

Invisible Overtime in Enterprises and Suggestions for Its Governance

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Abstract: *Amidst the widespread application of digital technologies and the normalization of remote work, the distinction between professional and personal time has become increasingly blurred, positioning "invisible overtime" as a significant workplace concern. This practice infringes upon employees' right to rest and hinders the development of a healthy work environment. In 2024, China's Supreme People's Court established clear criteria for recognizing invisible overtime, offering a legal foundation for the protection of labor rights in the digital era. Nevertheless, a considerable number of employees continue to engage in work-related tasks and remain on unpaid standby via instant messaging platforms such as WeChat and DingTalk outside regular working hours. Most of these individuals are not compensated with overtime pay or time off in lieu, and face challenges in providing evidence and seeking legal recourse. This paper categorizes invisible overtime into three types: communication hijacking, task saturation, and cultural conformity. It further analyzes the underlying causes from four dimensions: outdated management practices, misuse of digital tools, gaps in institutional protections, and the pervasive influence of an "involutionary" work culture. Research indicates that invisible overtime not only encroaches on personal time, contributing to emotional exhaustion and job burnout, but also increases employee turnover, ultimately undermining long-term organizational vitality and innovation. In response, this study proposes governance recommendations, including modernizing management philosophies, regulating digital tool usage, refining employment systems, strengthening legal oversight, and cultivating a positive workplace culture. It advocates for a collaborative governance model involving businesses, regulatory bodies, and society to ensure corporate accountability, establish clear boundaries between work and rest, protect workers' legitimate rights, balance corporate growth with employee welfare, and foster equitable, healthy, and sustainable labor relations, thus offering insights for building a harmonious employment landscape in the modern era.*

Keywords: *Invisible Overtime; Labor Rights; Employment Management; Workplace Culture; Right to Disconnect*

1. Introduction

In 2024, the Supreme People's Court, in its work report, for the first time clarified the criteria for recognizing "invisible overtime." The report stated that when employees perform substantive labor outside regular working hours via tools such as WeChat, significantly occupying their rest time, it should be recognized as overtime. This regulation establishes a new boundary for the protection of labor rights and interests in the digital age ^[1]. However, legal clarity has not changed the widespread dilemma in the workplace. Data show that about 40.1% of workplace professionals experience invisible overtime almost daily, requiring them to be on call at all times. Only 26.5% actually receive overtime pay or compensatory time off, leaving the majority of extra effort uncompensated. This type of overtime lacks formal clock-in records, with only chat logs on mobile phones as evidence. It typically manifests as replying to work group messages late at night, participating in online meetings on weekends, or handling urgent documents during holidays. These fragmented periods accumulate, often far exceeding normal overtime hours. Yet, due to the difficulty in preserving evidence, employees often face inconsistent recognition standards and challenges in providing proof when defending their rights.

Invisible overtime not only steals employees' rest time but also inflicts serious harm on their physical and mental health. Research shows that electronic communication outside working hours blurs

the boundary between work and family, preventing employees from truly relaxing. If this state persists, it easily leads to emotional exhaustion, causing individuals to feel profoundly fatigued and burned out [2]. Another study on the new generation of workers also found that work connectivity behavior after hours significantly increases employees' turnover intention [3]. For enterprises, while having employees on call may superficially improve efficiency, it actually raises the risk of talent attrition. Therefore, relying solely on individual employee advocacy or legal action is insufficient. Companies need to proactively intervene from a human resource management perspective and establish preventive mechanisms. This article will begin by analyzing the current situation and explore specific governance measures, aiming to provide a reference for building healthier labor relations.

2. Forms of Invisible Overtime for Enterprise Employees

2.1 Communication-Entanglement Overtime

Communication-Entanglement Overtime is currently the most prevalent form of invisible overtime. Its core characteristic is the use of instant messaging tools to extend work instructions into employees' non-working hours. It typically manifests as the need to constantly respond to work group messages after hours, whether it be work directives late at night, temporary tasks on weekends, or urgent notifications during holidays, all requiring employees to stay online. This form of overtime usually appears fragmented, with managers or colleagues assigning tasks through tools like WeChat or DingTalk during rest periods and expecting prompt responses. Even at home, employees must constantly monitor work information and be ready to handle sudden work demands. Furthermore, a phenomenon of "performance-by-typing" is common, where employees are required to respond with "received" or reply to every message in the group to demonstrate proactivity and dedication. Although each instance of this overtime may consume little time, its high frequency and unpredictability severely disrupt employees' normal rest rhythms, creating a state of sustained psychological tension. More notably, many work groups remain active outside working hours, discussing not only work matters but also non-essential content like social engagements and team-building arrangements. To avoid being seen as uncooperative, employees often feel compelled to participate. The cumulative time spent on these seemingly trivial engagements often far exceeds formal overtime hours. However, due to the lack of clear clock-in records and time tracking, companies rarely include it in their overtime management framework.

