SPC Guiding Case No. 94: Chongqing Fuling Zhida Property Management Co., Ltd. v. the Human Resources and Social Security Bureau of Fuling District, Chongqing (Administrative Confirmation of Labor and Social Security)

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SPC Guiding Case No. 94

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Keywords

Administrative; administrative confirmation; deemed work-related injury; brave act of righteousness

Holding

Where an employee is injured while performing a brave act of righteousness to stop an unlawful or criminal act, the injury falls within the circumstance of being injured in activities for safeguarding the public interest as provided in Article 15(1)(2) of the Regulations on Work-Related Injury Insurance, and shall be deemed a work-related injury.

Basic Facts

Luo Renjun was a security guard of Chongqing Fuling Zhida Property Management Co., Ltd. (hereinafter "Fuling Zhida Property Company"). On December 24, 2011, Luo Renjun was on duty (24-hour duty) at the Yuanmengyuan residential compound served by Fuling Zhida Property Company. At around 8:30 a.m., near Hongfu Building on Xinghua Middle Road, someone was robbing a passerby. Upon hearing the cries for help, Luo Renjun immediately blocked the robber's path and demanded that the robber hand over the robbed items. In the course of struggling with the robber, he accidentally fell from 22 steps and was injured on a landing at the corner of the alley. On June 12, 2012, Luo Renjun filed an application for determination of work-related injury with the defendant, the Human Resources and Social Security Bureau of Fuling District, Chongqing (hereinafter the "Fuling District HRSS Bureau"). The Fuling District HRSS Bureau accepted the application on the same day, and on June 13, 2012, issued Luo Renjun a "Notice of Suspension of Work-Related Injury Determination," requiring him to supplement materials for the determination of a brave act of righteousness. On July 20, 2012, Luo Renjun supplemented the relevant materials concerning the brave act of righteousness. After verification, the Fuling District HRSS Bureau, pursuant to Article 14(7) of the Regulations on Work-Related Injury Insurance, issued on August 9, 2012, Work-Related Injury Determination Decision No. Fu Ren She Shang Xian Ren Jue Zi [2012] No. 676, determining that Luo Renjun's injury was a work-related injury. Fuling Zhida Property Company, dissatisfied, brought an administrative lawsuit before the court. During the proceedings, the Fuling District HRSS Bureau issued a "Decision to Revoke the Work-Related Injury Determination," and on June 25, 2013, pursuant to Article 15(1)(2) of the Regulations on Work-Related Injury Insurance, issued Work-Related Injury Determination Decision No. Fu Ren She Shang Xian Ren Jue Zi [2013] No. 524, determining that Luo Renjun's injury was deemed a work-related injury. Fuling Zhida Property Company, still dissatisfied, applied on July 15, 2013, to the Chongqing Human Resources and Social Security Bureau for administrative reconsideration. On August 21, 2013, the Chongqing Human Resources and Social Security Bureau issued Administrative Reconsideration Decision No. Yu Ren She Fu Jue Zi [2013] No. 129, upholding the determination. Fuling Zhida Property Company argued that the Fuling District HRSS Bureau's determination applied the law erroneously and that Luo Renjun's injury should not be determined a work-related injury in accordance with the law. It therefore sued in court, requesting that the "Work-Related Injury Determination Decision" be

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revoked and that the defendant be ordered to make a new determination.

It was additionally found that the Comprehensive Management of Social Order Committee of Fuling District, Chongqing, commended Luo Renjun's conduct and issued Notice No. Fu Zong Zhi Wei Fa [2012] No. 5, "Notice on Commending Comrade Luo Renjun's Brave Act of Righteousness."

Judgment

On September 23, 2013, the People's Court of Fuling District, Chongqing, rendered Administrative Judgment No. (2013) Fu Fa Xing Chu Zi No. 00077, rejecting Chongqing Fuling Zhida Property Management Co., Ltd.'s claim for revocation of the Work-Related Injury Determination Decision No. Fu Ren She Shang Xian Ren Jue Zi [2013] No. 524 made by the defendant. After the first-instance judgment was pronounced, neither party appealed, and the judgment has become legally effective.

Reasoning

The court in its effective judgment held that the defendant Fuling District HRSS Bureau was the competent administrative department for labor at the county level and, under Article 5(2) of the State Council's Regulations on Work-Related Injury Insurance, had the administrative authority to accept applications for work-related injury determination within its administrative region and to determine, based on the facts and the law, whether a work-related injury existed. The defendant, based on the "Notice on Commending Comrade Luo Renjun's Brave Act of Righteousness" of the Comprehensive Management of Social Order Committee of Fuling District, Chongqing, provided by the third party Luo Renjun, determined that Luo Renjun was injured during a brave act of righteousness. The facts were clear and the evidence sufficient. Luo Renjun, disregarding his personal safety, struggled against unlawful and criminal conduct, which not only protected the personal property and safety of others but also maintained public security order and promoted social integrity. The law should vigorously advocate and encourage brave acts of righteousness.

Article 15(1)(2) of the Regulations on Work-Related Injury Insurance provides: "An employee who is injured in activities such as emergency rescue and disaster relief for safeguarding national interests and the public interest shall be deemed to have suffered a work-related injury." Accordingly, although an employee is not injured at the workplace or due to work, if he or she is injured in activities for safeguarding national interests and the public interest, the injury shall also be handled as a work-related injury. A citizen's brave act of righteousness, and his or her struggle against unlawful and criminal conduct, are, like emergency rescue and disaster relief, activities for safeguarding the social public interest and shall be vigorously advocated and encouraged. Injury suffered by virtue of a brave act of righteousness to stop unlawful or criminal conduct shall be subject to Article 15(1)(2) of the Regulations on Work-Related Injury Insurance, that is, deemed a work-related injury.

In addition, the Regulations of Chongqing Municipality on Encouraging Citizens' Brave Acts of Righteousness is a local regulation of Chongqing Municipality. Its Articles 19 and 21 further expressly provide that injury sustained in a brave act of righteousness shall be deemed a work-related injury and that the person shall enjoy work-related injury benefits. The above provisions of the regulations conform to the legislative spirit of the Regulations on Work-Related Injury Insurance and are conducive to maximizing the protection of workers' lawful rights and interests and maximizing the promotion of social integrity, and should be applied in this case.

In summary, the defendant Fuling District HRSS Bureau's determination that Luo Renjun's injury was deemed a work-related injury applied the law correctly.

(Judges of the effective judgment: Liu Yun, Chen Qijuan, Yang Zhongmin)

Relevant Legal Provisions

Article 15(1)(2) of the Regulations on Work-Related Injury Insurance

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