be given if he/she is working from home?, The depression that the workman may face due to isolation from his co-workers, noise in the home, psychological trauma from family at home while working, accidents while working in the

house, fatigue that may occur due to overtime work and constant calls from the employer even when the workman is at rest. With the difficulties raised above the Cameroonian legislator seem not to have any legislative remedy so far to properly protect the rights of the employee when working from home

RESEARCH QUESTION

To what extent does the Cameroon labour code guarantee the protection of employee's rights when Working From Home?

LITERATURE REVIEW

- *Health impact due to covid-19 in Cameroon*

Belinga Bessala Jacob Patrick,^{vi} exploits the impacts of the corona virus pandemic that plagued the world in 2019 by indicating the changes it brought to social adjustments such as working styles and the impact it brings to bear on the economy. Making use of the SWOT model (strengths, weaknesses, Opportunity and threats), the author discovered that the corona virus pandemic has caused many states to ban and regulate physical social interactions rendering several jobs in operational and workers staying at home. Meanwhile, this research using Cameroon as a case study demonstrates that giant corporations like MTN Cameroon, ORANGE Cameroon, Nexttel etc had to resolve to workers working from home to ensure continuity of their services. This researcher then advances by indicating the health challenges that workers encounter at home and how it affected their jobs and the efficiency of work in general. Then after examining the weaknesses of working at home during the pandemic, the researcher ends by wondering if such working adjustments are just temporal or could even continue after the pandemic. This research however in some lengths agrees with the situation of working from home due to the influence of the corona virus pandemic but takes further steps to examine the rights of workers that are violated while working from home. This research greatly acknowledges that workers faced many health challenges while working from home and it should have been better if there were legal remedies to these health challenges

- ***Comparative literature between the health challenges of WFH in develop and less develop countries***

Taking an experimental survey in developed countries like Japan, Belgium, Germany, USA, UK, Australia, New Zealand and South Africa, *Oakman, J., Kinsman, N., Stuckey, R. et al*^{vii} unravels the health challenges of working from home especially in the wake of the COVID-19 Pandemic and showed how the pandemic greatly transformed and adjusted work habits. His research points to the fact that working from home is advantageous but also comes with great adverse health effects such as fatigue, depression and psychological health trauma. The author carried out a comparative study to show that the normal working environment and work from home could influence the employee's health especially in relation to psychological health trauma etc. the studies also showed that with some organizational support and constant interaction with colleagues on social media can release stress and help the employee to do work efficiently. Meanwhile, this research rather examines the implications of working from home in less developed countries and seek to show that the concept of working from home is quite new to many employers and employees the developing world. Therefore the COVID-19 Pandemic forced most of this developing countries including Cameroon to resort to working from home but seem to have put very little pressure on the legislators to design urgent laws that can protect the employees' rights

- ***The influence of technology on WFH and the absence of regulation***

In this paper, the authors^{viii} study the concept of working from home by demonstrating that with technological evolution, modern computers, smart phones, cameras etc, people can choose where to work and how to allocate their time to their own comfort and with little stress. The authors explain that with technological development not only has working from become easy but workers can now multitask by performing task or doing several jobs at the time. The authors also identify some challenges that result from working from home especially with the case of low skill workers which can eventually affect income size in the corporation at large. In other cases high skill workers who can manage and operate recent technological innovations can also bring more income into the corporation by working from home. This research on its parts rather demonstrates how this technological development in developing countries is quiet slow and comes with

many challenges such as slow internet connections, constant light supply cuts, high cost of technological tools, lack of experts and the absence of regulation to protect workers' rights who WFH

RESEARCH METHODOLOGY, DATA TREATMENT AND RESULTS

In other to properly appreciate the research problem and the burning question in relation to the extent of the Cameroon labour legislation in addressing the concept of working from home, this paper employed two research methodologies: the secondary research method and the primary research method

a. Secondary Research method

The secondary research method employed in carrying out this research constitutes the consultation of documents that is, reading and analyzing some available literature that directly touches on the subject such as books, published articles, newspapers, journals and internet sources. We also analyzed the Cameroon labour code to some debts to illustrate its drawbacks when it comes to working from home.

