

To the leaderships of the Shenzhen Municipal Party Committee and government

Dear Sirs

We are a group of migrant workers from the Daozi township of Leiyang city in Hunan. We worked for several years in underground pile-blasting works in Shenzhen. As a result of dust exposure in the pneumatic drilling stage of this work, we are now suffering in differing degrees from occupational pneumoconiosis. The impact of this disease has been severe. It has already caused the deaths of 15 of us, and 10 more are no longer able to labour in any capacity. The remaining few dozen of us are less badly affected, but still cannot do heavy physical labour. We suffer constant pain, impairing our ability to do housework chores, and we have grown increasingly indebted. Our lives have become very hard.

However, in all this time, neither our employers nor any public authority has provided us with any medical or work-related illness compensation.

We have expended our bodily strength and in some cases sacrificed our lives at the construction sites of the [Shenzhen] Special Economic Zone. Amid the current campaign to consolidate the rule of law and prioritise the individual in society, we earnestly hope the government will help us to obtain the compensation that is due to us.

Dozens of us migrated to Shenzhen between 1992, when the first big projects were in progress, and the present, to work as pneumatic drillers in underground pile-blasting. Companies we have worked for as construction team members include Hongkun (formerly Sanlian) blasting company, Huaxi blasting company, Heli blasting company, Zhongren construction group company, Haofengda Blasting Engineering Co. Ltd., and Longcheng blasting company. We participated in many landmark projects as underground blasting operatives, including Diwang Building, SEG Plaza skyscraper, Panglin Plaza, AVIC Plaza, Shenzhen Civic Centre, Shenzhen Convention and Exhibition Centre and the Shenzhen Metro Line No. 1.

At the time, we were mainly attracted to this work by the relatively high wages and low skill requirements. The blasting companies that took us on failed to clearly explain the grave health risks of pile-blasting. Over the years, dozens of us poorly educated, ill-informed farmers set off in groups to work at the blasting sites of Shenzhen after word-of-mouth introductions from other villagers.

According to incomplete statistics, most pile-blasting in Shenzhen since 1992 has been done by contract labourers brought in from the countryside. We would like to emphasize that as pneumatic drill operatives, we have made a considerable contribution to the rapid development of Shenzhen. For some of us, it was at the cost of our lives.

Poor ventilation at these underground drilling sites combined with high dust density leads to high levels of dust inhalation, and the long working hours make contraction of pneumoconiosis a near-certainty in this work. Without immediate rest and treatment after a diagnosis, the disease relentlessly worsens. When the final stage is reached, treatment is basically no longer possible. In the end, you just choke to death.

National laws and regulations require that employers install protective equipment and provide underground workers with protective gear. They must also conduct safety training for workers and buy work-related injury insurance for them.

However, during the early years of this drilling work, our employers were only interested in profits and took no notice of laws and regulations. They failed to arrange insurance or organise safety training, and made us work in appalling conditions. Even the most basic dust masks had to be completely worn out before being replaced. In addition, our knowledge of the legal requirements was inadequate, and we did not know how to protect ourselves. We had no idea what severe risks we were exposing ourselves to.

In 1999, those of us with long histories in underground drilling work began to show symptoms of illness. We did the rounds of local hospitals and clinics, large and small - Hunan Xiangya Hospital, PLA 169 Hospital in Hengyang, Leiyang Municipal People's Hospital, Leiyang Chinese Medicine Hospital, Leiyang Municipal Occupational Disease Prevention and Treatment Centre - but were always told our condition was untreatable.

It was at that time that the first of a string of fatalities occurred. To date, the following members of our group have died: Xu Liuyi, Xu Wucong, He Zhuancheng, He Xiangbao, Xu Baichun, Xu Longgu, Xu Xinchun, Xu Fucheng, Xu Yilong, Li Cheng, Chen Changlong, Huang Dingguo, Tan Binghe, Tan Manhe and Xu Xiaowu. These men were all in the prime of their lives, and the pillars of their households.

