

# Analysis of the 996 Work System Based on the Freedom of Choice Theory

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**Abstract:** In China, since a "996ICU" project released the news about the 996 work system of Internet companies in 2019, the discussion about the 996 work system has been in a craze and becomes a social topic. According to the law, the 996 work system is illegal, but even if it is illegal, the 996 work system has been adopted by many enterprises and even becomes the "mainstream" consciousness spreading from Internet enterprises to various industries. There are many reasons behind this incredible phenomenon. Freedom of choice theory is one of the main theories to explain the phenomenon of the 996 work system at present, and it is also one of the reasons promoting the 996 work system to be a "mainstream" consciousness. In fact, the 996 work system violates the law and social development trend, which will bring many negative effects to employees, enterprises and society. In this regard, the government, trade unions, enterprises and employees should take corresponding measures to curb the negative impact of the 996 work system and jointly create a normal and orderly working environment.

**Keywords:** 996 work system, "Mainstream" consciousness, Freedom of choice theory, Labor relations.

## 1. Introduction

On March 27, 2019, a project named "996ICU" on GitHub spread in the programmer circle, which caused a heated discussion among the whole society. Programmers laughed at themselves for "working 996, getting sick in ICU". They boycotted the 996 work system one after another, and exposed the Internet companies which implemented it. As a result, many Internet companies were listed in the "996 Company List" and the companies on the list spread from the Internet industry to various industries. This set off a discussion on the topic of the 996 work system [1]. Since then, the popular 996 work system in the Internet industry is well known to the public.

In view of the 996 work system, in China, many famous entrepreneurs have voiced their declarations one after another and defended the 996 work system by innuendo. With the further fermentation of the problem, the People's Daily commented that advocating struggle and labor does not mean compulsory work overtime. The corporate culture that is developed at the expense of employees' right to rest and health will be difficult to cultivate cohesion and vitality.

The 996 work system refers to the working system of starting work at 9: 00 a.m. and leaving work at 9: 00 p.m., working for more than 10 hours a day and 6 days a week. According to the labor law, if employees work overtime, enterprises need to pay corresponding overtime pay for employees. Moreover, regardless of whether overtime pay is paid, the company must abide by the working hours in the labor law. That is, in general, working overtime should not exceed one hour a day, three hours a day under special conditions and thirty-six hours a month. Obviously, the 996 work system violates the labor law. Then, since the 996 work system is illegal, why is it still so popular and has become the "mainstream" consciousness and phenomenon? The reason behind this is worth digging deeply.

## 2. An Analysis of the Reasons Based on The Freedom of Choice Theory

At present, one of the main theories that are used to advocate the 996 work system is the freedom of choice theory. The freedom of choice theory is a theory put forward by Jean-Paul Sartre in France about people's independent choice of their survival and destiny. In his view, freedom does not mean that you must achieve success or get what you want, but refers to the autonomy of people's freedom of choice [2]. Based on this, some entrepreneurs who advocate the 996 work system took this theory as their position, take the banner of theoretical authority as a cloak to cover up their own squeezing behavior, and raise the 996 work system to a general call in the workplace. This makes the 996 work system a work value highly praised by the managers. So, why can the defense of the 996 work system based on the freedom of choice theory be recognized and accepted by many managers and employees and even become the "mainstream" consciousness?

### 2.1. Employers: it is the freedom of choice caused by the weak law enforcement

From the enterprises' point of view, their survival rule of them is to get resources and cut expenditures. If it can be saved, it should be saved as much as possible, especially in terms of the high cost of labor. Among the whole cost of enterprises, in addition to the wages of employees, social insurance premiums paid for them also account for a large part. If employees can work for longer hours, the number of employees required for the same workload can be reduced. In this way, the cost of wages and social insurance premiums is greatly reduced, and the total cost can be reduced a lot. In order to make employees better accept the 996 work system, some enterprises declare through the freedom of choice theory that working overtime is a completely free choice of employees. Broadly speaking, employees can choose to work overtime or not. However, some enterprises also know that