2.2 Task-Compression Overtime

Task-Compression Overtime refers to situations where employees cannot complete their assigned workload within normal working hours and are forced to take the remaining work home or continue handling it during rest time. This form of overtime typically stems from unreasonable task allocation, excessively tight deadlines, or a results-only evaluation mechanism. It manifests in several common scenarios. One is quota-driven overwork, where the basic workload set by the company is excessive, making it impossible for employees to finish within eight hours; to avoid performance penalties, they voluntarily choose to "make up the work" at home. Another is last-minute additions, where managers suddenly assign urgent tasks just before the end of the workday, requiring delivery by the next morning, forcing employees to work overnight. A more indirect form is when companies schedule mandatory online training or qualification exams during employees' personal time and include them in performance evaluations, effectively occupying rest hours without compensation.

Unlike Communication-Entanglement Overtime, this type of overtime produces tangible work outcomes, such as completed reports, code, or design proposals. However, due to the lack of clock-in records and a formal overtime approval process, this extra effort is often viewed by companies as voluntary behavior or a sign of employee incompetence, making it difficult to be recognized as statutory overtime. This prolonged period of high-intensity operation not only encroaches on personal and family life but also keeps employees under constant work pressure, significantly increasing the risk of emotional exhaustion^[4].

2.3 Atmosphere-Coerced Overtime

Atmosphere-Coerced Overtime is a specific form of invisible overtime characterized by employees extending their working hours not due to specific work tasks, but under the intangible pressure of corporate culture and team atmosphere. This situation commonly occurs in organizational

environments that emphasize a "hustle" spirit or an overtime culture. The most typical manifestation is the phenomenon of "I don't leave until my leader leaves." Even after completing their daily tasks, employees dare not leave early upon seeing their leaders or colleagues still working. This is not driven by work requirements but by the fear of being perceived as lacking diligence by management, potentially harming career advancement evaluations. Another common behavior is post-work performance. Some employees deliberately send work-related files to group chats in the evening or on weekends, or discuss work issues under non-urgent circumstances. The primary purpose is to showcase their continuous work engagement to managers, thereby proving their dedication. The core issue with this type of overtime lies in its performative nature. While employees extend their physical presence at work, their actual productivity may be very low; they are essentially consuming time waiting to leave in sync with the team. This atmosphere easily creates a vicious cycle. When overtime becomes the team's unspoken rule, employees become more inclined to prove their work commitment by burning time, further blurring the boundary between work efficiency and work duration. Ultimately, this damages organizational vitality and innovation capability.

3. Causes of Invisible Overtime in Enterprises

3.1 Outdated Management Philosophy and the Misuse of Digital Tools

Many corporate managers have yet to update their mindset, persisting in the habit of measuring employees' work attitude by their online availability. The deep penetration of instant messaging tools has allowed work communication to transcend the limitations of time and space. On platforms like WeChat and DingTalk, managers can issue directives at any time, and consequently, employees are often expected to remain on call. While this technological capability enhances flexibility, it simultaneously blurs the traditional boundary between work and rest. More critically, when work messages are intermingled with personal messages within the same application interface, employees find it difficult to effectively separate them. The core issue lies in the fact that technology, which should serve as a tool to enhance efficiency, has instead, in the absence of reasonable usage norms and corporate governance constraints, evolved into an accelerator for the endless extension of work. Some managers hold the notion that longer working hours equate to a better work attitude, viewing prolonged employee availability as a sign of diligence and dedication, while overlooking actual work efficiency and quality. They are often accustomed to vague task assignments, suddenly distributing urgent tasks near the end of the workday or issuing instructions during non-working hours, treating employees' constant readiness as a given. These outdated management concepts and practices, facilitated by the convenience of digital tools, directly contribute to the prevalence of communication-entanglement and task-compression overtime.

