

**epilepsy  
society**

# **employment**

A guide for employees and employers





- 4 health and safety law
- 4 equality law
- 5 types of disability discrimination
- 7 for people with epilepsy
- 12 telling people about your epilepsy
- 16 for employers
- 17 risk assessments
- 18 what does equality law mean for me?
- 20 reasonable adjustments
- 24 other organisations

 Further information is available.

You can find any further updates at  
[epilepsysociety.org.uk/work-and-employment](http://epilepsysociety.org.uk/work-and-employment)

Call us for a large print version

Epilepsy Society is grateful to the Disability Law Service for their guidance on this leaflet.

**helpline**

**01494 601 400**

Monday and Tuesday 9am to 4pm,  
Wednesday 9am to 7.30pm. National call rate.

# a guide for employees and employers

Having epilepsy does not necessarily stop someone from doing the job they want, but there are some issues which can affect work.

There is general information about epilepsy and employment at the beginning of this leaflet, and specific information for people with epilepsy (pages 7 to 15) and for employers (pages 16 to 24).

## **What is epilepsy?**

Epilepsy is the tendency to have seizures that start in the brain. Around 1 in 100 people in the UK have epilepsy. However, up to 70% (7 in 10) of people with epilepsy could have their seizures controlled with the right medication.

There are many types of seizure. In some types, the person loses consciousness and has convulsions (jerking movements). In other types, they become confused or blank and may not know what they are doing.



**See our leaflet *seizures*.**

## **How does epilepsy affect work?**

Whether someone's epilepsy affects their job depends on whether they have seizures, what their seizures are like and how often they happen.

It also depends on the type of job they do, and any risks having seizures at work might bring.

Two important laws that apply to employment are the **Health and Safety at Work Act 1974** and the **Equality Act 2010**.

## health and safety law

The **Health and Safety at Work Act 1974** says that employers are responsible for making sure that all their employees are safe at work and protected from possible dangers to their health. This includes making sure that the job and the work environment is safe and has no health risks. Employees are also responsible for their own safety at work, and the safety of their work colleagues.

It is an employer's duty "to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees".

Health and Safety at Work Act 1974

## equality law

The **Equality Act 2010** came into effect in October 2010. It replaced nine previous laws that aimed to protect people against discrimination, including the Disability Discrimination Act 1995 (DDA).

## What is a disability?

Someone has a disability if they have “a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”. Equality Act 2010

Here, ‘substantial’ means it is difficult or time-consuming to do activities compared to someone without a disability, and ‘long-term’ means at least 12 months. ‘Day-to-day activities’ include being able to get around, hear, see, remember and concentrate.

Epilepsy is a physical, long-term condition and people with epilepsy are protected under the Equality Act even if their seizures are controlled or they don’t consider themselves to be ‘disabled’.

## types of disability discrimination

The Equality Act protects people from several different types of disability discrimination, in terms of employment. Volunteer (unpaid) work is not covered by the Equality Act 2010.

### Direct discrimination

It is illegal for an employer to treat someone with a disability *differently* from someone without a disability, without a justifiable reason.

Direct discrimination includes **perceived discrimination, associative discrimination** and **harassment**.

**Perceived discrimination** is where someone is treated unfairly because it is assumed that they have a disability, and that this affects their ability to carry out day-to-day activities. For example, making an assumption without any basis that a person's epilepsy will mean they can't do a job as well as someone without epilepsy.

**Associative discrimination** is where someone is treated unfairly because they are connected to someone else with a disability. For example, not promoting someone just because they have a child with a disability.

**Harassment** is being treated differently because of a disability, in a way that is humiliating or offensive and can't be justified.

### **Indirect discrimination**

This is treating everyone the same in such a way that it puts someone with a disability at a disadvantage. For example, a rule that 'everyone must use the stairs' is unfair for people who use wheelchairs. To treat all employees *equally*, employers may need to treat someone with a disability *differently* from someone without a disability.

### **Discrimination arising from disability**

This is treating someone unfairly because of something connected with their disability.

For example, telling someone with a visual impairment that they can't bring their guide dog to work, without a justifiable reason.

### **Failure to consider making reasonable adjustments**

**Reasonable adjustments** are changes that employers are expected to consider making so that a person with a disability is not put at a disadvantage. For example, time off work for medical appointments could be recorded separately from sick leave. If an employer refuses to consider making reasonable adjustments without a justifiable reason, their employee is at a disadvantage.



**See page 10 for more about reasonable adjustments in employment.**

### **Victimisation**

This is treating someone unfairly because they have complained about any type of discrimination. This can be complaining on their own behalf or for someone else.

