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### The problematic overtime working style: “996” in China

The economic development in China has led to significant changes in this country in the past four decades. Chinese people have experienced imaginable changes in both their lives and societies. Many Chinese workers are now working in private companies and factories. Lots of them have started to face overtime-working issues for a long time. Early in 2010, there were 18 workers aged 18-25 in Foxconn (the biggest world electronic product manufacturer) tried to commit suicide because of overtime work, and 14 of them died (Pun et al, 2016, p.1 – p.6). However, the overtime-working issue has just caught the most attention from Chinese society recently. In March 2019, some Chinese IT industry workers initiated an anti-overworking move, “996”, via constructing a repository on a platform where IT employees use most: GitHub. Despite the caught attention on Chinese workers’ “996” overworking issue, “996” overtime working styles have become more and more common (Tsai, Nitta, Kim & Wang, 2016, p.1). The tendency of working in “996” style is problematic and should be prohibited immediately because “996” working style not only invades employees’ private welfare but also seriously devalues the preciousness of social justice.

What is “996”? According to Beijing Review (2019), the three number “9”, “9”, and “6” stands for a working style of “9 AM- 9 PM, 6 days of work every week” relatively (p.1). In general, a “996” worker works approximately 72 hours per week: a half more than the 44-hour max limits defined by Labour Law. “996” is a typical overtime working style. It is the epitome of the overtime working phenomenon in China. The overtime-working issue has already shown its adverse effects early in 2010 through Foxconn workers’ suicide, but it has finally caught the general discussion of “overtime working” on the whole society in China when the

“996.ICU” repository is constructed on GitHub on Mar. 27, 2019 (Ouyang & Feng, 2019, p.1). The broad discussion and increased popularity of using the word “996” is because it doesn’t solely appear in few sectors. According to Beijing Review (2019), “996” work style phenomena do not solely occur in the IT industry. It was an overtime working schedule, but it is getting normalized across all industries in society (p.2). In fact, the “996” work style is a kind of modern slavery. The affection of capitalism, the Confucians culture hierarchy as well as the competitive labor market has lead employees facing insecurities on maintaining their job positions and therefore has to work under terrible conditions and follow their managers’ (Wang, 2020. P.1-p.3). “996” working style is also widely questioned because it breaks the Labour Law. In the IT industries, according to the investigation conducted by Wang et al (2018), only 12.8% of software programmers work for 8 hours or less in 2017 (p.4). In other words, the majority of employees in IT industry is working overtime, the “996” overtime working phenomena is not solely shown in the IT industry. According to Chan and Siu (2010), some western companies recruiting OEM services in China have set work-60-hour per week’s upper limit to their OEM partners (p.13). The State Council has defined that a worker should work no more than 44 hours per week. Although it is possible for employers to extend employee’s working hours, there should be no more than 1 hour per day or at max of 36 hours per month (Labour law of People’s Republic of China, Article 36, 41). However, for most manufacturing companies adopting “996” work style in the Southern part of China, workers report that they generally take the burden of 3 hours of overtime work per day and have only 3 days of break. (Chan and Siu, 2010, p. 10 – p.13). Obviously, any company adopting “996” working style is breaking Article 41 in Labour Law. The “996” overtime working schedule is born with sin.

“996” overtime working style is problematic and should be prohibited immediately because it causes significant damages on private welfare: Employees’ health condition, both physically and mentally. Employees who adopt “996” overtime working style face higher probabilities of dropping into subhealth conditions, even cause them to suffer from “Karoshi”: sudden occupational mortality. According to Wang et al (2018), 186 out of 375 software programmers are reported as “Physically subhealth”: it made employees suffer from shorten breaks, which hence induced these employees’ metabolic disorders, even their dissatisfaction on their sexual life (p.4 – p.8). The shorten break time has weakened the boundaries between employees’ daily life and work, which negatively affects their insight into physical discomfort. Apart from the damaging effects taking place on “996” workers’ physical comforts, the “996” overtime working style also cannibalizes their mental healthiness, increasing the probabilities for them to meet mental problems. Wang et al (2018) have investigated that when approximately 48.8% of respondents work 9 – 12 hours per day, 153 out of 375 software programmers are reported to have “Mentally subhealth” status, causing them to feel lonely, depressed, and stressed (p.4 – p.8). Employees may start sighing more frequently and may lose interest in life because of their deteriorated psychological condition. Therefore, “996” working styles should take most responsibilities on employee’s falling into mentally subhealth status. Moreover, according to Yang, Chen, and Li (2019), the adoption of “996” overtime working style also decreases the elastic feature of working times. Frequent overtime working has then enforced employees getting hostile perception (P.11 – P.12). Consequently, “996” working style should be abandoned because it has significantly negatively invaded employee’s private welfare by damaging their health condition.

Aside from the invasion on employee’s private welfare loss on health condition, “996” also

need immediate termination because it also invades employees' private welfare via infringing their legitimate right to income. According to The State Council (2014), 1.5/2/3 times of regular wages should be granted relatively when employees do overtime work during workdays/break days/holidays (Labour Law of People's Republic of China, Article 44). For any employees who work over 44 hours per week, overtime fees should be granted theoretically. However, many employees are not receiving extra wages as the law defines. According to Chan and Siu (2010), some OEM companies working more than 60 hours per week are not granting overtime working fees to their employees (p.11). Workers are cheated by employers' strategic paying method: many employers adopt a piece wage system, which simply means a worker earns more if works more, and hence workers usually work exceeding 10 hours per day unconsciously. According to Chan and Siu (2010), approximately 12 % more workers who work in a company adopting piece rate rate systems are reported to have more over-working workdays than another company that embraces pay-by-time rates (p.10 – p.13). Therefore, adopting pay-by-hour rates seems a solution to avoid "996" working style. However, when workers work more hours, they earn lower average salaries and have approximately the same over-working workload under both systems. Chan and Siu (2010) emphasize that workers from companies with different payment methods have approximate overworking hours; however, those who work less than 270 hours per month earn 0.26 – 0.63 Yuan per hour more than those who work more than 300 hours per month (p.15 – p.17). So, whether adopting a piece rate wage system or a hour rate wage system doesn't effectively affect wages those workers receive. All in all, they still have "996" working schedule and their legitimate rate to income is still been invaded. Therefore, "996" working style partly stems from a deceptive payment method and should be prohibited doubtlessly.