3.2 Deficiency and Lag in Relevant Institutional Safeguards

The deep-rooted cause of the difficulty in eradicating invisible overtime lies in the severe lack of adaptive safeguards at the legal and institutional levels for labor patterns in the digital era. The current Labor Law's definition of working hours remains anchored in the factory model of physical presence, making it difficult to encompass fragmented and virtual forms of labor like WeChat communication and remote collaboration. Although the Beijing Third Intermediate People's Court established criteria for recognizing "substantive labor" in the 2023 "invisible overtime case," and the Supreme People's Court clarified related standards in 2024, there remains a lack of clear national-level definitions for invisible overtime and the "right to disconnect." This gap leaves workers facing a predicament of having no clear legal basis when defending their rights. In judicial practice, workers often lose lawsuits because evidence of invisible overtime is difficult to solidify, while employers use internal systems like overtime approval procedures to evade responsibility. Due to the absence of clear legal obligations for recording working hours and mandatory disconnection rules, employers' digital communication during non-working hours lacks legal restraint. Consequently, workers are forced into a state of constant online availability, allowing invisible overtime to evolve into an institutionalized problem^[5].

3.3 Drivers of an Inward-Rolling Workplace Culture

Workplace culture is a significant factor driving the normalization of invisible overtime. Currently, many enterprises promote an evaluation culture that equates overtime with dedication, directly tying work duration to work attitude and promotion assessments. Employees who do not work overtime are

easily perceived as lacking initiative or responsibility. To gain recognition and development opportunities, employees are compelled to passively conform to this atmosphere. Simultaneously, the pressure to conform is substantial. If colleagues generally work overtime and remain online to respond to work after hours, individuals find it difficult to insist on leaving on time or refuse non-working hour tasks, fearing isolation or negative impacts on their professional evaluations. This leads to collective overtime phenomena, such as "I won't leave until the leader leaves." Some companies even package high-intensity, on-call availability and unpaid extra work as a manifestation of a "fighting spirit," downplaying employees' emphasis on the right to rest, thereby making invisible overtime the default rule. Furthermore, in a fiercely competitive workplace, employees, to highlight their proactivity, may voluntarily handle work or engage in performative displays during their rest time. This performative behavior further solidifies the overtime culture. This work environment, which measures contribution by hours and prioritizes superficial compliance, continuously blurs the boundary between work and life, transforming invisible overtime from an occasional occurrence into a widespread workplace norm. It particularly exacerbates the spread of atmosphere-coerced overtime.

4. Governance Recommendations for Invisible Overtime in Enterprises

4.1 Innovate Management Philosophy and Standardize Tool Usage

Enterprise managers should scientifically plan work tasks and reasonably allocate work progress, avoiding assigning urgent tasks just before the end of the workday or during holidays. This enables employees to complete their work orderly within normal working hours. Simultaneously, managers should take the lead in adhering to work hour norms, refraining from issuing instructions or assigning tasks during rest periods unless absolutely necessary, thereby respecting employees' personal time and right to rest. By optimizing the management model, phenomena such as task-compression and communication-entanglement can be effectively alleviated, allowing work to return to a reasonable pace.

Enterprises should concurrently establish norms for the use of work communication tools. To address the issue of constant on-call availability brought by communication software, the scope of contact outside working hours should be limited, unnecessary message disruptions should be reduced, and employees' normal rest should be safeguarded [6]. This requires managers to fundamentally transform traditional thinking patterns, no longer evaluating employee performance based on online duration or on-call status, but instead focusing on work efficiency and quality. This shift guides teams toward achieving goals in a more rational manner. Improvements in management approaches can not only alleviate employee stress but also enhance overall collaboration efficiency, promoting a healthier and more sustainable operational state for the enterprise.

4.2 Improve Institutional Systems and Strengthen Legal Safeguards

To address invisible overtime at its source, enterprises must first refine and solidify their employment systems, using clear rules to demarcate the boundary between work and rest. Companies should, based on their operational characteristics, detail job responsibilities and define reasonable workloads, avoiding situations where unreasonable task assignments force employees to continue working after hours. Furthermore, it is essential to standardize overtime management procedures, integrating scenarios such as remote work, online communication, and ad-hoc tasks into a unified framework. This ensures that overtime work requires application, is recorded, calculated, and compensated, preventing extra labor from becoming unpaid effort. At the external safeguard level, strengthening legal oversight is a crucial support for governing invisible overtime. Relevant authorities should further clarify the criteria for recognizing invisible overtime, extending regulatory oversight to include scenarios like working online outside standard hours and handling work via instant messaging. This would standardize the criteria for judgment in judicial practice and lower the threshold for workers to defend their rights. Labor inspection departments should enhance routine inspections, focusing on identifying and addressing practices such as enterprises arbitrarily occupying employees' rest time, failing to implement overtime compensation, and enforcing constant on-call availability. Enterprises infringing on workers' right to rest should be corrected and penalized according to the law. Strengthening legal oversight can effectively curb inappropriate employment practices, incentivize enterprises to standardize management in accordance with the law, and provide a solid legal foundation for curbing the phenomenon of invisible overtime.