## **for people with epilepsy**

As for anybody, the type of work you can do depends on your skills, qualifications, and experience. It may also depend on how your epilepsy affects you.

## Can I do any job I want?

Not necessarily. All employers have to comply with safety and equality laws, which:

- cover you from when you apply for a job, throughout your work (including promotion and training) to when you leave it; and
- apply whether you have a disability when you apply for a job or if your disability starts once you are employed.

Employers cannot legally refuse to give you a job *just* because you have epilepsy. However, they need to consider your epilepsy, and what the job involves, to ensure your safety and that of other employees.

## Safety at work

Risks to safety will depend on what your epilepsy is like and what the job involves.

Some jobs may be a risk if you have seizures. For example, working at heights, around unguarded machinery or near open water. As each situation is different, your employer usually needs to do a **risk assessment** to look at how your epilepsy could affect your safety at work.



**See page 17 for more about risk assessments.**

## Can I do a job that involves driving?

- For a Group 1 licence you must be seizure-free for one year, with or without taking anti-epileptic drugs (AEDs).



- The regulations are different if you only have seizures while you are asleep or if your seizures do not affect your ability to act in any situation.
- For a Group 2 licence you must be seizure-free, without AEDs, for 10 years.

If you meet the DVLA regulations to drive, you should be able to do a job that involves driving. Some employers use the DVLA regulations to help them assess risk. For example, if the DVLA say that you can drive a car, your employer may decide you can work with machinery.



**For more information about driving regulations see our leaflet *driving and travel*.**

### **Can I get a job in the Armed Forces?**

Whether or not you can work on active service in the Armed Forces (Army, Royal Air Force and Royal Navy) depends on your situation. For example, if you *have* epilepsy you would not be able to join the Armed Forces, but if you *had* epilepsy as a child (under five years old) or a single seizure more than ten years ago, you may be able to join.



**For more information visit [army.mod.uk](http://army.mod.uk)**

### **Other health and safety regulations**

Many professions have a governing body that sets health and safety regulations. They will usually look at your individual situation to see whether you can do the job safely. Contact the relevant governing body for further details on their recruitment policies and guidelines.

## Reasonable adjustments

“The duty to make reasonable adjustments aims to make sure that as a disabled person, you have, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person.”

Equality and Human Rights Commission

An employer needs to consider making adjustments that may help you to do a job as well as any other employee. This means looking at:

- anything about the job that is difficult for you to do or could put you at risk;
- anything about the work environment that makes it difficult for you to do the job or could put you at risk; and
- whether any changes to the job or work environment would help to overcome these problems or risks.

Adjustments vary and will depend on how your epilepsy affects you and your work. Your employer can make adjustments when you apply for a job, or at any time during your employment.

Adjustments for your epilepsy could include:

- changing your working hours to avoid shift work, if you have seizures that are brought on by tiredness;

- making changes to the building or office to make it safer;
- getting or changing equipment; and
- time off for medical appointments.

### **Help with finding a job**

You can look for a job through your local Jobcentre Plus office, personal contacts, newspaper and website adverts or employment agencies.

Jobcentre Plus offices have Disability Employment Advisers (DEAs) who can provide support to people with disabilities. They may be able to help with assessments, referral to schemes for people with disabilities (such as Work Choice), job matching, and information on employers who are positive about employing people with disabilities.

If you are on benefits, you can ask your local Jobcentre Plus about how your benefits might be affected.



**See page 24 for more organisations that can help with work, skills and training.**



**Visit [gov.uk](https://www.gov.uk) for more details.**

# telling people about your epilepsy

## **Do I have to tell my employer?**

You don't have to tell an employer about your epilepsy, although there are several reasons why this can help you (see below).

Some people worry that telling an employer about their epilepsy could affect their chance of getting a job or being treated fairly at work. Although discrimination can happen, the Equality Act 2010 aims to protect you from discrimination, and help your employer to treat you fairly and support you at work. Having the right information about *your* epilepsy can help employers to do this.

- **Employers have responsibilities under the Health and Safety at Work Act.**

For employers to be able to meet health and safety regulations, they need to know whether their employees have any medical conditions that could affect their work. Employers can only ask you questions about your health to help keep you and others safe at work, and to help you to be able to do your job. If your employer knows about your epilepsy they may make changes to your job or environment to make it safer for you. If you don't tell your employer, you can't hold them responsible for not doing safety assessments for you.