the 996 work system has violated the labor law if it is calculated according to the working hours. Therefore, in order to avoid employees' complaints and law enforcement by government labor supervision departments, they use unenforceable labor rights to impose harsh working conditions in reverse [3]. For example, they don't specify the off-duty time explicitly, and they are vague in the labor contract, labor contract and performance appraisal. They suggest employees to work overtime through obscure behaviors of leaders, or "attract" employees to work overtime voluntarily with some compensation such as overtime pay, work meal and taxi subsidy. These behaviors gradually contributed to an unwritten 996 work system. In addition, working overtime in the legal sense refers to "working overtime arranged by enterprises" and does not include employees' voluntary working overtime. Under such circumstances, it is not easy for employees to get overtime pay. Moreover, most employees do not take the initiative to fight against the illegal behaviors of enterprises that damage their rights and interests, and the labor supervision department of the government rarely takes the initiative to carry out law enforcement inspections on enterprises. Even if employees protest or use legal channels to defend their rights to solve the overtime problem, they may eventually face the risk of being ignored, demoted or dismissed by their superiors[4]. So, they face a risk where they will lose a bigger stake if they fight the company over their overtime. Therefore, the embarrassing situation that the regulatory authorities cannot supervise enterprises effectively and employees dare not defend their rights has emerged, which usually makes many enterprises often hold the attitude of "my site is my master" and freely wander in the gray area of the law without punishment. In this case, the 996 work system becomes the result of the so-called mutual free choice of employers and employees on the basis of equality.

## **2.2. Employees: the concept of freedom and equality makes them mistakenly think that labor relations are equal.**

Since the industrial revolution, with the progress of civilization, simple labor has changed into wage labor, and the freedom of employees has become the premise of wage labor. Therefore, labor relations are characterized by equal social relations established by employers and employees based on contracts, which are under the jurisdiction of civil law[5]. Civil law emphasizes basic principles such as equality of subjects and equal compensation, so it advocates that the interests of both employers and employees should be treated and protected equally. With the development of society, the equal contractual relationship cannot accurately describe the current situation of some labor relations in modern society. The reason is that although labor and capital are equal and free in contract, their differences in social status, economy and resources determine their unequal status and status. This shows that employees, as a group, are weak in identity, and the formal equality embodied in the labor contract relationship cannot correct the substantive inequality between them. Therefore, in order to prevent freedom of contract from becoming a tool for employers to exploit employees, the labor law of various countries has gradually broken through the limitations of civil law and formed an independent legal department. Through the whole process of intervention or supervision of labor relations, it changes from equal protection to inclined protection of employees, so as to

safeguard the legitimate rights and interests of employees under the unequal status of labor relations and realize the real equality between employers and employees. Now, our present labor relations are under the system of labor law, which is not only an economic relationship in which labor is exchanged for remuneration, but also has personal and social attributes. In other words, it has the characteristics of "equality and subordination, personal and property".

With the development of the market economy and the improvement of civilization, the consciousness of freedom and equality has gradually taken root in people's hearts and influenced people's various behavior choices and opinions, including labor relations. However, people generally understand that the equality of labor relations still stays on the freedom of contract in civil law, that is, employers and employees are completely equal. In this way, they naturally think that the 996 work system supported by freedom of choice theory is reasonable and legal. Because they will think that I have the right to choose freely, and I can choose to work overtime or not. If I choose to work overtime, I can get a higher salary, overtime pay and subsidies. Of course, some employees don't agree with the 996 work system. But in the face of the cost of living and the pressure of finding a new job, many employees are still forced to accept the 996 work system.

## **2.3. Trade unions: they do not effectively play a role in supervising enterprises and safeguarding the legal rights and interests of employees.**

For employees, the 996 work system is unequal, even if employees are voluntary to work overtime. However, in the face of this situation, as an institution to safeguard the legal right and interests of employees, trade unions have not effectively played the role of supervising enterprises and safeguarding the legal right and interests of employees, which reflects some problems existing in trade unions in China at present. First, the limitations of grass-roots trade unions. Trade unions in China are not spontaneously established from the bottom up, but have a clear hierarchical system, which is divided into the All-China Federation of Trade Unions, local trade unions in provinces and cities and grass-roots trade unions. Under the unified management of the supervision system, they have the same management concept, but they are very different in dealing with labor relations[6]. The All-China Federation of Trade Unions is the leading body of trade unions. It holds official positions in political parties and government agencies, and has the right to participate in the formulation of law and regulations, provides legal and other support for workers, and effectively protects the interests of workers. On the contrary, local trade unions and grass-roots trade unions have no power and can only mediate and communicate in solving labor disputes. Because grass-roots trade unions are usually established with the help of enterprises, such trade unions are either "shell trade unions" in name only, or "boss trade unions" and "administrative trade unions", and the decision-making power of trade unions is directly controlled by bosses. Second, the trade union in the non-public economic system has little power and weak strength. Most of the enterprises in the "996 Company List" are non-public enterprises. At present, although non-public enterprises have generally established trade union organizations, some of them are not sound enough, and the internal mechanism is not scientific and good enough. Most

enterprises focus on the pursuit of economic interests, and regard the trade union as an accessory of enterprise administration, and only play the role of giving gifts and engaging in league-building activities. Third, trade unions lack publicity and education for employees, and employees generally lack understanding and recognition of trade union functions. This will lead to a low membership rate, loose organizational structure and lack of talents, and many trade union leaders hold several positions. This not only leads to the inefficiency of trade unions, but also further makes trade unions an accessory of enterprises because of the lack of power checks and balances.