4.3 Foster a Healthy Culture and Mitigate Inward-Rolling Pressure

Cultivating a positive and healthy workplace culture is a key pathway to addressing the dilemma of invisible overtime at the conceptual level and achieving long-term governance. Enterprises should abandon the one-sided approach of evaluating dedication based on overtime hours and instead establish a value system that prioritizes efficiency and is results-oriented. This guides employees to complete work with high quality within a reasonable timeframe, making leaving work on time and resting normally an accepted and standard practice. Managers must take the lead in changing mindsets, actively dismantling the detrimental atmosphere of "I won't leave until the leader leaves," and neither encouraging nor glorifying meaningless extended work hours. Enterprises can communicate the principles of balancing work and rest and respecting personal life through internal communication, institutional guidance, and team-building activities, alleviating employees' pressure to conform and their psychological burden, thereby reducing performative overtime conducted merely to fit in with the atmosphere [7]. Furthermore, employees should be encouraged to reasonably express their needs and supported in refusing non-urgent work arrangements during their rest time. Submissive, pressure-based management should be de-emphasized, while human-centered, caring management should be strengthened, so that employees do not feel compelled to passively compromise for self-preservation. A healthy, upward-looking workplace culture can effectively dilute the overtime ethos, help employees rebuild a balance between work and life, enhance professional well-being and organizational belonging, and fundamentally reduce the internal friction and burnout caused by invisible overtime.

5. Conclusion

With the rapid advancement of digital technology and the widespread adoption of remote work, invisible overtime has become a highly prevalent issue in enterprise employment practices, posing new challenges to the protection of workers' rights. Although the Supreme People's Court clarified the criteria for recognizing invisible overtime in 2024, it remains pervasive in actual workplace environments. A large number of employees are required to handle work tasks and respond to messages through various communication tools after work hours, on weekends, and during holidays, often remaining on unpaid standby. Most employees are unable to receive overtime pay or compensatory time off, and when defending their rights, they face difficulties such as insufficient evidence and challenges in recognition, making it hard to effectively safeguard their legitimate rights. Invisible overtime mainly manifests in three typical forms: employees are constantly disrupted by work messages during rest periods, forced to stay online and respond to work instructions at any time; many enterprises assign workloads beyond reasonable limits, making it impossible for employees to complete tasks within normal working hours, leaving them to rely on personal time and remain in a state of prolonged overload; and some workplaces foster an unhealthy overtime culture, where employees, pressured by peer influence and career development concerns, dare not leave work on time and are forced to extend their working hours passively. The emergence of these issues stems, on the one hand, from outdated management philosophies in some enterprises, which over-rely on digital tools and blur the boundaries between work and life. On the other hand, existing labor regulations are not fully adapted to the new realities of digitalized work, leaving insufficient constraints and safeguards against invisible overtime. At the same time, an inward-rolling workplace culture that ties overtime to dedication and promotion further exacerbates the phenomenon of invisible overtime. Research indicates that the blurring of boundaries between work and rest in the digital age is a significant factor in the continuous erosion of workers' right to rest, highlighting an urgent need to improve institutional and legal protections [8].

Invisible overtime not only persistently encroaches on employees' personal time, disrupting their normal lives and rest, but also easily leads to physical and mental exhaustion, emotional depletion, and occupational burnout, significantly increasing employees' turnover intentions. In the long run, this reduces overall corporate cohesion and innovative vitality, hindering stable enterprise development. Addressing invisible overtime requires multi-stakeholder collaboration and a multifaceted approach. Enterprises must proactively shift their management philosophies, reasonably plan work tasks, standardize the use of communication tools, and avoid arbitrarily occupying employees' rest time, while also improving employment systems and overtime compensation mechanisms. Relevant authorities should further refine the criteria for recognizing invisible overtime, strengthen enforcement and supervision, lower the threshold for workers to defend their rights, and provide stronger legal support for employees. Enterprises should also actively cultivate a healthy workplace culture, promoting an evaluation standard that prioritizes efficiency and results, and abandoning the

misconception that working hours equate to performance. Only by ensuring that enterprises fulfill their primary responsibilities, regulatory bodies strengthen legal safeguards, and a collective atmosphere that respects the right to rest is fostered, can the phenomenon of invisible overtime be effectively curbed. This will better balance enterprise development with the protection of employees' rights, promote the construction of fairer, healthier, more stable, and sustainable labor relations, and provide robust support for building a harmonious employment environment in the new era.

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