

# Qu County Labour and Social Security Bureau Document

Issued by the Qu bureau [2007] No. 80

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## Concerning Reply to, and Opinions of Comrade Xiao Huazhong's Request for Compensation as a result of Occupational Illness

Comrade Xiao Huazhong:

Your petition “Migrant worker faces great difficulty in asserting rights, the opposing party being a People's Congress deputy” dated 6 August 2007, has been transferred to our bureau from the Labour Bureau of Dazhou Municipality on 20 September 2007. We acknowledge receipt, and have taken note accordingly. First of all, we wish to thank you for your trust and support in the Labour Bureau, and hope that you will continue to show concern for, and to supervise our work, jointly building the harmonious relations of labour and social security for the whole society. We have detailed our responses below, after conducting an investigation into the issues that you raised:

First, upon receiving your petition, the Party Committee and Administration of the Bureau are very concerned. The Secretary of the Party Committee and Bureau Chief, Comrade Lei Changan, assembled the leadership and personnel from the petition and medical insurance departments of the Bureau, forming an investigation unit. He stated the purpose, and tasks were assigned. The investigation unit is headed by the deputy bureau chief, Comrade Chen Yue, who brought a team to the Shinian coalmine at Shuangtu Village, the Cixi hamlet, Minsheng village, the Workers and Peasants coalmine and Longtan hamlet, all at Qu county, on two separate occasions, on the 11 and 13 October, 2007. They found nearly ten witnesses, and conducted investigations and visits, seriously and rigorously verifying the issues that you have reported.

Second, following investigation: You reported that when Shinian coalmine of Qu County began operating in 1996, you went to work there until January 1999, until Liao Xing'an completed transfer of the coalmine to Yang Anquan. After Liao transferred the mine to Yang, you worked under the latter for one day, before you were employed yet again by Liao as technical safety assistant at the Workers and Peasants coalmine of Qu County until June 2001. Your account holds true, and the witness even testified further that you were employed by Guo Zhaoquan of Hantianba coalmine, Kaijiang County the same July, as management staff, and you brought along a team of coalminers.

Third, with regard to your request for compensation to be awarded according to occupational illness, in view of the actual fact that you had left your coal extraction position at the Shinian coalmine and the Workers and Peasants coalmine of Qu County for a relatively long period of time, went to Hantianba coalmine of Kaijiang County in

July 2001, returned to your village in 2003 to assume the position of commune chief for two years, and was only diagnosed with third-stage pneumoconiosis at the Sichuan University Huaxi Occupational Illness Hospital on 12 April 2007, we recommend that you lodge an appeal with the Labour Dispute Arbitration Committee of either Qu County or Kaijiang County, according to the “Regulation on Industrial Injuries Protection” and related legal procedures.

In reply to your letter.

Qu County Labour and Social Security Bureau  
14 October, 2007

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Report also sent to: Cai Wenhua, Deputy County Magistrate, Labour Bureau, Dazhou Municipality  
Cc. Party Committee, Qu County, Petition Bureau of County Government

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# 渠县劳动和社会保障局文件

渠劳社发[2007]80号

## 关于对肖化忠同志因职业病要求 赔偿的答复意见

肖化忠同志：

你2007年8月6日《农民工维权艰难、对方原是人大代表》的信访件由达州市劳动保障局2007年9月20日转我局收悉，首先感谢你对劳动保障部门的信任和支持，并希望今后一如既往地关心和监督劳动保障工作，共同营造全社会的劳动保障和谐关系。现将你所反映的问题和我局调查了解的情况答复如下：

一、收到你的信访件后，局党委、行政非常重视，局党委书记、局长雷长安同志专门召集局分管信访和医疗保险工作的领导和人员组成了调查组，提出了要求，交待了任务。局调查组由副局长陈跃同志带队于2007年10月11日和13日分

赴渠县双土乡石碾煤矿、锡溪乡民胜村，渠县工农煤矿、渠县龙潭乡等地找到证人近10人进行了调查走访，对你反映的问题进行了认真地实事求是的核实。

二、经查：你反映1996年渠县石碾煤矿出煤时到该矿工作至1999年1月，廖兴安将煤矿转让给杨安全为止，廖兴安将石碾煤矿转让给杨安全后，你在杨安全处工作了一天，又被廖兴安聘到渠县工农煤矿任副技安员至2001年6月的情况基本属实，证人还证实你在同年7月被开江县汉田坝煤矿郭召全聘为管理人员并带了一个班采煤的事实同时存在。

三、对于你按职业病给予赔偿的要求，鉴于你离开渠县石碾煤矿、渠县工农煤矿采煤岗位时间较长，2001年7月到开江县汉田坝煤矿，2003年回到村任社长两年，2007年4月12日四川大学华西职业病医院才诊断为煤工尘肺三期的实际情况，建议你按《工伤保险条例》和相关法定程序，向渠县或开江县劳动争议仲裁委员会提出申诉。

此复



渠县劳动和社会保障局

二〇〇七年十月十四日

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抄报：达州市劳动保障局、蔡文华副县长

抄送：渠县县委、县政府信访局

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