- **Employers are expected to consider making reasonable adjustments.**

If your employer knows about your epilepsy, they can consider making reasonable adjustments to your work or environment for you. But if your employer does not know about your epilepsy, you can't hold them responsible for not making reasonable adjustments that may help.

- **The people you work with will be more able to help you if you have a seizure.**

Often people feel more comfortable with epilepsy if they understand it and know what to do if someone has a seizure. This might help you, and them, feel more confident about how to help you if you have a seizure at work.



**See our leaflet *first aid* or visit [epilepsysociety.org.uk/training](https://epilepsysociety.org.uk/training) for details of our training courses for employers, first aiders and other staff.**

- **When is the best time to tell a new employer about my epilepsy?**

If you decide to tell your new employer about your epilepsy, there are several opportunities for you to do this.

You could include a covering letter with your application explaining about your epilepsy. This could include details from your GP or neurologist about your epilepsy. This may help your potential employer to understand about your epilepsy before you have an interview.

- You might mention it if you are invited for an interview, and talk about it face to face. This gives you an opportunity to sell yourself, and your skills and experience, before mentioning your epilepsy.
- You might mention it at a final interview, or when you are offered the job.

Once you have told your new employer about your epilepsy, they might do a risk assessment and consider reasonable adjustments. They may get medical advice, or ask a health and safety or occupational health expert to help.

### **Access to Work**

Access to Work is a scheme that supports people with disabilities and their employers. If you have problems or particular needs at work because of your epilepsy, Access to Work may be able to help fund solutions. For example, they may be able to fund reasonable adjustments such as equipment or extra support at work, or help with the cost of getting to and from work if you are not able to drive or use public transport.



**Contact your Jobcentre Plus for details or visit [gov.uk/access-to-work](https://www.gov.uk/access-to-work)**

### **Other help with travel costs**

If you do not drive because of your epilepsy, you can apply for a railcard to get discounted rail fares. You can also apply for a free national bus pass to travel around the UK.



**See our leaflet *driving and travel*.**



## **Could I lose my job due to my epilepsy?**

If you are already in a job and you develop epilepsy, or if your epilepsy changes and starts to cause problems at work, you might be worried about losing your job.

Under the Equality Act, your employer is expected to consider making reasonable adjustments so that you can carry on working (see page 10).

If you develop epilepsy, or your seizures are difficult to control, you may be referred to a specialist to review your epilepsy. The review may help you to make decisions about your job. For example, it may help to identify reasonable adjustments for you. Some adjustments may be temporary while your epilepsy is being reviewed or treated, and some may need to change over time.

## **Who can I talk to?**

You may want to talk to your line manager, or someone in your personnel or human resources department, about how you are feeling. Talking about any problems or concerns you have might help them to support you or look for reasonable adjustments that would help you.



**Our helpline offers support to anyone affected by epilepsy (see back cover for contact details).**



**The organisations listed on page 24 might also be able to help.**

## for employers

One of the key points to remember about epilepsy is that it varies from person to person. While some people have regular seizures, up to 70% (7 in 10) of people with epilepsy could stop having seizures (with the right medication) so their epilepsy may have little or no effect on their work.

When employing someone with epilepsy, it is important to consider their individual situation, and base any decisions on fact. This means looking at *their* epilepsy and the effect it might have on their work. Talking to them about what their epilepsy is really like, and how it might affect their work, is more helpful than making assumptions about how it affects them.

### **What might be useful to consider?**

#### **About their epilepsy**

- What type of epilepsy do they have?
- Do they have seizures? What are their seizures like, how often do they happen and how do they affect them?
- Do they have any warning before a seizure (sometimes called an aura)?
- Do they lose consciousness and how does this affect them?
- Do they need an ambulance to be called and is there someone who can do this for them?



- How long do they need to recover from a seizure? Some people can return to work quickly and others may need more time.
- Are their seizures brought on by anything, such as tiredness or stress (see page 22)?
- Do they take medication to control their seizures and how does this affect them (they may feel tired or find it hard to concentrate)?

 **See our leaflet *seizures*.**

### **About the job**

- Does the job involve any equipment, working at heights or near water, or any other potentially risky situation?
- Do they work alone or with other people (who could help if they had a seizure)?
- Would they be responsible for other people, such as children?

## **risk assessments**

Under the Health and Safety at Work Act, employers have to make sure that all their employees are safe at work (see page 4).

To be able to do this, you need to know about your employees' disabilities or medical conditions, and assess any possible risks by doing a 'risk assessment'.

