# SPP Guiding Case No. 236: Litigation Supervision Case: Zou Moumou v. the Human Resources and Social Security Bureau of a City in Sichuan Province (Administrative Confirmation)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Decided at the 46th meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on February 8, 2025; issued on March 21, 2025.

## Keywords

Supervision of legally effective administrative judgments / administrative confirmation / determination of work-related injury / occupational disease diagnosis certificate / new evidence / protest

## Holding

Where an employee working under a high-temperature environment engages in physical labor or physical activity and suffers heat stroke, and the employee's side is unable to obtain an occupational disease diagnosis certificate for reasons not attributable to itself, the administrative organ fails to determine it as a work-related injury, and a legally effective judgment of the people's court affirms the decision not to determine it as a work-related injury, where new evidence is discovered proving that it should be determined as a work-related injury, the people's procuratorate shall supervise in accordance with law. In response to the problems of difficulty and long duration in the determination of occupational diseases discovered during case handling, the people's procuratorate may, together with the people's court and the administrative organ, jointly study and promote the improvement of the occupational disease determination procedures.

## Basic Facts

Luo Moumou was a worker of a certain construction engineering limited company (hereinafter referred to as the "engineering company"). On July 19, 2018, Luo Moumou engaged in formwork erection work at the construction site. At 19:00 that day, while packing up his tools after finishing work at the project site, Luo Moumou suddenly fainted and was subsequently taken to a district hospital for inpatient treatment, and died on July 25 after treatment failed. Luo Moumou's Discharge Certificate recorded: "1. heat stroke; 2. large-area infarction of the left fronto-temporo-parieto-occipital lobe and basal ganglia region; 3. cerebral hernia formation …" On August 2, 2018, Luo Moumou's wife, Zou Moumou, applied to a judicial appraisal institution in Sichuan for judicial appraisal, and on August 30 the judicial appraisal institution issued a Judicial Appraisal Opinion, holding that "Luo Moumou's death was caused by acute respiratory and circulatory dysfunction resulting from heat stroke complicated by cerebral contusion, laceration, hemorrhage and infarction (secondary to lobar pneumonia)." On October 29, 2018, Zou Moumou filed a work-related injury determination application with the Human Resources and Social Security Bureau of a city (hereinafter referred to as the "municipal human resources and social security bureau"). The municipal human resources and social security bureau held that the applicant had failed to submit Luo Moumou's occupational disease diagnosis certificate or occupational disease diagnosis appraisal certificate, which did not conform to the provisions of item (4) of Article 14 of the Regulations on Work-Related Injury Insurance, and therefore made Decision No. 6171 of 2018 on Non-Determination of Work-Related Injury (hereinafter referred to as the "Decision No. 6171") on January 25, 2019. Zou Moumou, dissatisfied, filed an administrative lawsuit requesting the revocation of Decision No. 6171 and an order for the municipal human resources and social security bureau to make a new work-related injury determination in accordance with law.

After trial, the People's Court of a district held that Luo Moumou's death, whether from heat stroke or from cerebral contusion, laceration, hemorrhage and infarction caused by his head hitting the ground after



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fainting, was not Luo Moumou's own disease but had a direct causal relationship with his continuous work in a high-temperature working environment, and Luo Moumou's death conformed to the provisions of item (1) of Article 14 of the Regulations on Work-Related Injury Insurance and should be determined as a work-related injury (death). On July 3, 2019, the People's Court of a district rendered a first-instance judgment revoking Decision No. 6171 and ordering the municipal human resources and social security bureau to make a new specific administrative act. The municipal human resources and social security bureau, dissatisfied with the first-instance judgment, appealed to the Intermediate People's Court of a city. After trial, the Intermediate People's Court held that the existing evidence could neither prove the fact that Luo Moumou's head hit the ground and was injured when he fell, nor prove the fact that Luo Moumou suffered an occupational disease. The judicial appraisal submitted by Zou Moumou was not an occupational disease appraisal made by an occupational disease appraisal institution, and could only prove the cause of Luo Moumou's death, not that Luo Moumou suffered an occupational disease. Therefore, Luo Moumou's death did not conform to the relevant provisions of the Regulations on Work-Related Injury Insurance. On October 14, 2019, the Intermediate People's Court rendered a second-instance judgment revoking the first-instance judgment and rejecting Zou Moumou's litigation claims. Zou Moumou applied for retrial, and the Higher People's Court of Sichuan Province ruled to reject the retrial application.

## Procuratorate Performance of Duties

Case source. Zou Moumou applied to the People's Procuratorate of a city for supervision. On February 7, 2023, the municipal People's Procuratorate submitted the case to the People's Procuratorate of Sichuan Province for protest.