### **3. The Negative Impact of the 996 Work System**

#### **3.1. Damaging employees' health and development, and destroying the balance between employees' life and work.**

The legal 8-hour working system conforms to people's physiological schedule and follows people's physical and mental habits, while the 996 work system is just the opposite. Long-term and frequent working overtime will disrupt the normal work and rest rules and overdraw the health capital of employees. The overloaded working condition will easily lead to the decline of employees' cognitive ability and work efficiency[7]. Cases of death by overwork can often be seen in news reports. At the same time, the 996 work system deprives employees of their entertainment and leisure time, leaving employees with no free time to think about how to do their work better, which led to their inability to work creatively, making them difficult to achieve self-development and progress[8]. In addition, for most people, work is a part of life, not the whole. In addition to the sense of accomplishment brought by work, life satisfaction is also indispensable. Therefore, everyone needs to have free time to accompany their parents, friends, spouse and children, to relax and have fun, and to develop their hobbies. However, the 996 work system makes most of employees' time and energy occupied by work, and little time is spent in life, which seriously destroys the balance between employees' life and work.

#### **3.2. Reducing the overall work efficiency of enterprises, and aggravating the phenomenon of "bad money drives out good".**

Some enterprises only follow the trend blindly when they engage in the 996 work system, which leads to the formalism of overtime work. For example, in order to prove that they are working hard and leave a good impression on the leaders, some employees will put off what they can finish before leaving work until overtime. This is actually ineffective overtime, which not only increases the inefficient waste of resources such as meal supplements, taxi fare, water and electricity charges, or office equipment loss, but also reduces the overall work efficiency and innovation ability of the enterprises, and forms the working atmosphere of loafers and procrastination in the end. In addition, for old employees in middle age, their energy is not as good as before, and they can no longer carry out high-intensity overtime. At this time, if their companies implemented the 996 work system, it will make the old employees lose their competitiveness and face

the situation of giving way to new employees who are capable and have lower salary requirements. In this case, those excellent old employees who have a low tolerance for the unreasonable 996 work system will choose to leave their companies, while employees with poor ability will choose to stay because they are worried that they can't find a job. At the same time, as the main group of modern enterprises, especially Internet enterprises, the new generation of employees is more likely to pursue a balance between life and work, and their satisfaction and loyalty to enterprises are lower. Long-term excessive overtime will aggravate their dissatisfaction with the companies and further reduce their enthusiasm for work and loyalty to the companies[9]. For some excellent talents with strong abilities, if other companies provide better working conditions, welfare benefits and development space, they will jump ship quickly. This further leads to the brain drain of enterprises and intensifies the phenomenon that "bad money drives out good".

#### **3.3. Affecting social harmony and stability, and reducing social consumption and creativity.**

The 996 work system has done great harm to the whole society. First of all, it raises the unemployment rate, because the job that was originally done by two persons is now done by one person, which will aggravate the already severe employment situation. However, employees under the 996 work system can't get a salary that matches the working hours. Even if their wages go up, they should get more than that according to the law, and the rest will naturally be earned by the enterprises. This situation aggravates the inequality of income distribution, and the widening gap between the rich and the poor will affect social stability. Secondly, the 996 work system causes employees to be tired of work and have no time to accompany their families, educate and care for their children, and share housework. These problems may become the fuse of family conflicts, seriously undermining family harmony and affecting social order[10]. In addition, the 996 work system affects consumption. A large part of the national economy depends on the tertiary industry, and employees under the 996 work system lack time to participate in social activities and enjoy leisure, but they have the ability to spend but have no time to spend. As one of the triad that drive the economy, consumption plays an important role in the economy. Without consumption, the economy is hard to develop. Last but not least, the 996 work system inhibits the creativity of employees. Working long hours reduces employees' time for independent thinking, and creativity is easily stifled. This mode of work will never get rid of the labor-intensive mode of work, and the high level of specialization of the Internet, the accumulation of new knowledge and technological innovation will all be hindered.

