

1 AN ACT relating to coal workers' pneumoconiosis.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 342.197 is amended to read as follows:

- 4 (1) No employee shall be harassed, coerced, discharged, or discriminated against in any
5 manner whatsoever for filing and pursuing a lawful claim under this chapter.
- 6 (2) It is unlawful practice for an employer:
- 7 (a) To fail or refuse to hire, or to discharge any individual, or otherwise to
8 discriminate against an individual with respect to his ***or her*** compensation,
9 terms, conditions, or privileges of employment, because such individual has
10 been diagnosed as having category 1/0, 1/1, or 1/2 occupational
11 pneumoconiosis with no respiratory impairment resulting from exposure to
12 coal dust; or
- 13 (b) To limit, segregate, or classify his ***or her*** employees in any way which would
14 deprive or tend to deprive an individual of employment opportunities or
15 otherwise adversely affect his ***or her*** status as an employee, because such
16 individual has been diagnosed as having category 1/0, 1/1, or 1/2 occupational
17 pneumoconiosis with no respiratory impairment resulting from exposure to
18 coal dust.
- 19 (3) Any individual injured by any act in violation of the provisions of subsection (1) or
20 (2) of this section shall have a civil cause of action in Circuit Court to enjoin further
21 violations, and to recover the actual damages sustained by him ***or her***, together with
22 the costs of the law suit, including a reasonable fee for his ***or her*** attorney of record.