

From Burnout to Balance: Comparative Insights on Malaysian Work-Life Policies

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ABSTRACT

This article examines the challenges of work-life balance (WLB) within Malaysia's private sector, where employees face long working hours, rising stress levels, and limited legal protections. Drawing on a doctrinal and comparative methodology, the study evaluates Malaysia's Employment Act 1955 (as amended in 2022) against international models such as France's right to disconnect, the Netherlands' Flexible Work Act, and Belgium's four-day workweek reform.

The literature demonstrates that while European countries have embedded WLB protections into binding law, Malaysia continues to rely on non-binding guidelines and employer discretion. The findings highlight significant gaps in statutory protections, particularly regarding flexible work and digital overconnectivity. The discussion underscores how weak enforcement and cultural norms contribute to Malaysia's poor global ranking for WLB.

The article concludes by recommending amendments to the Employment Act, statutory recognition of the right to disconnect, and mandatory employer wellness reporting to align Malaysia's legal framework with international best practices.

Keywords: Work-Life Balance, Malaysian Labour Law, Comparative Analysis, Right to Disconnect, Flexible Work

INTRODUCTION

The balance between professional commitments and personal life has become a defining feature of modern employment systems. With workplaces becoming increasingly digitalised, employees are now expected to remain connected beyond contractual hours, blurring the boundary between work and private life. Work-life balance (WLB) has therefore emerged as a fundamental aspect of employee well-being and productivity.

In Malaysia, the private sector demonstrates particular challenges in this regard. Workers often experience excessive working hours, minimal flexibility, and rising stress levels. According to the *Global Life-Work Balance Index* (2023), Malaysia was ranked second worst globally for WLB, reflecting systemic deficiencies. The *Wellness at Work Report* (2024) further indicated that 67% of Malaysian employees reported burnout symptoms, underscoring the urgency of reform.

Despite the growing recognition of these issues, Malaysia's legislative responses remain limited. The Employment Act 1955 has undergone amendments, most notably in 2022, but the reforms are incremental and fail to establish enforceable rights to flexibility or disconnection. This article therefore examines the adequacy of Malaysia's legal framework, compares it with international models, and proposes reforms aimed at strengthening employee protections.

LITERATURE REVIEW

Research on WLB underscores its dual significance for both organisational productivity and employee welfare. A strong body of international scholarship highlights that statutory guarantees to flexibility and rest reduce stress, improve employee retention, and foster sustainable work environments.

The European Union has spearheaded significant legislative reforms. The *Work-Life Balance Directive* (2019) establishes enforceable rights to parental leave and flexible work arrangements, embedding WLB as a core labour right. France enacted the “right to disconnect” law in 2017, which shields employees from after-hours employer communications, thereby restoring boundaries between professional and personal life. The Netherlands’ *Flexible Work Act* grants employees the right to request changes to working hours and location, while Belgium introduced a four-day workweek reform in 2022 to address burnout. These examples highlight how binding legislation institutionalises WLB as a fundamental worker protection rather than leaving it subject to employer discretion.

Malaysian scholarship presents a stark contrast. Although flexible work guidelines exist, they are not legally binding and depend heavily on employer goodwill. The Employment Act 1955, even after the 2022 amendments, only addresses limited aspects of employee welfare, such as maternity leave extensions and applications for flexible work. These provisions are discretionary, with no statutory guarantee for approval. Furthermore, cultural attitudes that valorise long hours and stigmatise mental health challenges exacerbate the lack of systemic reform.

Survey findings reinforce this gap. The *Global Life-Work Balance Index* placed Malaysia among the worst performers, while the *Wellness at Work Report* reported unprecedented levels of burnout. These data confirm that the absence of statutory rights to flexibility and disconnection leaves employees exposed to poor working conditions, with consequences for both well-being and productivity.

METHODOLOGY

This article employs a doctrinal and comparative methodology. The doctrinal analysis evaluates Malaysia’s legal framework, focusing on the Employment Act 1955 and its 2022 amendments. It considers how existing provisions address, or fail to address, WLB. Ministerial guidelines and related labour policies are also reviewed to assess the broader policy environment.

The comparative analysis examines three jurisdictions—France, the Netherlands, and Belgium—selected due to their innovative legal approaches to WLB. France’s right to disconnect, the Netherlands’ Flexible Work Act, and Belgium’s four-day workweek reform represent binding legal frameworks that address modern workplace challenges. Reports from the International Labour Organization (ILO) and regional wellness surveys were consulted to situate Malaysia’s framework within broader global trends.

This dual approach ensures a comprehensive assessment of Malaysia’s current position and highlights potential pathways for reform based on proven international models.

FINDINGS AND ANALYSIS

The 2022 amendments to the Employment Act introduced limited improvements, including extended maternity leave and provisions for employees to apply for flexible work arrangements. However, the approval of such applications remains at the employer’s discretion, leaving workers with no enforceable right to flexibility. Similarly, no statutory recognition of the right to disconnect exists, exposing employees to the pressures of constant digital availability.

These gaps explain why Malaysia continues to rank poorly in global indices of work-life balance. Without enforceable entitlements, employee welfare depends on individual employer policies, creating inconsistent protections across industries.

International Best Practices

France's right to disconnect law (2017) exemplifies how statutory protections can restore boundaries between work and personal life. The Netherlands' Flexible Work Act guarantees employees the ability to request modified hours and locations, balancing flexibility with operational needs. Belgium's four-day workweek reform reflects a willingness to rethink traditional working structures to address burnout and improve well-being.

The key commonality is that these measures are embedded in binding law. They apply universally, ensuring equitable protection across workplaces and industries.

Comparative Implications

Malaysia's reliance on non-binding guidelines underscores its legislative shortcomings. While employers are encouraged to provide flexibility, the lack of statutory guarantees perpetuates systemic vulnerabilities. Employees face the risk of overwork, burnout, and declining mental health, while the economy suffers from reduced productivity and talent attrition.

DISCUSSION

The analysis highlights that Malaysia's incremental reforms are inadequate in addressing the scale of WLB challenges. By leaving employee protections to the discretion of employers, the current framework perpetuates inequality between workers in progressive organisations and those in more traditional industries.

Cultural attitudes compound the problem. The long-standing valorisation of long working hours fosters resistance to reform, while stigma around mental health prevents employees from voicing their struggles. Such structural and cultural barriers create a cycle where legal reforms are both urgently needed and politically challenging.

The consequences extend beyond individual well-being. Without robust WLB protections, Malaysia risks declining labour productivity, reduced participation in the workforce, and diminished global competitiveness. Comparative evidence demonstrates that embedding WLB in statutory law enhances both employee welfare and organisational outcomes. For Malaysia, adopting similar reforms would also align with commitments to the Sustainable Development Goals, particularly SDG 3 (good health and well-being) and SDG 8 (decent work and economic growth).

CONCLUSION AND RECOMMENDATIONS

Malaysia's current WLB framework is limited and discretionary, leaving significant gaps in worker protection. Comparative insights highlight the importance of enforceable legal rights, as seen in France, the Netherlands, and Belgium. To address these gaps, this article recommends three reforms:

Amend the Employment Act to provide statutory rights to flexible work arrangements.

Legislate the right to disconnect, protecting employees from digital overconnectivity.

Institutionalise mandatory wellness reporting, ensuring transparency and accountability in promoting worker well-being.

These reforms would modernise Malaysia's labour laws, safeguard employee well-being, and strengthen the nation's competitiveness in a globalised economy.

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