### **4. Suggestions for the 996 Work System**

#### **4.1. Government: it should improve the construction of the labor law system and promote the harmonious development of labor relations.**

Although China has promulgated a series of policies and regulations to regulate labor relations, such as the Labor Law and the Labor Contract Law, at present, the handling of labor

relations is still not mature enough, and a systematic and complete system of labor law and regulations has not been established. As the leader of labor relations, the government should shoulder its own responsibilities and take corresponding measures to promote the harmonious development of labor relations. Therefore, first of all, the government should formulate and improve relevant law and regulations concerning the vital interests of workers and handle labor relations as soon as possible, so as to effectively curb bad behaviors that harm the legal right and interests of workers. Second, we should solve the current phenomenon of poor implementation of labor law and regulations in China, encourage relevant regulatory authorities to actively exercise their functions and powers according to the law, and at the same time strengthen supervision and disposal of acts that infringe upon the legal right and interests of workers. Third, the government should improve the regulations on mediation and arbitration of labor disputes, reform the judicial procedures for safeguarding rights, and adhere to the combination of prevention and mediation, so as to completely resolve conflicts at the grassroots level. Fourth, it is vital to strengthen public awareness of the law, and carry out legal publicity and political and ideological education, so that the concept of the law will be deeply rooted in people's hearts. In this way, workers can know how to protect their rights and interests when their rights and interests are violated.

#### **4.2. Trade unions: they should actively perform their duties and promote the harmonious development of labor relations.**

As representatives of employees' interests, trade unions should actively perform their duties, coordinate labor relations and effectively protect employees' interests. First, they must improve the law and regulations of trade unions, and at the same time clarify the boundaries of trade unions' responsibilities, so as to truly play their role. Second, it is important to innovate the trade union system and promote the trade union construction of non-public enterprises according to local conditions. Trade unions must establish a management mechanisms independent of enterprises, and insist on electing their own managers from within the trade unions instead of being appointed by the enterprises, so as to maintain their independence and autonomy. Third, they should use various channels of communication, such as television, advertisements, social software, newspapers, etc., to carry out trade union publicity and education, so that enterprises and employees can know and identify with trade unions, and fully understand the importance of trade unions in promoting the harmony of labor relations and achieving win-win results for both sides. Fourth, they should carry out diversified and meaningful activities to promote emotional communication between employees and enterprises, so as to enhance the overall cohesion and combat effectiveness of the organization and truly achieve win-win cooperation between enterprises and employees.

#### **4.3. Enterprises: they should abide by the law and fulfill their responsibilities, and improve organizational efficiency through various channels.**

To achieve long-term development, enterprises must not unilaterally pursue their own economic interests, but achieve

a win-win result between enterprises and employees. First, enterprises should abide by the law and regulations of China and provide workers with good working conditions and reasonable remuneration. Moreover, overtime pay should be paid according to the regulations, and the total overtime time should be limited to deal with the relationship between work and life of employees. Second, it is necessary for enterprises to improve their management methods and improve the overall efficiency of the organization. They can introduce a scientific management system and focus on improving the efficiency and quality of employees. At the same time, performance appraisal of employees should be result-oriented, supplemented by incentive compensation mechanism to maximize the enthusiasm and creativity of employees. Third, enterprises should abandon the one-sided understanding that "employees who love overtime are good employees" and "the more overtime, the better". They should be good at mobilizing all forces, urging every employee to do their job with all their heart from top to bottom, and increasing work efficiency instead of increasing working hours. Fourth, enterprises should create an efficient corporate culture, encourage cooperation between departments and teams, and establish an atmosphere of mutual supervision and mutual growth, so as to improve the overall work efficiency of the organization.

#### **4.4. Employees: they should improve their working ability and enhance their legal awareness to safeguard their rights and interests.**

In order to better realize their own development, employees should strive to improve their knowledge and skills and improve their working skills. In their spare time, they can also ask colleagues and leaders for advice, so as to continuously improve their work ability and work efficiency, thus avoiding invalid overtime and conformity overtime. At the same time, in order to protect their legal rights and interests, they should constantly improve their legal awareness. For example, they can pay more attention to the labor law and regulations, and work within the scope permitted by law. What can't be ignored is that they should properly keep their own labor contracts, overtime records, attendance sheets and other materials at work. When the enterprises violate their legal rights and interests, they should dare to take up legal weapons and actively fight against the infringement, not condoning the illegal behavior of the enterprises.

### **5. Summary**

Generally speaking, the view of defending the 996 work system based on freedom of choice theory is superficial, which is a negative shaping of people's ideology and a distorted value that destroys social order. Those enterprises that implement the 996 work system will not only bring negative effects to employees and society, but also hinder the long-term development of themselves, which can be said to do more harm than good. Facing the 996 work system spreading in society, the government, trade unions, enterprises and employees should work together to curb the proliferation of the 996 work system, so as to promote the harmonious development of labor relations and realize the coordinated and efficient operation of the whole society.

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