b. Primary Research method

In other to obtain practical data on the situation of those Working From Home in Cameroon, this research paid much attention to empirical studies by going into the field. The main method of obtaining data in the field was through the administration of questionnaires. 500 questionnaires were administered to workers across 4 main labour sectors^{ix} and 392 participated. Out of the 392 questionnaires, 201 were retrieved from female employees and 191 were retrieved from male employees

i- Results

Out of the 201 females that filled the questionnaires it showed that most ignorant of their rights. It was also discovered that among the women, those who were married and lived at home with their husbands suffered a lot of stress and psychological trauma. This is because catering for their kids and husbands is already enough work coupled with the duties she has to perform as

an employee to sustain a living. This was different with women living alone. Among the **191** men who filled the questionnaires it was realized that men mostly suffer from isolation from their colleagues with whom they always chat, drink and eat together during break hours. In relation to the electronic repair sector, stress and workload with over time work was peculiar among men as it was discovered that they will spend all day repairing electronic devices brought home by their employers and customers. It was also discovered that employee's children were likely in danger as a result of work equipment station in the house such as computers, printers, electronic devices etc. It was also discovered that some personnel found it so difficult to do some task online due to improper mastery of internet tools. Generally, **96** employees showed that they were aware of some of their rights while working at home while **296** showed that were ignorant of these rights

It was also discovered generally that most employees used their personal phones, computers and houses to set up their job stations. As a result of this, most used their own personal finances to pay electricity bills, credit their calls and foot their internet bills yet received same salary. Some even included that their salaries were reduced on the pretext that it was not a full job cycle. It was also discovered that the workplace at home posed some conflicts between spouses who constantly occupied themselves with work rather than paying attention to the home. The questionnaires also revealed that employees spend more time on calls, replying emails and longer hours in front of the computer which resulted to adverse effects such as fatigue, backache, eye problems and sometimes physical health breakdown and they will have to use their personal funds to treat themselves.

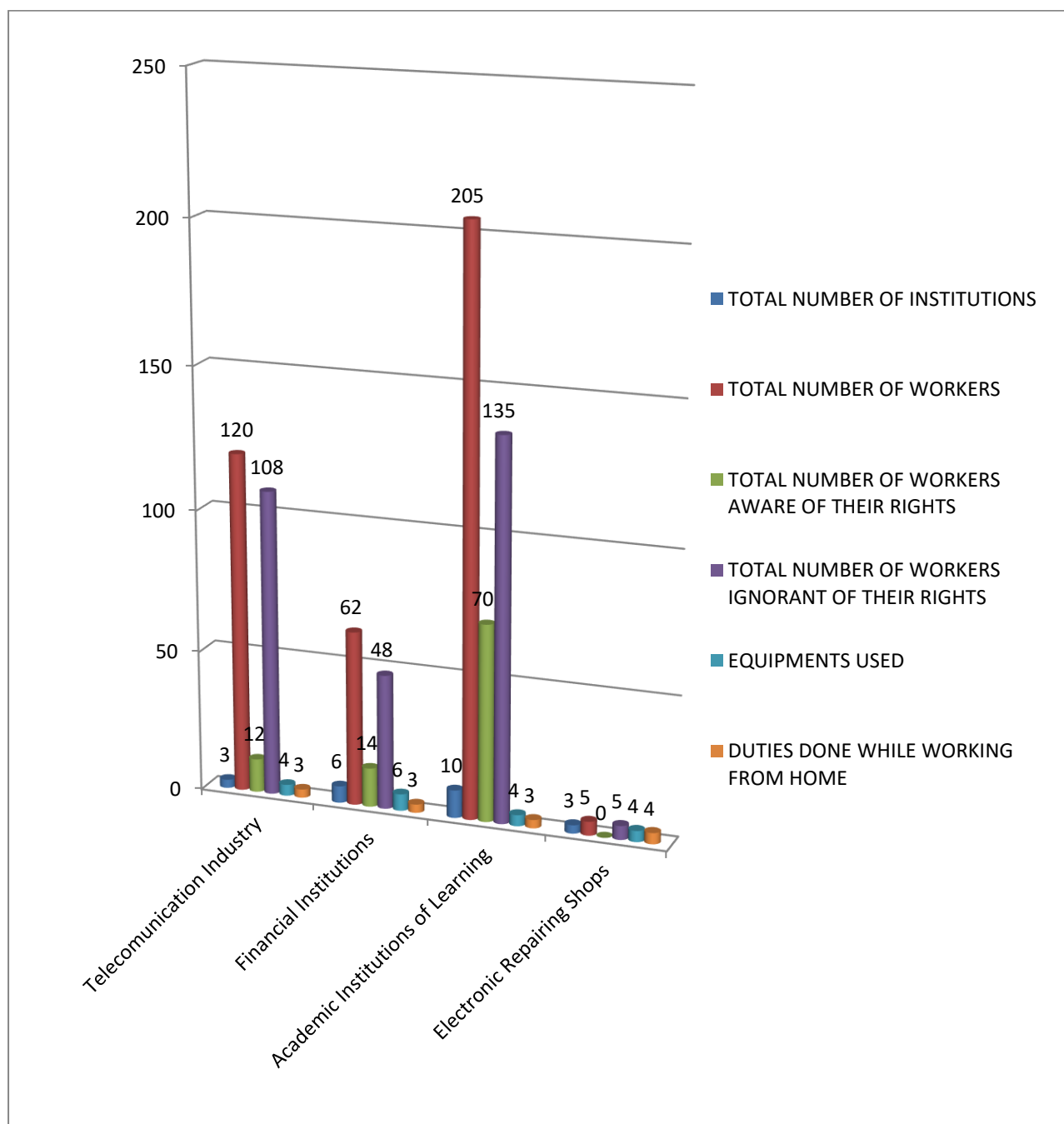
Table 1: GRAPHICAL DATA PRESENTATION SUMMARY

