

Study on the Realization Dilemma and Guarantee System of Workers' Right to Rest from the Perspective of "996" Working System

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ABSTRACT

This study is used to research the unreasonable working system "996", which work at 9 a.m., get off at 9 p.m., rest for 1 hour (or less) at noon and evening, work more than 10 hours in total, and work 6 days a week, as this work system generally appears in China's labor market. This work system is illegal and deprives employees of their rights, while many employees acquiesced it so cause the 996 can generally appear in China. Therefore this article prepares to analyze why Chinese workers acquiesced 996 and the reason of 996's appear. This paper will first examine Chinese labor law and collect the data about Chinese overtime working culture. Also, this paper will review some literature and study the parts not studied in other articles. What's more, this article will use some methods to collect opinions, such as interviews, surveys, and case studies. Then, the study will analyze the current phenomenon and the problem and then study the strategy that can help solve the problem. Finally, the article will conclude summary findings, research significance, and future study.

Keywords: Realization dilemma, Guarantee system, Workers' right, "996" working system

1. INTRODUCTION

1.1 Research background

The 996 work system refers to a system that allows workers to work six days a week from 9 a.m. to 9 p.m. on weekdays. According to data released in August, overtime varies by age group. After the 1970s, 20.93 percent of them rarely work overtime, while 40.7 percent only work overtime once at most. More than 40 percent of those born in the 1980s and 1990s said they worked overtime three times a week. 996 is not over. Overtime hours are much torture. While 56 percent could get home before 0:00, 30.2 percent had to get home around 2 p.m, and 4.5 percent even stayed overnight at work.

The "996 working system" has exposed the trend of Chinese workers working overtime regularly and highlighted the urgent issue of how the state power can effectively balance the capital interests of enterprises and

citizens' right to rest. The core connotation of the right to relax is to protect citizens' health and participate fully in society through the active role of the state. There are some problems in protecting the right to rest in China, such as insufficient protection of the existing legislative system and lax supervision of the law enforcement system. It is necessary to carry out institutional reform from perfecting the particular working hour system, strictly implementing the overtime rules, raising the illegal cost of employing units, and perfecting the criminal system liability. Our study aims to understand why it is so challenging to alleviate 996 and how rest rights can be achieved. 96 behavior does not conform to the development trend of modern labor law and damages the legitimate rights and interests of Chinese workers. Therefore, our study aims to make the work efficiency of the society and the country become higher and productivity rise.

1.2 Literature review

“996” working system has existed in the employment market for a long time. It has gradually entered the public’s vision and attracted people’s attention in recent years. On the surface, this is a high-intensity work behavior because employees want to pursue higher salaries, which people subjectively control. But in fact, this is a violation of workers’ rights.

The “996” work system refers to the phenomenon that workers work six days a week from 9 a.m. to 9 p.m. without overtime pay or subsidies. It exists in many industries. China’s labor law stipulates that employees should not be required to work more than 8 hours a day or more than 40 hours a week. Enterprises must limit overtime to 36 hours per month. The labor law has made explicit provisions on the working hours of workers. This phenomenon infringes the right to rest workers should enjoy, and the employer should bear corresponding legal responsibilities. But even if the law prohibits it, why is there such a severe and widespread phenomenon of excessive overtime?

The reasons can be attributed to the following points:

1. Fierce social competition. Employees and companies want to improve their value. Therefore, the company exploits employees. Employees also want to get a higher salary and better life with excellent work, choosing “voluntary overtime”.
2. The legal system is imperfect. Although China has issued the labor law since 1994, its content has long been unable to adapt to the development of today’s society and needs to be improved.
3. Workers lack awareness of safeguarding their rights. Workers are weak and do not know how to protect their legitimate rights and interests by law. The above reasons lead to the prevalence of super long overtime culture.

“996” means that workers’ right to rest is violated, which is not only the reason for workers and employers but also the lack of labor supervision system and labor supervision department. Therefore, it can be improved from the following aspects.

1. Publicize and popularize legal knowledge, let workers know how to protect their legitimate rights and interests with the law, and let employers no longer squeeze employees.
2. Improve legislative protection. Further, improve the labor standards in the labor law to protect the legitimate rights of workers.
3. Adjust the labor administrative supervision system.
4. Improve the judicial process. For example, the burden of proof should be tilted to workers. So that workers can be effectively protected by the law when safeguarding their right to rest.

This paper expounds on the meaning of “996” working system, the reasons for violating employees’ right to rest, and how to guarantee it. The law should protect the legitimate rights and interests of workers. With the development of society, it can meet people’s pursuit of a better life.

