

**342.197 Discrimination against employees who have filed claims or who have a diagnosis of coal-related pneumoconiosis -- Civil remedies.**

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

**Effective:** October 26, 1987.

**History:** Amended 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 21, effective October 26, 1987. -- Created 1984 Ky. Acts ch. 96, sec. 1, effective July 13, 1984.