Institutions	No. of Institutions, Names and Location	Females and males	Rights awareness	Equipments used while Working From Home	Popular Duties

Telecommunication Industry	ORANGE Cameroon, MTN Cameroon and Nexttel	Females (80) Males (40)	Those aware of their rights (12) Those ignorant of their rights (108)	Smart phones, computers and printers	Always on phone, checking mails, always in front of the computer, always making long calls
Financial Institutions	UBA Bank, NFC Bank, ECOBANK LA REGIONAL S.A, EXPRESS UNION AND MOBILE MONEY OPERATORS	Females (37) Males (25)	Those aware of their rights (14) Those ignorant of their rights (48)	Computers, smart phones, printers and photocopiers, files, books	Constantly, filling documents, Always replying mails, Always on phone from clients and colleagues and clients
Academic Institutions of Learning	Institute Supérieur Royal DEUMAGA G.B.H.S Essos, Christ The King College Nkolfulou, Azimuth Higher Institute Yaounde, CITEC Higher Institute Yaounde, Agenla Higher Institute Yaounde, Our Lady of Lourdes Primary and	Females (84) Males (121)	Those aware of their rights (70) Those ignorant of their rights (135)	Smart phones, computers, WhatsApp, Zoom	Always having classes online, online meetings, always in front of the computer preparing notes

	Secondary School Soa, St Mark Secondary School Soa, Kelden University Institute				
Electronic Repairing Sites	MIKES Electronics Soa, NJIFOR Electronics Koabang, KELVINS Electronic Messamidongo	Females (none) Males (05)	Those aware of their rights (none)	Electronic repairing tools such as welders, scroll drivers, computer and phone parts etc	Repairing computers at home, repairing phones at home, repairing televisions and electronic gadgets at home in heavy quantities

Table 2: A Bar Chart Data Representation



From the results of the data obtained from the questionnaires administered in the course of this research, several challenges were identified. This section of the work shall briefly examine some of the challenges that the workman faced at home. These challenges are also evidence of the fact that the Cameroon labour code is totally absent in this area because nothing has been

mention in this law to guarantee the protection of the rights of the employees when working from home.