1.3 Research gap

Most articles study whether the 996 work system is reasonable or unreasonable and protect workers’ legal rights. In comparison, few articles focus on why 996 can still exist even if it is illegal and why it is so hard to boycott the 996 work system. This article decided to study why it is so hard for workers to realize their right to rest.

First of all, this report will research the reason for 996 coming into Chinese industries. This report has made some assumptions. For example, the Chinese industry wants to increase productivity, so they decide to reduce worker’s rest time and use their free time to let them do much work. And many employees in China do not want to boycott this work system; therefore, this article will find the reasons for this phenomenon.

Second, this article will study the right to rest system in China and analyze why Chinese employees do not want to boycott 996 or why they silently undertake this unreasonable working system.

Thirdly, we will look for loopholes in China’s labor law and seek a better way for Chinese employees to defend their rights. In addition, this report will investigate and research the data in-network for many information about 996 such as overtime pay, employee attitude management attitude.

Finally, this article will summarize how we can change 996 and protect employees’ rights.

2. METHODS

2.1 Survey

We will make a questionnaire about some real facts about people’s work. Some questions like “How long do people work?” “How do they feel about the stress from their work?” “How they fight with ‘996’”? It can help us to know people’s attitude to their work. We will put this questionnaire on the websites to make more people participate and get comprehensive data. We also can ask our families to take the survey. If we get the permission of some companies, we can visit them and survey them in person, which is more exact. This method can help us get valuable data to finish our essay. What’s more, our essay can be more persuasive and authentic.

2.2 Case study

We will find a typical case of “996”. In this company, people may work for a long time in different situations. We will focus on the reasons and provide some advice by searching for information. In this case, we probably would meet problems, which are not easy to solve. In the light of this, we will specifically research and analyze the whole case to help workers get a good

working system. After this, we also need to let the company maintain this rule to safeguard workers' rights. This method can help us comprehend "996" in life by a specific example. If our study has vivid illustrations, it will be more accurate and persuasive.

2.3 Literature research

We will look up the Labour Law of The People's Republic of China to get more information, which is clear for us to know whether the rules such as "996" in certain companies are lawful. If they are illegal, we can report these companies to the government and safeguard legitimate rights and interests for workers. Some theses on the website have a similar topic with us can provide some ideas to our essay. Additionally, some related journals and industrial reports also could inspire our ideas. This method can make our paper more authoritative and persuasive.

3. RESULT

3.1 Current analysis

Marx believed that the premise of the realization of communism is the great development of productive forces, work is no longer a means for people to obtain material materials, but the realization of life goals.(7) however, many companies decide to use the 996 work system, which works at 9 a.m., gets off at 9 p.m., rest for 1 hour (or less) at noon and evening, work more than 10 hours in total, and work 6 days a week. While the 996 violates many laws of our country list.

1. Monthly overtime hours exceeded 36 hours which China's labor law stipulates that "if it is necessary to extend the working hours for special reasons. Under the condition of ensuring the physical health of workers, it shall not exceed three hours a day, but not more than 36 hours a month." [1].

2. Illegal procedures and failure to negotiate with trade unions or workers. Article 41 of China's labor law restrictions on the extension of working hours. Due to the needs of production and operation, the employing unit may extend its working hours after consultation with the trade union and workers[1].

The company does not have the right to determine the system of working hours exceeding 8 hours unilaterally. If we want to extend working hours, we should consult with trade unions and workers regarding procedures before they can be implemented. It is illegal for the company to impose the working hour system of 996.

3. Employees have the right to refuse forced overtime or forced overtime in disguised form. The refusal of employees shall not be deemed a violation of the labor contract Article 31 of the labor contract law [1]. The employing unit shall strictly implement the labor quota

standards and shall not force or force workers to work overtime in a disguised form. If the employing team arranges over time, it shall pay overtime pay to the workers following the relevant provisions of the state.

4. Though the 996 work system is illegal. Still, many companies use its systems, and almost all employees have acquiesced to it. So guide workers need to defend their rights as many workers do not know how to defend their rights and are afraid to defend their rights.

The 996 worker system has damaged people's pace of life. Many people lose their free time. They can not develop their hobbies, spend time with their families, and speed their time to enjoy life. In addition, this working system gives people too much stress cause many people to lose their happiness and loss their dram. In our questionnaire investigation, 76% of people choose the 996 break their lives, so it is a severe problem. Also, almost 86% of people do not like the 996 worker system, and they all think this is exploiting their rights, but they do not know how to resist that, so this report decides to analyze how to help employees. Also , the rest right is very important as the value of rest is reflected in the right to rest to free people from work, have time to improve themselves, realize their life value. Extrinsic value is shown in promoting social and economic development and promoting human progress[2].