For example, two brothers, Xu Liuyi and Xu Wucong, had their 80-year-old mother and young children to support. Now things are very difficult for their household.

He Zhuancheng died in 2004, leaving a youngest son of less than six-months-old. Now the children are in the care of their grandfather in his sixties. When He Xiangbao, undergoing treatment at PLA 169 Hospital, learnt his illness was incurable, he told doctors to stop, went home and committed suicide by taking poison.

After the three brothers Xu Xinchun, Xu Baichun and Xu Xiaowu died, there was only one brother left, Xu Chunlin. When he too contracted the disease, nobody was left to look after their aged mother.

Over 30 people forming 11 groups from Shuangxi village in Daozi went to Shenzhen to operate pneumatic drills. In addition to 10 fatalities already, Xu Ruinai, Xu Shuzhong, Xu Ruibao, Xu Zhihui, Xu Zuoqing, Xu Zuobin, He Jiguo, He Xincheng and others have lost the ability to work in any capacity. The others are all undergoing treatment. These losses have taken a toll on the village economy too. Due to the manpower shortage, large areas of agricultural land are laying waste.

China today is committed to building a harmonious society that puts people first. The rule of law is becoming more and more firmly established. In recent years in particular, there has been steady progress toward a full set of labour legislation. Laws and regulations relating to occupational diseases include the *Law on Prevention and Control of Occupational Diseases*, the *Work-related Injury Insurance Regulations*, the *Safe Production Law* and the *Labour Law*.

These measures were all promulgated and came into force after 1992, and mostly do not have retroactive effect. But the *Work-related Injury Insurance Regulations* do contain retroactive provisions. We workers who contracted pneumoconiosis from underground drilling work demand full entitlement to occupational illness and injury insurance and medical treatment as provided by State regulations.

Based on the *Work-related Injury Insurance Regulations*, we would like to present the following demands in particular. We earnestly hope that the competent authorities will assist us in realizing them.

(1) In accordance with the *Work-related Injury Insurance Regulations*, we demand official recognition that our illnesses are work-related.

(2) Based on the official standards for confirmation of ability to work, we demand health examinations under said standards and payment of corresponding disability allowances.

(3) We demand treatment for our work-related conditions, based on the relevant regulations.

(4) In accordance with regulations on death grants, we demand payment of victims' funeral subsidies, and pensions and lump-sum payments of work-related death subsidies for dependants.

The pneumoconiosis sufferers [of Daozi, Hunan]

June 20, 2009

尊敬的深圳市委市政府领导：您们好！

我们是来自湖南省耒阳市导子乡的农民工，由于曾经在深圳从事过孔桩爆破井下风钻作业，现在都不同程度地患上了职业病中的尘肺病，对正常生活造成严重影响，其中死亡的已经达到 15 人，完全丧失劳动力的 10 多人，其他相对轻微的几十人，也都不能从事重体力劳动，不得不经常为病痛奔忙，造成家庭劳动力缺乏，负债累累，生活艰难。但一直以来，我们从来没有得到用人单位或者其它任何部门的医治或者保险赔付。在今天这个以人为本的法制社会，我们恳请政府能为我们这些曾经为特区建设贡献过力量甚至奉献出生命的劳动者讨回应得的补偿。

从 1992 深圳大规模建设至今，我们导子乡陆续有几十人来深圳从事过桩孔爆破井下风钻作业，先后加入过洪坤爆破公司（前身为三联爆破公司）、华西爆破公司、和利爆破公司、中人建设集团公司、浩丰达爆破公司、龙城爆破公司等属下的施工队，参加过地王大厦、赛格广场、彭年广场、中航广场、市民中心、会展中心、地铁一号线等深圳市著名工程的孔桩爆破井下风钻作业。当时，我们之所以会从事这个行业，主要是因为这个行业工资待遇相对较高，技能要求较低，雇佣我们的爆破公司又没有清楚地说明孔桩爆破作业的严重危害，于是在几年时间中，我们这些朴实无知的农民通过老乡相互介绍的方式，陆续介绍了几十人来深圳从事这个行业。据不完全统计，自 1992 年以来深圳大部分孔桩爆破风钻作业都是由导子乡的农民工承担。应该说，我们这些风钻工为深圳的飞速发展做出了不少的贡献，但却为此付出了生命的代价。