The Health and Safety Executive (HSE) say it is important that risk assessments:

- are based on the individual's circumstances, as each situation and each workplace is different;
- include only factual information; and
- avoid assumptions. For example, do not assume something is going to happen *just because they have epilepsy*.

For some people within certain jobs, their epilepsy may pose a risk to their health or safety, or to that of other people. However, health and safety law should never be used as a reason not to employ someone without first looking at any risks individually, and considering reasonable adjustments.

You may need to get medical advice or ask a specialist, such as a health and safety expert, to help with a risk assessment. This can also help to identify reasonable adjustments (see page 20).

## what does the equality act mean for me?

The Equality Act 2010 covers all areas of employment from recruitment and selection to training, development and promotion.

### **Asking health-related questions**

Under the Equality Act 2010, employers are not allowed to ask questions about an

applicant's health in any written form or in an interview, until the applicant has been offered a job, or placed in a pool of successful candidates to be offered a job.

An exception to this is where you can ask applicants health-related questions in relation to the recruitment process. For example, you can ask whether applicants have any specific requirements to enable them to attend an interview.

## **Recruitment**

The Equality Act means that you need to consider a person with a disability fairly, along with all other applicants for a job. It does not stop you employing the best person for the job and it does not mean that you have to employ someone with a disability *because* of their disability, if they are not the best person for the job.

**Job adverts** should only ask for skills and qualifications that are genuinely relevant and don't put people with disabilities at a disadvantage. For example, only ask for a driving licence if it is a requirement of the job. If a skill or qualification is needed for the job, it is not discrimination to ask for it.

**Application forms** should be available in a variety of formats (for example online and printed copies). **Job contracts** should be the same, in terms of leave and sick pay, for everyone applying for the job.

## **Interviews**

When choosing applicants to interview, the key thing to consider is whether they have the qualifications, skills and experience for the job. If an applicant has told you that they have epilepsy, it is helpful to think “are they right for the job and is their epilepsy relevant?”

For some jobs you might need to do a risk assessment or consider what reasonable adjustments you could put in place for any employee, *before* you recruit. An occupational health team may be able to advise you about risk assessments.

## **When a job has been offered**

Once a job has been offered, you can ask questions about a disability if that will help you put any necessary reasonable adjustments in place.

## **reasonable adjustments**

Under the Equality Act 2010 employers are required to make ‘reasonable adjustments’ so that a person with a disability is not at a disadvantage compared to someone without a disability.

You can ask about an employee’s health if it helps you to make reasonable adjustments.

If you ask questions that are not relevant to the job, or you use someone's health as a reason for dismissing them, this could be discriminatory.

Not everyone with epilepsy will need adjustments and any that are needed will vary depending on the person's needs.

Adjustments that may be helpful to consider for someone with epilepsy include:

- making their workspace safer in case they have a seizure;
- avoiding lone working so that someone else can help if they have a seizure;
- exchanging some tasks of the job with another employee's tasks;
- adapting equipment or providing equipment or support to help them do their job; and
- time off for medical appointments that is separate from sick leave (see page 23).

### **What is 'reasonable'?**

What is a 'reasonable' adjustment depends on the situation. Some general guidelines for working out what is reasonable include:

- how practical the adjustment is to make;
- how effective the adjustment would be in helping the employee;
- how it might affect other employees; and

- the cost and your financial situation. You will need to pay any costs for reasonable adjustments that are made. You may be able to get help with the cost through Access to Work or other schemes.



**See page 14 for more information on Access to Work.**

You may also need to make adjustments if someone develops epilepsy while they are employed by you. It is worth remembering that some people's epilepsy can change over time, for example if their seizures become controlled (stop happening). So the need for reasonable adjustments may change over time.

## **Other factors to consider**

### **Seizure triggers**

Some people know that particular situations 'trigger', or bring on, their seizures. These can include being tired, stressed or anxious.

If someone's seizures are triggered by tiredness, shift work could make them more tired and trigger seizures. This is because shift work can disturb the normal pattern of sleep. A reasonable adjustment may be to consider changing or reducing shift work, or changing working hours for this person.

### **Working with computers**

For most people with epilepsy, working with computers is not a problem.

Up to 3% (3 in 100) of people with epilepsy have photosensitive epilepsy, where seizures are triggered by flashing or flickering lights, or by moving patterns. Modern flatscreen computers do not flicker and so the screen itself is unlikely to trigger seizures. However, flashing images on the screen could be a photosensitive trigger for some people.

If an employee has photosensitive epilepsy, it may be helpful to discuss this with them directly.



