



China Prohibits Excessive Overtime Work

By Leah Shepherd

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The Chinese government has warned employers to stop expecting employees to work extremely long hours.

On Aug. 27, China's Supreme People's Court and the Ministry of Human Resources and Social Security jointly confirmed that employers cannot require employees to work "9-9-6"—the name for a common practice of working from 9 a.m. to 9 p.m. six days per week.

Their recent announcement outlined 10 court cases in which the court ruled that the employers violated labor laws by imposing excessive overtime work.

This signals that the government may increase its enforcement of labor laws. The notice from the top court also could make some Chinese workers more confident in suing their employer for violations or bringing overtime grievances to their HR representatives.

Under Chinese law, the normal workweek is eight hours per day with a maximum of 44 hours per week. For hourly employees, any overtime worked beyond that is limited to three hours per day.

However, in some workplaces in China, the culture encouraged by executives and supervisors has pushed employees to work 70 hours per week, or risk being seen as lazy or unmotivated. Often the extra hours are unpaid, especially if the workers are salaried.

Michael Leiter, a professor of organizational psychology at Deakin University in Melbourne, Australia, said the 9-9-6 schedule (a total of 72 hours in one week) can lead to burnout, exhaustion and poor work.

"People cannot maintain quality under such schedules. Without recovery opportunities, performance flags during one 12-hour shift. Multiple shifts in succession would magnify that effect," he said. "People would work beyond their energy capacity, being chronically tired. People would have few recovery opportunities, as the other 12 hours would be mostly commuting, eating and sleep ... Creativity and precision would be low."

Jennifer Moss, a workplace wellness expert and author of the upcoming book *The Burnout Epidemic* (Harvard Business Review Press, 2021), agreed: "We stop being productive after 50 hours, and really we're our most productive in a 40-hour workweek. So, 70 to 80 hours of working each week isn't actually better for business."

She called the 9-9-6 schedule "inhumane and dangerous. The World Health Organization recently announced that working over 55 hours per week can increase heart disease, and persistent overwork can lead to an early death. Overwork kills 2.8 million people per year."

The 9-9-6 schedule has come under increased public scrutiny in recent months after news reports of several deaths related to overwork in China.

For employers associated with that type of event, there's a risk of legal action, loss of reputation and monetary penalties if they violated labor laws.

In July, the Human Resources and Social Security Bureau of Jiangning District, Nanjing, fined Siemens, a German multinational manufacturing company, 12,900 yuan, or about \$2,000, for overtime violations, according to news reports.

Common in Tech Jobs

The 9-9-6 schedule is not necessarily widespread in all industries or all parts of China. It's often associated with the tech industry, where some business leaders have argued that working 9-9-6 is necessary for achieving business success and personal wealth.

"Although the 9-9-6 isn't necessarily adopted openly in tech countries around the world, tech leaders like Elon Musk and others tout 80-hour workweeks as the bare minimum to change the world," Moss said. "Tech companies are the biggest advocates. Jack Ma and Alibaba have been outspoken about the benefits from a revenue perspective, and without any possible recourse from employees, they have the most to gain."

Jack Ma is the co-founder of Alibaba, a large Chinese multinational e-commerce company. Two years ago, he called working 9-9-6 "a huge blessing."

Intense economic competition has contributed to this mindset in tech and other industries.

Stressful Time

During a period overshadowed by the coronavirus pandemic, employee stress and burnout is higher than normal.

"Burnout has only increased globally this year, and teleworkers are far from immune, particularly since most of these 9-9-6 employees have signed 'struggle agreements' that make it so they can't push back if they are exhausted or burned out from working too much overtime," Moss noted.

How has the pandemic impacted the use of the 9-9-6 schedule in China? Leiter said it's a mixed response. "Some [people] have lost jobs. Some are working more intensely. Some are working less intensely. All are working differently," he noted.

Long work hours can severely limit a person's family life and personal endeavors.

"It is known to impact relationships [and] time together as a family. Women have shared that they are less interested in having children," Moss said. Some workers "claim they didn't sleep, missed eating, started taking medication for depression and stress. Others describe having no hobbies or leisure time—that their entire lives were focused on working."

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