SOME BASIC CHALLENGES FACED WHILE WORKING FROM HOME IN CAMEROON

a) A critical overview of the Cameroon labour code demonstrating the absence of the protection of the rights of workers when WFH as a challenge

The Cameroon labour code^x is made up of eleven parts and consists of one hundred and seventy seven articles. Part 1 lays down the general provisions while limiting the scope of application of the labour code^{xi}. Part two is made up of four chapters which begins from section 3 and ends with section 22 having as domain, trade unions and employers association bringing out the rules regulating them. Part III, contains four chapters from section 23 to 60 laying down the provisions on contracts of employment with each chapter articulating the specificities of employment contracts, rights and the types. It is interesting to know that be it apprenticeship contracts or collective agreements, this part of the labour code lays no particular emphasis to workers working from home or workers in Cameroon working from home while on vacation out of the country.

Part IV which deals with wages, modes of payment and debt recovery procedures is divided into 4 chapters from section 61 to 79. Part V and VI, lays down the conditions of employment especially relating to hours of work, night work, weekly rest, circumstances surrounding employment of women and children, safety at work, leave period and health services. This part is quite relevant to labour contracts because it defines basic rights of workers but limited to section 80 to 103. However, this part of the labour code focuses on workers who are at work in a defined work area or those workers working for the employer in another branch. It does not point towards the protection of workers' rights who work from home.

Part VII to XI which begins from section 104 to 177 lays down the regime governing administrative bodies and measures of implementation especially the duties and prerogatives of labour and social insurance inspectors. It also lay down the regime of professional institutions such as the national commission on industrial health and safety, staff

representatives and the national labour advisory board. Then, it goes to lay down traditional mechanisms for resolving labour disputes before laying down rules for alternative modes of disputes resolution such as arbitration and conciliation. The Cameroon labour code then ends by defining penalties and listing the final provisions.

This critical overview of the Cameroon labour code as demonstrated above has clearly shown that the code is not short of near perfection but for the fact that it is completely lacking and obsolete in the face of technological evolution and employment contracts and new concepts such as WFH. A little touch or revision on the code by shaping its perspective to the above issues will make the code a veritable '*instrumentum laboris*' for the Cameroon labour sector

b) Challenges relating to the right to health when working from home

Psychological trauma, stress, depression, fatigue and even physical health breakdown are some of the recurrent challenges that employees generally faced when Working From Home. The data collected in the course of this research work has clearly shown that most employees spend longer hours in front of their computers and phones generally causing eye problems which stress the nerves in the head resulting to fatigue. The feeling that the employee is working in a comfortable environment at home make them lose sight of the fact that they have to regulate their work schedule. Failure to properly plan the working timetable sometimes leads to exhaustion either because they are eating and working or go for the whole day without eating. For employees that have less work to do from home get bored and find staying at home so unpleasant. This state of being bored can lead to over thinking which can tamper with the psychological and physical health of the employee and therefore results to ineffectiveness in both office work at home and domestic work. The protection of these rights to health is a nightmare for a judicial system like Cameroon which the law is silent on it

This research discovered that spouses come into conflict with each other because of the work station at home, or because of the much time the working spouse spends on the machine. If it was normal work situation the other spouse will not notice because they will assume that they are at work. Now that it is at home, the other spouse may often think that the working spouse is just being lazy and escaping from responsibilities by constantly being on the phone or computer. This is more than enough to cause psychological health trauma or even divide the home

c) Challenges in relation to the right to rest when working from home

In a traditional working environment resting hours are as important for the workman as it gives him time to take fresh air, clear off his head and distract himself with colleagues, eat, drink and chat. The workman also has the right to search and apply for other jobs during his break time. In fact, what the employee do with his/her break time is entirely up to him. This is somewhat frustrating when it comes to WFH; the employee due the nature of some jobs is still busy during break hours. For banks and the telecommunication sector, some employees are on their computer or phones round the clock replying to bulk of mails, making long calls or taking instructions from their bosses. The workman is therefore deprived of his right to rest throughout the day and sometimes have to do overnight work which goes unnoticed and uncompensated.

