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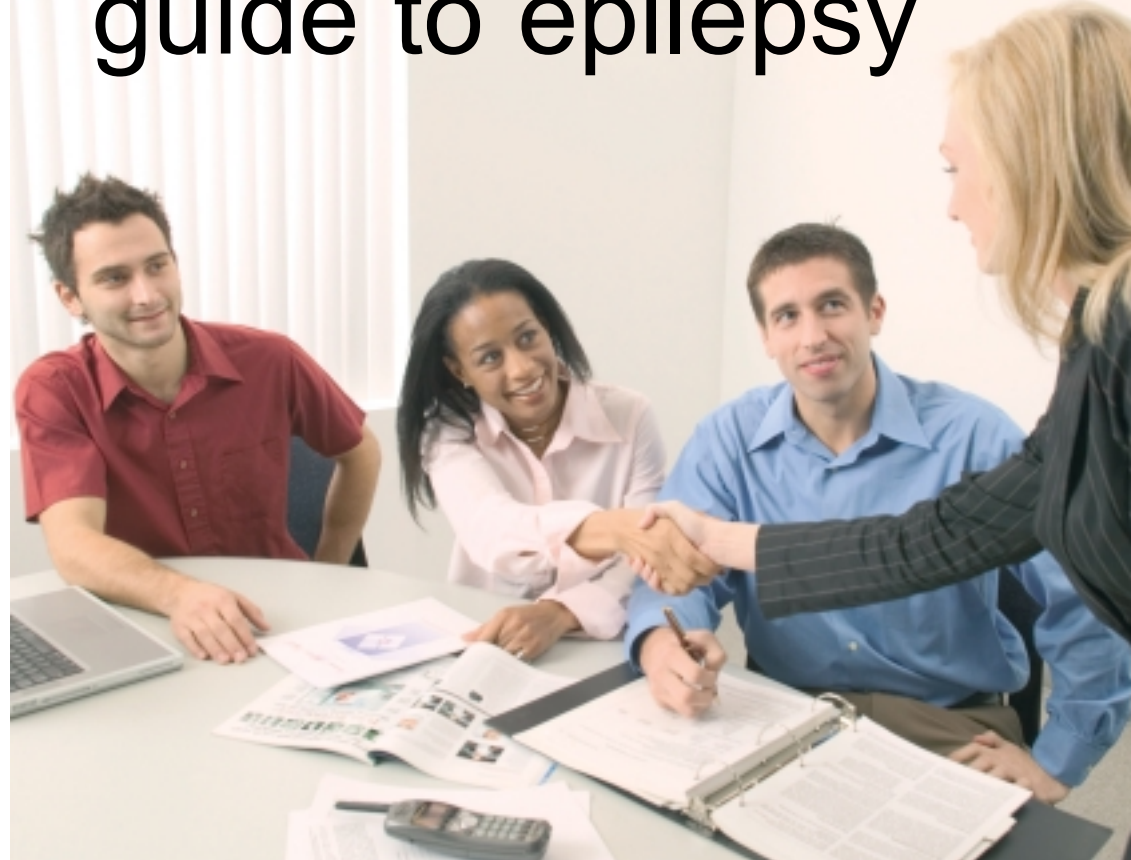
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An employer's guide to epilepsy



Helpline: 0808 800 2200
www.epilepsyscotland.org.uk

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Introduction

What would you do if one of your employees told you they had epilepsy? Would you automatically ask if they need any support at work? The aim of this leaflet is to give more information and advice on how to support people with epilepsy in the workplace.

If you are new to epilepsy you may have a lot of questions. There are lots of reasons why employers need to be informed about this common neurological condition. Most employers want to help their employees as much as possible. This positive approach helps boost staff morale and productivity.

People with epilepsy will have as many skills and competencies as other people. If they are the best person for the job you should employ them. There are also legal responsibilities which employers have to meet under the Disability Discrimination Act (DDA) 1995. Epilepsy is defined as 'disability' under this Act, even if seizures are well controlled by medication. One in 130 people has epilepsy, so it is likely you may interview and employ a person with epilepsy at some point. You may already be doing so.

Employers cannot know everything about disability or long term conditions. It can be difficult to know what questions to ask and where to start. Epilepsy affects people in very different ways. Some people with epilepsy will require no additional support or adjustments in the workplace. Others will require some changes to do their job.

What is epilepsy?

People with epilepsy tend to have repeated seizures. With the right epilepsy medication most seizures will stop. People can have an isolated seizure without having epilepsy. This could be for reasons like a high temperature or a head injury.

Seizures usually last a short time. The brain works normally between seizures. Billions of brain cells pass messages to each other to control what we say and do. If there is too much electrical activity, messages can get mixed up and cause seizures. People can have different types of seizure depending on which area of the brain is involved. The most well-known seizures are tonic-clonic seizures where the person loses consciousness and falls over. The person will stiffen and then jerk. These seizures affect the whole brain. Absence seizures are less obvious. Some people don't realise they have had an absence seizure. They are brief and sometimes people around them will not notice either.

Epilepsy is:	Epilepsy is not:
✓ a physical condition	✗ a mental health condition
✓ the most common serious neurological condition	✗ a disease
✓ a tendency to have repeated seizures	✗ contagious
✓ experienced differently by people	✗ the same for everyone
✓ many different kinds of seizures	

It is important to remember that only seizures are “epileptic”, not people. The preferred term is “person with epilepsy”.