Adoption of “996” working style has not only creates a numerous loss on employees’ private welfare, but also erodes the precious of social justice, specifically via the construction of Modern Slavery. According to Wang (2020), Modern Slavery occurs when an organization or an individual is trying to control a person “forcibly or subtly for exploitation,” and “996” work style is a result of Modern Slavery (p.2). The formation of modern slavery is due to multiple reasons. On the employers’ side, they take the burden of violating Labour Law to cut down the cost of production to equip themselves competitive on the market; then, employees are forced to work in “996” regime. On the employees’ side, according to Ouyang and Feng (2019), employees are struggling in the case of prisoner’s dilemma where their best choice to maximize private benefits is to work in “996” styles (P.1). If K rebuts for “996”, K needs to risk losing the job and letting other colleagues earn more; if K persuades others to refute “996” together, all of them could avoid “996”. Since all employees are rational and always search for private benefit maximization, the sole result is all of them staying in the “996” regime.

Moreover, the Confucius culture hierarchy partly disables employees’ rebuttal to managers’ orders. According to Wang (2020), it is usual to see employees submissively following their managers’ shouted orders. Therefore, when managers ask workers to adopt “996” schedules, they usually do not offend it (p.15). Consequently, workers are disabled to save themselves from Modern Slavery since every individual struggle in the “prisoner dilemma”. The Confucius culture hierarchy and the fear of losing jobs have further restricted workers’ braveness to argue with managers. According to Wang (2020), workers even send gifts to managers to express their friendliness, satisfying managers’ “Human Nature”, and improve the safety of their job

position (p.16-p.20). Therefore, Modern Slavery is not self-decomposable, and hence “996” working style is also a self-unsolvable issue and needs forceful suspension.

The “996” working style is highly problematic and should be prohibited not only because it erodes social justice through constructing modern slavery but also mutilate social justice via increasing difficulties for ordinary workers to apply for labor arbitration. In a modern society under the rule of law, labor arbitration is the most potent way for ordinary workers to fight back their legitimate right to income protected by law. According to Yan (2019), the implementation of labor law is generally criticized as “weak” (p.1). Even though many employers have violated the Labour Law, it is highly challenging for employees to trace back their legalized income from employers through labor arbitration. Due to the professionalized nature of labor arbitration, employees need to hire lawyers to help them deal with the arbitration. However, according to Li (2019), the lowest average price to hire a junior associate is 800 RMB/hour (p.4). This is then a heavy burden for many employees who have suffered from “996” working style because the average annual disposable income is only 32189 Yuan (National Bureau of Statistics, 2020). Therefore, the average minimum cost for an employee to hire a lawyer will at least spend 2.5% of the family's total annual disposable income, which is a huge percentage considering the type of cost. Moreover, the winning rate for employees to win the arbitration only increases 3% even if the employee hires a professional lawyer. In comparison, the winning rate for employers will increase 20% if employers have employed lawyers (Yan, 2018, p.10). The case is unfair for employees because they are trying to get legitimate protection from the law and take back the money they should. However, hiring professional personnel doesn't help them much in getting the money back. Besides, according

to Yan (2019), although the Labour Law seems well-protecting employees' legitimate rights, the context of Labour Law itself is too ambiguous and vague, provoking further disputes (p.12). Therefore, "996" has shown its irrationalities because it causes further damage to social justice via the high costs for ordinary employees to protect their legitimate rights.

Even though the "996" working style has shown its irrationalities through multiple dimensions, people argue that employees adopt "996" working style because it represents their passion for their careers. From employers' side, according to Beijing Review (2019), Alibaba's founder Jack Ma comments "996" working style as "a huge blessing" because it symbolizes employees' enthusiasm on their work (p.1). From employees' side, some of them also have a preference for "996" work style. According to Chan and Siu (2010), while 30.8% of workers already do 11-12 hours of work per day, there is still 37.5% of workers desire only 2 days of break per month, or even less (p.13). It seems both "996" work style is adopted because employees like their job. However, most workers do not keep a high satisfaction but instead hate their jobs somehow. According to the investigation conducted by Deng et al (2021), on a 100 points scale, the mean score of general job satisfaction given from 4906 respondents is only 61.15 (p.6 – p.9). Such a low evaluation score has shown that most employees don't like their jobs. So, there must be other factors, such as family burdens, that forces them to accept "996" work style. According to Chan and Siu (2010), many employees work because they need as much money as possible to feed their families (p.9 – p.10). Consequently, when employees don't vote high on their job satisfaction and only work on their position for earning money, the rationality of "996" working style has been proven as a pseudo claim because employees adopt

“996” work style just for keep their jobs or gain money from the jobs.

In conclusion, adopting “996” working style across all industries in China is highly problematic and hence should be prohibited immediately not only because it offends employees' private welfare via both negatively affecting employees' health conditions and not paying employees enough wages as the law requires, but also because it causes the fracture of social justice since the Modern Slavery has been constructed while the process for employees to protect own rights, for example, labor arbitration, are becoming significantly difficult. Government's powerful intervention is necessary to eliminate “996” overtime working style out of the society.



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