3.2 Problem analysis

In 1994, the Labor Law was promulgated and put into effect, stipulating working hours, rest, and vacation. The working hours of the laborer shall not exceed 8 hours a day or 40 hours a week. The working hours may be appropriately increased on the premise that the laborer's health is not harmed, but the overtime work shall not exceed the 36 hours a month stipulated by law. However, this mode of work infringes workers' legal rights and interests in many aspects.

First of all, workers' right to rest and vacation has been infringed. Working six days a week, every day from the morning to the evening of nine working hours, occupy the laborer's reasonable rest and vacation time, which does not accord with our country's current labor law system provisions. Second, in most cases, workers are not paid overtime for the extra work. Some companies ask employees to sign "voluntary" overtime agreements, which classify the extra hours as voluntary behavior. Finally, this mode of work hurts the health of workers and on family harmony. Long-term overload work will damage the physical health of workers, lack of time to accompany their families, easy to lead to the emergence of family conflicts, physical and psychological problems for workers, is likely to reduce work efficiency and quality [2].

According to the analysis of the right to rest, for every worker, five days of working time and two days of

vacation time is the most reasonable arrangement, and all companies in the initial time are by this kind of work system to make security, workers are also accepted. However, due to the company's demand, the original working system has been changed into the current 996 working system, which ignores the workers' right to rest and squeezes the production value of workers. The emergence of the current 996 working system is a disguised form of weakening social security rights. That is to say, most 996 staff will be physically burdened under the 996 working system for a long time, resulting in a series of physical problems, and the company does not bear the responsibility for this series of physical problems. In other words, employers are using workers' health in exchange for economic benefits, that is, the violation of workers' social security rights.

For formulating a reasonable work quota according to the actual condition of power analysis, many of the 996 people work for the working system. The 996 biggest satisfaction is not proper allocation of labor share, make the fall in the value of labor, but to maintain the weight of labor, and in such a state, to accept the rules. However, from the labor law on the employer's constraints, the implementation of the 996 work system of the employer, according to the actual situation to formulate a reasonable work quota of this law system, is an obvious non-compliance, but also a challenge the system. According to the analysis of the right to make legal working hours, the 996 work system requires workers to work at 9 a.m. and leave at 9 p.m. for 6 days a week. In terms of reasonable time arrangement, It can be said that the 996 work system is completely inconsistent with the reasonable setting of system time that employers should abide [3].

4. DISCUSSION

4.1 Problem identification

From the above analysis, we can conclude that the 996 working system is unreasonable and unscientific. This system is a squeeze on workers and a blasphemy of the law. We can see that this work system seriously violates the provisions of relevant statutes and seriously infringes on workers' legitimate rights and interests. The prevalence of this phenomenon shows some problems in the social employment system. This part will analyze the problems and give reasonable suggestions on protecting workers' legitimate rights and interests.

In the result discussion part, we can see that the 996 work system violates many laws of our country, including breaking the legal working hours; Such problems as extending working hours without application are the excessive squeezing of workers by employers. At the same time, we can see that the law stipulates that workers have the right to refuse unreasonable overtime. However, this phenomenon still exists, proving that

workers do not properly safeguard their legitimate rights. Therefore, this part will give suggestions from the following aspects:

From the legal aspect: first, we should introduce more perfect laws, make detailed provisions on the working hours, overtime hours, and other specific aspects of labor, and improve the labor law to make the law in line with the development trend of the times [4]. Secondly, more convenient legal aid or appeal channels should be provided to workers so that workers can be aware of the role of the law and learn to use the law to protect their legitimate rights in the face of infringement. The employer shall be organized to regularly study the law on protecting workers' rights and interests. Strengthen the supervision of employers, vigorously investigate employers that squeeze workers, and severely punish them once they find violations.

As far as employers are concerned, the company should also implement an incentive mechanism to mobilize employees' enthusiasm, create a good working environment, protect workers' right to rest and remuneration, and pay overtime wages and various welfare benefits full and on time [5].

For workers: first of all, workers should be popularized legal knowledge to make them aware that their rights are protected by law; Secondly, we should encourage workers to dare to protect their rights and interests by law in the face of unreasonable work system [6]. Finally, we should improve the labor unemployment security system. Once workers resign or lose their jobs because of the 996 work system, they should protect their life in the transition period, reduce their psychological pressure, and let workers dare to safeguard their legitimate rights[7-8].

