

Coal workers' pneumoconiosis your employment and compensation rights

Can my employment be terminated because I have coal workers' pneumoconiosis?

No. If your coal workers' pneumoconiosis is because of your employment in Queensland, your employment cannot be terminated within 12 months of when you are diagnosed, just because you can't work in your old job.

If you are dismissed, you can apply for reinstatement by obtaining a doctor's certificate that says you are fit for employment, noting that you cannot work in a role that continues to expose you to high concentrations of coal dust.

If your employer doesn't agree, you can apply to the Queensland Industrial Relations Commission for a reinstatement order. Talk to your union if this happens to you.

Your rights can't be taken away just because your employer changes your employment contract, your award, or your enterprise agreement.

Am I entitled to workers' compensation?

Important information

You must submit a claim within six months of being diagnosed with coal workers' pneumoconiosis. However, the insurer can make exceptions if you can show that the failure to lodge in time was due to a genuine mistake, your absence from Queensland or Australia, or another reasonable excuse. An example of a reasonable excuse may include that your doctor never informed you of a possible link between the disease and your work.

If you've developed a disease (including coal workers' pneumoconiosis), because of your work, you can claim workers' compensation from WorkCover Queensland. You can lodge your claim in a number of ways:

- by phoning **1300 362 128**
- by completing and submitting the online claim form at worksafe.qld.gov.au
- by lodging through your doctor (if you're unsure if this has happened, you can either call WorkCover or your GP to check).

If you work or worked for BHP Billiton Limited, Glencore Queensland Limited or South32 Cannington Pty Ltd, these three companies self-insure for workers' compensation, so you will need to contact their workers' compensation departments:

- BHP Billiton Limited: **1800 247 927**
- Glencore Queensland Limited: **(07) 3115 5491** or Copper and Zinc Operations: **(07) 4744 2092**
- South32 Cannington Pty Ltd: **(07) 3859 5580**

WorkCover or the self-insurer has 20 business days to make a decision on a claim. Once the appropriate information is gathered to determine the claim, they will inform you of the decision. If a decision can't be made in 20 days, the insurer will be in touch to negotiate an extension.

If your claim for coal workers' pneumoconiosis is accepted, you will be entitled to:

- weekly compensation (for lost wages)
- medical, surgical and hospital expenses and medicines
- rehabilitation treatment and equipment or services
- travelling expenses
- if the condition is terminal, funeral expenses and entitlements for your family members.

If the insurer is unable to accept the claim, a representative from the insurer will call you and explain the decision. You have the right to have the insurer's decision independently reviewed by the Office of Industrial Relations. Contact your union for further assistance with this process, or the Queensland Council of Unions Workers' Compensation Information Service on **1800 102 166**.

What action can I take against my employer?

In Queensland, the *Workers' Compensation and Rehabilitation Act 2003* provides injured workers with the right to sue their employer (or former employer) for common law damages if they can prove that the employer (or someone else) was negligent, and that negligence contributed to you contracting coal workers' pneumoconiosis.

If you are able to prove negligence, a lump sum payment of damages can be awarded to you that takes into account your loss of future earnings, pain and suffering.

You will need to talk to a solicitor if you wish to seek damages. Contact your union (or former union), or a solicitor for further assistance in making a claim.

Contact us:
For more information call: 1300 362 128
or visit www.worksafe.qld.gov.au