**See our factsheet *photosensitive epilepsy*.**

### **Time off work**

If someone's epilepsy is controlled (they don't have seizures) they are unlikely to need more time off work than other employees. If they still have seizures, the need for time off work will depend on the type of seizures they have and the time they need to recover.

Time off work because of a disability, for example to attend a medical appointment or to recover from a seizure, could be considered a reasonable adjustment. It might be recorded separately to time off for other reasons (for example, sick leave for a cold).

### **Insurance and pension schemes**

Employers' Liability Insurance covers all employees in the workplace. However, you need to have made all reasonable efforts to ensure the safety of your employees, including individual risk assessments where needed.

The Equality Act covers occupational pension schemes. This means that if a pension scheme is offered, all employees can join and must be treated fairly under the terms of the scheme.

 **Contact The Pensions Advisory Service**  
(see page 27 for contact details).

### **Help and advice for employers**

The following organisations can provide information and advice on employing people with disabilities and the Equality Act.

- Equality Advisory and Support Service.
- Health and Safety Executive.
- Employers' Forum on Disability.

 **See page 27 for contact details.**

## **further information**

### **Epilepsy Society information**

Driving and travel

First aid

Photosensitive epilepsy

Seizures

## **other organisations**

### **Help with work, skills and training**

#### **Disability Employment Advisers – at Jobcentre Plus offices**

Provide support for people with disabilities.





They may also know about local schemes to help you get back into work.

### **Disability Rights UK**

0800 328 5050 (Disabled students helpline)

**disabilityrightsuk.org**

Information to support people with disabilities in education and training.

### **Jobcentre Plus**

See your local phone book or visit

**gov.uk/browse/disabilities/work**

Information on training and employment.

### **learndirect**

Helpline 0800 101 901

**learndirect.co.uk**

Information on learndirect courses.

### **Local libraries and colleges**

See your local phone book or visit

**gov.uk/local-library-services**

**gov.uk/further-education-courses**

### **National Extension College**

0800 389 2839

**nec.ac.uk**

Information about Open (Distance) Learning.

### **Open University**

0300 303 5303

**open.ac.uk**

Information about Open (Distance) Learning.

## Remploy

Jobseekers: 0300 456 8110

Employers: 0300 456 8113

**remploy.co.uk**

Supports people with disabilities into work.

## Shaw Trust

0345 234 9675

**shaw-trust.org.uk**

Supports people with disabilities into work.

## Volunteering England

**www.ncvo.org.uk**

Information on volunteering opportunities.

## Guidance on employment law and discrimination

## ACAS (Advisory, Conciliation and Arbitration Service)

Helpline 0300 123 1100

**acas.org.uk**

Advice for employers and employees.

## Citizens Advice Bureau (CAB)

**citizensadvice.org.uk**

Local CABs offer free, confidential and independent advice.

## Disability Law Service

**dls.org.uk/employment-law**

A charity offering free legal advice to individuals about employment.

## **Employers' Forum on Disability**

0207 403 3020

**businessdisabilityforum.org.uk**

Employers' organisation which focuses on disability as it relates to business.

## **Equality, Advisory and Support Service**

Helpline 0808 800 0082

**equalityadvisoryservice.com**

Offers information promoting equality.

## **Health and Safety Executive**

**hse.gov.uk**

Guidance on health and safety legislation.

## **The Pensions Advisory Service (TPAS)**

Pensions helpline 0300 123 1047

**pensionsadvisoryservice.org.uk**

Independent organisation providing information on pension schemes.

## **Trade Unions**

Via personnel or human resources teams. Most trade unions have positive policies on the employment of people with disabilities and can help in cases of discrimination.

Every effort is made to ensure that all information is correct. Please note that information is intended for a UK audience and may change after printing. This information is not a substitute for advice from your own doctors. Epilepsy Society is not responsible for any actions taken as a result of using this information.



[epilepsysociety.org.uk](http://epilepsysociety.org.uk)

A full life for everyone affected by epilepsy.

## research

Pioneering medical research.

## treatment and care

Individualised medical and care services.

## information

Website, apps, leaflets, DVDs.

Call 01494 601 392.

## education

Awareness, training for professionals.

## connect with us



Volunteer, become a member, fundraise.

## helpline 01494 601 400

Monday and Tuesday 9am to 4pm,

Wednesday 9am to 7.30pm.

Confidential, national call rate.

Information and emotional support.

Epilepsy Society

Chesham Lane, Chalfont St Peter, Bucks SL9 0RJ

01494 601 300

©Epilepsy Society March 2017

Epilepsy Society is the working name of The National Society for Epilepsy  
registered charity no. 206186