The workman sometimes works on Sundays which is a day of rest under the Cameroonian labour code^{xii}. This research discovered that most banks in Cameroon resume work on Mondays from 8am and closed at 5pm with 2 hours rest per day and then on weekends work stops at 1pm on Saturdays and resumed on Monday at 8am. The Cameroonian labour code acknowledges some of these resting hours but is obsolete when it comes to the protection of these rights when the employee is WFH. Most often pregnant women who are supposed to be on leave at some point of their pregnancy do not go on leave when working from home

d) Challenges relating to the right of privacy when working from home

Monitoring devices like cameras, Skype or zoom, mails, watsApp are common methods used to track and monitor the workman by the employer to ensure that work is done accordingly and on time. The problem with using such devices is that it is not warranted by law and is somehow a gross violation of the employees' right to privacy. An employee may have wanted his/her home to remain private from the outside world, but these devises can intrude to picture privacy, in house setting privacy, and family privacy. This alone makes most employees scared and work under tension and psychological stress.

With rapid evolution in technology, WFH will eventually be preferred in many jobs and sophisticated tracking and monitoring devices will come into play. Its therefore of paramount importance that the Cameroon legislator do something fast about bringing the labour code and other related legislations up to standard concerning technological evolution and WFH. Just the

fact that personal phones, computers other gadgets are used to do office work brings to bear a lot of privacy risk both on the personal life of the employee and the privacy of the employer and jobs done. Imagine a situation where job secrets are mistakenly viewed and copied by a friend who used the employees' phone

e) Challenges relating to the right of safety and security when working from home

In a traditional working environment away from home, the workman is protected against harm and the employee's safety is guaranteed by the Cameroon labour code.^{xiii} All industrial accidents and accidents while on duty are catered for by the employer except in cases of gross negligence from the workman. This situation is totally the contrary when it comes to the safety of the workman when WFH. The equipment that the employee uses at home such as phones, computers, weltering tools etc with a work station set up somewhere in or around the house can bring harm to the employer while WFH. This equipment can also cause harm to the children or family of the employee. In such situations the Cameroon labour code is again silent. The code does not cover industrial accidents while WFH nor guarantee the rights of the workman's family in cases of work risk

f) Challenges relating to work allowances when working from home

In a normal industry, the workman is supposed to be entitled to certain minimal allowances, such as transport allowances, break allowances, calls and internet allowances etc.^{xiv} This is not the case with the situation of working from home where the workman does not receive transport allowances nor break allowances. When the work place is set up at home, the workman in most cases uses his personal tools to set up a work station with little or no assistance from the employer. Most often the workman uses his personal funds to credit his phone and make calls relating work, foot internet bills etc. With all these, the employer rarely gives support or cases where they do the support is just so small that it cannot make up for what the workman has spent entirely. Sometimes acquiring a job in Cameroon is very difficult and that explains why employees prefer to spend from their personal funds while working at home just to secure their job. Such rights however supposed to have been guaranteed by the Cameroon labour legislation yet it does not

Besides that, WFH may slow down work greatly in the Cameroon context because of slow and poor internet connections and constant light seizures. In such situations, if the workman opts to use a generator, he may find himself buying the petrol or arranging the electrical problems and internet problems at his/her personal cost for the benefit of the employer just because he will want to keep his job. The situation will be a lot easier if the law provide clear cut remedies to these rights

LIMITATIONS

The limitation of this study is that, the data used is for 2019 and it was challenging to obtain existing data before 2019. So further studies can look for more recent data or data that dates back before 2019

ORIGINALITY

This research work contributes to knowledge as a case study in Cameroon. This paper points out the challenges that come with unregulated technological advancement in the labour sector in Cameroon especially in the face of the covid-19 pandemic. This study leaves the policy maker with much to appreciate so as to narrow this gap between digital evolution and bringing labour laws up to speed

SOLUTIONS/RECOMMENDATION

- *Revision of the Cameroon labour code to protect right of those working from home*