In short, the company's extension or disguised extension of workers' working hours must obtain workers' consent. The extension of the working hour's system implemented according to the company's internal regulations is an illegal act in violation of the labor law. The long-term implementation of the 996 working system is unsustainable. The company should mobilize the enthusiasm of workers, innovate incentive mechanisms, create an excellent working atmosphere, create harmonious labor relations, improve employees' spontaneous enterprising spirit, and contribute to the company's development. In this way, a virtuous circle will be formed, and the company's work can be completed efficiently without implementing the 996 work system[9-10].

4.2 Strategies analysis and solutions

Table 1. how people know about the Labour Law of The People’s Republic of China

Have no idea	Know a little	Completely know
12	33	5

As shown in Table 1, most people do not know Labour Law of The People’s Republic of China in today’s society. Someone who knows it does not realize the illegal phenomenon they are undergoing. That is an essential reason of “996”.

This research helps people in *** company know the Labour Law of The People’s Republic of China and assert their rights successfully.

Suppose the government or community can organize some activities to popularize Labour Law of The People’s Republic of China. In that case, people could use it to safeguard their rights and interests when “996” happens. Law enforcement officials should make efforts to prevent illegal phenomena such as “996” from happening. People also need to read some books or watch some TV programs about laws in their spare times, which are good ways to learn Laws. With popularizing the Labour Law of The People’s Republic of China, more and more people will realize and resist “996”. Then, this system may be abolished soon.

Table 2 how people feel in “996” working system

Reasonable	Stressful	Insupportable
10	38	2

According to 50 people we research, most of them have great stress. The people who think it is reasonable are young. Along with the growth of age, the feeling of degree is increasing, too. Some people show that they are too tired to do anything when they go home after work. And “996” their work efficiency has decreased.

This research helps us know people’s real feelings about their work. It also shows great pressure in society.

To deal with this problem, abolishing “996” working system is a fundamental method. People will get relaxed if they get reasonable work time. It does not only need someone’s efforts. The whole society needs to resist the “996” working system. What’s more, people need to find a good way to relax when they are tired after working for a long time. Workers can do some sports in their free time, which can make them relaxed and improve their work efficiency. Doing something they are interested in can help them release their pressure. Then, everyone can have a better state for working.

5. CONCLUSION

5.1 Summary findings

The premise of solving “996” working system is economic development, and the working system itself can promote economic development. China is transforming from high-speed economic development to stable and sustainable economic development. When social and economic growth is truly stable and efficient, people will naturally have time to enjoy life. Although such a working system will gradually dissolve with the continuous expansion of China’s economy, and the current policy environment can effectively guarantee the rights and interests of workers, it is necessary to guarantee the rights and interests of workers to get overtime pay. Otherwise, it will only further intensify labor-management conflicts.

5.2 Research significance

This research shows that “996” is a common phenomenon in modern society and most people who work for a long time have great pressure. It helps workers in *** company to know Labour Law of The People’s Republic of China and get the reasonable work time. Workers enthusiasm was improved, and the company’s profits increased. Although this research did not solve the problem of “996” completely, it positively influenced society.

5.3 Limitation and future study

In the research on “996”, we mainly use the questionnaire, case analysis, and literature research. The initial data mainly comes from the questionnaire; Second-hand data comes from case analysis and literature research.

A questionnaire was designed and placed on the network for more people to participate in the initial data collection process. But in fact, there are still the following problems:

1. The number of samples is difficult to ensure. Workers experiencing “996” often have no time or energy to fill out a questionnaire on the Internet seriously.
2. There is a problem with the questionnaire set. The questionnaire should consider all aspects of factors.
3. The accuracy of statistical information is questionable. Respondents are reluctant to disclose their real information on the Internet, which also impacts the authenticity of the questionnaire.

To obtain valuable survey results, we need to optimize the questionnaire design, attract as many participants as possible, review the feedback results. In addition to optimizing the online questionnaire in future

surveys, we can also pay attention to specific groups, such as workers in the “996” work mode in this study.

In processing initial data and obtaining second-hand data, this study mainly adopts the way of investigating relevant literature, laws, and previous cases to deal with the design of this study. However, these methods have some problems, such as poor correlation, low timeliness, and low reliability of results.

We believe that in future research, we should first study our case, analyze the problems/contents involved, then investigate according to these problems, compare the points obtained from the investigation, and finally discuss this case according to the similarities and differences between the two.

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