Investigation and verification. The municipal People's Procuratorate and the Sichuan Provincial People's Procuratorate comprehensively examined the case file materials, consulted professional materials, conducted analogous-case searches, consulted with the health, human resources and social security and other departments and hospitals and occupational disease diagnosis centers, and questioned the relevant parties. It was ascertained that Luo Moumou engaged in formwork erection work at a project undertaken by the engineering company, and fainted while packing up his tools after finishing work at 19:00 on July 19, 2018. Luo Moumou suffered heat stroke as a result of working for a long time in a high-temperature environment. After Zou Moumou filed the work-related injury determination application on October 29, the municipal human resources and social security bureau issued a supplementary notice to Zou Moumou, requiring her to supplement an occupational disease diagnosis certificate (or appraisal certificate) in accordance with paragraph 1 of Article 18 of the Regulations on Work-Related Injury Insurance. Because the city had no institution qualified to diagnose occupational heat stroke, Zou Moumou requested occupational disease diagnosis from multiple occupational disease diagnosis institutions but was not accepted by any of them, and could not supplement the materials. After Zou Moumou applied to the municipal People's Procuratorate for supervision, her daughter requested the West China Fourth Hospital of Sichuan University (which has the qualification to diagnose occupational heat stroke, hereinafter referred to as "West China Fourth Hospital") to conduct an occupational disease diagnosis of Luo Moumou, and West China Fourth Hospital accepted the request. Because Zou Moumou was unable to provide materials such as Luo Moumou's occupational history certificate, on December 20, 2021 she applied to the municipal People's Procuratorate to coordinate the resolution of the relevant issues, and West China Fourth Hospital also wrote on March 25, 2022 requesting the municipal People's Procuratorate to help provide relevant materials. The municipal People's Procuratorate conducted visits and investigations into Luo Moumou's occupational history and the on-site circumstances on the day of the illness, obtained relevant evidence, and issued a Statement of Circumstances concerning Luo Moumou to West China Fourth Hospital. On April 28, 2022, West China Fourth Hospital issued an Occupational Disease Diagnosis Certificate for Luo Moumou, recording: "Diagnosis conclusion: occupational heat stroke."

Supervision opinions. Upon examination, the Sichuan Provincial People's Procuratorate held that Luo Moumou's occupational disease diagnosis certificate was newly discovered and obtained evidence that could prove that the heat stroke suffered by Luo Moumou was an occupational disease, and that it should be determined as a work-related injury in accordance with the provisions of item (4) of Article 14 of the Regulations on Work-Related Injury Insurance; this new evidence was sufficient to overturn the second-instance judgment. On November 14, 2023, the Sichuan Provincial People's Procuratorate filed a protest with the Higher People's Court of Sichuan Province.

Supervision results. During the retrial by the Higher People's Court of Sichuan Province, the provincial People's Procuratorate, in coordination with the provincial higher people's court, visited on multiple occasions the provincial and municipal human resources and social security departments, occupational disease diagnosis and appraisal institutions and the engineering company, and simultaneously carried out substantive resolution of the administrative dispute. On April 2, 2024, the provincial higher people's court held a public hearing to retry the case. At the hearing, the municipal human resources and social security bureau expressed that it would initiate the work-related injury determination procedure in accordance with law, and Zou Moumou expressed her approval and withdrew the retrial request. The municipal human resources and social security bureau made a new Work-Related Injury Determination Decision determining Luo Moumou's case as a work-related injury. On May 15, 2024, the social insurance center of a district lawfully paid Zou Moumou work-related injury benefits totaling 756,000 yuan, including the one-time work-related death subsidy. The provincial higher people's court ruled to terminate the retrial procedure.

Promoting governance. In response to the problems discovered during case handling, such as the relatively narrow coverage of occupational disease diagnosis and appraisal institutions, the low awareness of prevention and control among workers and employing units, and the complexity of occupational disease diagnosis and work-related injury determination procedures, the provincial People's Procuratorate and the provincial higher people's court put forward work suggestions to the relevant administrative competent organs, and invited the health department, the human resources and social security department and industry experts to hold a symposium on the protection of workers' rights and interests, to jointly study the improvement of occupational disease diagnosis and appraisal management, the streamlining of occupational disease diagnosis and work-related injury determination procedures, and the strengthening of occupational disease publicity and education, so as to jointly promote the improvement of the occupational disease prevention and control management system and protect workers' rights and interests.

## Guiding Significance

Where the employee's side is unable to obtain an occupational disease diagnosis certificate due to limitations in occupational disease diagnosis conditions or procedures, the administrative organ fails to determine it as a work-related injury, and a legally effective judgment of the people's court affirms the decision not to determine it as a work-related injury, where the people's procuratorate discovers new evidence proving that it can be determined as a work-related injury, it shall supervise in accordance with law. Occupational heat stroke is an occupational disease, and an employee who suffers heat stroke from working under high temperature and is diagnosed with an occupational disease shall enjoy work-related injury insurance benefits. Where an employee is unable to be determined as suffering a work-related injury due to failure to obtain an occupational disease diagnosis certificate, the procuratorial organ, after accepting the supervision application, may carry out investigation and verification, and collect and obtain relevant evidence such as the employee's occupational history and the on-site circumstances on the day of the illness, so as to provide reference for the occupational disease diagnosis institution to issue an occupational disease diagnosis certificate. In response to the work-related injury determination problems such as the difficulty and long duration of occupational disease diagnosis discovered during case handling, the procuratorial organ may strengthen communication and coordination with the people's court and the administrative organ, put forward suggestions for improving work and perfecting governance, and promote the improvement of the

occupational disease prevention, control, determination and protection systems, so as to protect the lawful rights and interests of workers.

## Relevant Legal Provisions

Article 91 of the Administrative Litigation Law of the People's Republic of China.

Article 46 of the Law of the People's Republic of China on the Prevention and Control of Occupational Diseases.

Article 52 of the Provisions of the Supreme People's Court on Several Issues Concerning Evidence in Administrative Litigation.

Articles 14 and 18 of the Regulations on Work-Related Injury Insurance.

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