It is already obvious that the Cameroon labour code is a good law because to some extent it protects the rights of the workman. It is also obvious technology evolution is fast advancing with its spill overs such as working from any angle away from the home. Rather than play catch up, it will be diligent and prudent if the Cameroonian legislator takes a leap of legislative step ahead. If the law makers properly investigate the effects of technology, collect data from research and properly monitor the concept of working from home and the advantages it can

bring to the economy, she can tactically modify/revise the labour code and other related labour legislations such as tax, custom and finance laws to guarantee the protection of the rights of the workman while working from home. Priority can be given to the right of health, safety, allowances, rest and remuneration

- ***Education/sensitization of the public***

Naturally, one can protect what he does not know, nor can one avail himself of rights that do not exist in the first place. The research has proven that most workers in the Cameroon private sector do not even know their rights while working from home and even those who are aware of their rights have little remedy because there is almost no law protecting these rights. If Information and communication institutes are created and technology with its new possibilities of work inserted into the Cameroon school curriculum from the basic to the higher institute level, future employees and employers shall be well armed and informed about their rights. For those already working, training and information seminars can be organized often by the labour authorities or employers to bring the employees up to speed about their rights and remedies in case of violation. General sensitizations on locally visited or used social media sites, television and radio can do some good in empowering employees with good information about their rights.

- ***Encourage research***

In a well-structured state, good policy and laws are inspired by critics, research and contribution of researchers. Therefore, if research projects are given incentives by the state, research papers easily published and easily accessed, it will encourage researchers to do more findings and inform policy and law makers about possible ways of making life better for the work man be it he who is works from home or the traditional working site

INDEX*A Sample of the Questionnaire*

- 1) Coding (1 -500)
- 2) Gender
- 3) Job/occupation
- 4) Married single divorced
- 5) Have you ever worked at home for your employe YES NO
- 6) What was the cause of your working from home or what happened before you shifted from your job side to be working at home
- 7) Did your employer agree that you should work from home? YES NO
- 8) What task did you perform at home?
- 9) The task you performed at home was it tedious or easy? Tedious Easy
- 10) Tools used: Lap tops computers smart phones Documents bom
WatsApp printers photocopiers scroll drivers Internet connection
weldering equipment others
- 11) Who bought the equipment? Employee Employer
- 12) Did you build your work space at home? YES NO
- 13) Did you face any family problems while working from home? YES NO
- 14) List some problems you faced while working from home
- 15) Did you enjoy working from home? YES NO
- 16) If 15 'YES' why? If NO why?
- 17) Did you experience any form psychological trauma? YES NO
- 18) If 16 is 'YES' what caused it?
- 19) Did you encounter encumbrances using your work tools from home? YES NO
- 20) Did you face any of the following problems while working from home? Finance stress isolation fatigue others
- 21) Were there any changes in your wages? YES NO
- 22) Where your rights as an employee respected while working From Home? YES O
- 23) If 22 yes which of them?

ENDNOTES

ⁱ ILO defines telework as the use of information and communications technologies including smart phones, tablets, laptops or desktop computers for work that is performed outside the employers premises “*Working anytime, anywhere: the effects on the world of work*”, Luxembourg: publication office of the European union: 2017, <https://www.raco.cat/index.php/IUSLabor/article/download/333024/423859> last accessed 17 July 2020

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^{viii} Morris A., Davis Andra C., Ghent Jesse. Gregory, *The Work-From-Home Technology Boon and Its Consequences*, NBER Working Paper No. 28461, JEL No.033,041,R12,R33, February 2021, revised April 2021

^{ix} The telecommunication sector, the banking or financial sector, the educational or academic sector, the electronic repair industries

^x law N^o92/007 of 14 august 1992

^{xi} Section 1(3) of law N^o 92/007 of 14 august 1992

^{xii} Rest hours on Sunday

^{xiii} Labour code on rights to safety

^{xiv} Lorenzo Pupillo, (2018) *Digitized Labor: The Impact of the Internet on Employment*, 1st edition, Palgrave Macmillan