众所周知，井下风钻作业由于通风条件差，粉尘浓度高，势必会吸入大量的粉尘，

工作的时间一长就不可避免地会患上尘肺病。患病后如果得不到及时休养和治疗，病情就会不断加重，一旦到了晚期，根本没有救治的可能，患者到最后只能活活憋死。根据国家相关的法律法规，井下作业的用人单位必须采用有效的职业病防护设施，并为劳动者提供个人使用的职业病防护用品，并对劳动者进行专业培训，为劳动者购买工伤社会保险。但在我们从事风钻作业的早年，用人单位为了追求利润，置国家法规于不顾，不仅不为劳动者购买保险，不对劳动者进行必要的培训，而且施工环境恶劣，连最基本的防尘口罩都要用到不能再用的时候才允许更换，再加上我们法律知识欠缺，自我保护意识薄弱，所以长期从事这种恶劣的工作，也丝毫没有感觉到它将要带来的严重危害。

从 1999 年开始，我们当中一些从事风钻作业时间较长的人开始发病，发现得病后，我们先后到湖南湘雅医院、衡阳 169 医院、耒阳市人民医院、耒阳市中医院、耒阳市职业病防治中心等各大、小医院就医，但都表示无法医治。

自那时起，就开始有人陆续死亡，到目前为止，死亡的有徐六一、徐伍从、贺专成、贺湘保、徐白春、徐龙古、徐新春、徐付成、徐一龙、李成、陈昌龙、黄定国、谭丙和、谭满和、徐小武。这些死亡者都正当壮年，而且都是家里的顶梁柱。

譬如，徐六一和徐伍从系亲兄弟，家里还有 80 高龄老母与年少的孩子，现在整个家庭生活艰难。

贺专成 2004 年死亡时，他最小的儿子还不到半岁。现在家中小孩靠 60 多岁的爷爷抚养。

贺湘保在衡阳 169 医院治疗期间得知此病无法医治时，拒绝医生治疗，回家服毒自杀。

徐新春、徐白春、徐小武为亲兄弟，家中唯一在世的兄弟徐春林也患有此病，留下老母无人照顾。

以导子双喜村 11 组为例：先后有 30 多人来深圳做过风钻工，已经死亡的有 10 人，完全丧失劳动力的就有徐瑞乃、徐术忠、徐瑞宝、徐志辉、徐作清、徐作斌、贺集国、贺新成等人，其他人员均为治疗中的患者。该病导致该组劳动力缺乏，大量耕地荒芜，对经济造成一定的影响。

如今，我国正在建设以人为本的和谐社会，法制越来越健全，尤其近几年，与劳动相关的法律法规逐步完善，涉及到职业病的有《中华人民共和国职业病防治法》、《中华人民共和国工伤保险条例》、《中华人民共和国安全生产法》和《中华

《中华人民共和国劳动法》等多部法律法规。虽然这些法律法规都是在 1992 年以后颁布施行，且多不具有溯及力，但根据《中华人民共和国工伤保险条例》具有溯及力的规定，我们从事井下风钻作业所患的尘肺病完全应该享受国家规定的职业病工伤保险相关待遇。

根据工伤保险条例，我们特提出以下请求，希望能够得到政府部门的帮助，得到落实。

一、根据工伤认定规定，我们要求进行工伤认定。

二、根据劳动能力鉴定规定，我们要求进行劳动能力鉴定，并得到相应的伤残补助金。

三、根据工伤医疗待遇规定，我们要求享受工伤医疗待遇。

四、根据死亡补助金规定，我们要求对已经死亡的人发放丧葬补助金、供养亲属抚恤金和一次性工亡补助金。

尘肺病患者

2009 年 6 月 20 日