Individual epilepsy

Epilepsy is a very varied condition which can affect people in different ways. Some people with epilepsy may only experience seizures while they are awake and fully aware. This might mean the seizure takes the form of an unusual taste or smell. When this is happening, it may not be obvious to others that the person is having a seizure. Some people with epilepsy may have seizures where they jerk, fall down and lose consciousness. Others may only have seizures when they are asleep. Most people with epilepsy have no seizures while taking medication. Therefore, the suitability of a job for a person with epilepsy will depend on the nature of the job and how seizures affect them.

The DDA requires employers to make reasonable adjustments. These can often be made so that the person can undertake the duties of the post. For more information on different seizures please see our ‘Seizures’ factsheet. You can call our freephone Helpline on **0808 800 2200** for a copy or view this online at **www.epilepsyscotland.org.uk**

Disclosing epilepsy

Some people with epilepsy choose not to tell their employer they have epilepsy. This can be for many reasons and it is their choice. They may have been free of seizures for such a long time that they feel they are unlikely to ever have another. Some people are embarrassed and worry what others will think as public ignorance and stigma can still surround epilepsy. People with epilepsy are often concerned that if an employer knows they have epilepsy this may stop them from getting, keeping or progressing in a job.

Often people advise employers that they have epilepsy once they have been offered a post. If there is a health and safety risk should they have a seizure at work then they are required to tell you.

If a person has not told you that they have epilepsy and it comes to light, they are still covered by the Disability Discrimination Act. Epilepsy can affect a person at any age, so any of your current employees could develop epilepsy and would be protected by the DDA.

Disability Discrimination Act (1995)

Epilepsy is defined as disability under the Disability Discrimination Act. The Act was first introduced in 1995 with amendments in 2003 and 2005. It protects disabled people from being discriminated against in education, employment, access to goods and services and property. It covers recruitment and being in work, including access to training and promotion. Under this Act all employers are required not to treat someone less favourably due to disability and to make reasonable adjustments wherever possible. As an employer it is better if your policies consider disabled people's needs even if you have no disabled people in your workforce.

What jobs can people with epilepsy do?



It is now unlawful to have a blanket ban on certain jobs for people with epilepsy. The only exception is the armed forces which are not covered by the DDA. A person's suitability for a post must be assessed on an individual basis. For example, there are some jobs which may be less suitable for people who have unpredictable

seizures. This could be work which involves heights, using unguarded machinery or dangerous chemicals.

Most people with epilepsy would not want to put themselves or anyone else at risk at work. They are sensible about the type of jobs they apply for. If there are concerns about health and safety these need to be considered by doing a risk assessment. In some situations a person with epilepsy may be unable to do certain tasks for health and safety reasons.

Health and safety

Under the Health and Safety at Work Act (1974) employers have a responsibility for the health and safety of all employees at work. In some situations there may be legitimate concerns about a person with epilepsy doing certain tasks.

The nature of the person's seizures, the frequency, seizure triggers and pattern will determine what job is suitable.

Common seizure triggers include:

- missing medication
- illness or high temperature
- too much alcohol or a hangover
- lack of sleep
- stress, worry or anxiety
- missing meals
- dehydration



As an employer it is important not to make assumptions about an individual's epilepsy as the way it affects one person may be completely different for another. Some people get a warning before a seizure such as an unusual sensation. It can sometimes give the person time to alert a colleague and make themselves safe before the seizure starts.



Other people may only have seizures in their sleep and be unlikely to have any during the day when they are awake. Gathering accurate information on the person's seizures and looking at the nature of the job will help to assess if the job is suitable.

You can call our Helpline on **0808 800 2200** for a copy of our 'Seizures' factsheet. This can also be viewed online at **www.epilepsyscotland.org.uk**

In some situations a health and safety risk may be eliminated or reduced through a reasonable adjustment, such as fitting a machinery guard.

Reasonable adjustments

The DDA requires employers to make reasonable adjustments to support disabled people in the workplace. Reasonable adjustments for people with epilepsy could include:

- allowing a person who has sleep seizures to start and finish later
- setting a fixed shift pattern for people who find their seizures are triggered by tiredness or varied shift work
- getting another employee to do part of the person's work that they cannot do because of their epilepsy, eg climbing up a ladder to arrange files
- re-arranging working hours for a person who has lost their driving licence and cannot get in on time by public transport
- providing a quiet place where a person can rest after a seizure
- providing a support driver for some journeys where the person cannot drive because of epilepsy and public transport is not practical
- redeploying a person to an alternative job at a similar or higher level if they meet the essential criteria.

This is not an exhaustive list and reasonable adjustments can be very specific to the individual. If you and your employee need advice please call our freephone Helpline on **0808 800 2200**. Reasonable adjustments can be very useful for employees and employers and enable the same quality of work to be undertaken.

What is reasonable?

What is reasonable for one employer/organisation may not be considered reasonable for another. This will depend upon factors like the size of the organisation and the cost. It also depends on the effect that introducing the adjustment will have, any potential disruption and staff time involved. Financial support may be available from schemes such as Access to Work. This scheme can cover up to 80% of the cost of an adjustment.

See the 'Further help' section for contact details on Access to Work. Sometimes companies believe reasonable adjustments are too expensive. However, employers need to consider this versus the cost of recruiting and training a new member of staff.

Employers also need to consider the risk of being taken to an Employment Tribunal by a disabled candidate or employee who believes they have experienced discrimination. This applies to recruitment, retention, training and promotion in employment.

Despite this, in some situations it will not be possible for the person to continue in the job and there may be no alternative post for them. An employer is not required to generate a post that does not already exist.

Good practice in the work place

Good practice in recruitment

The DDA covers recruitment. No job advertisement should discriminate against disabled people. This includes epilepsy. Discrimination can be direct and indirect. It is not always easy to spot indirect discrimination. An indirect way this could happen for a person with epilepsy is if a job advert asks for the person to hold a driving licence. Previously many adverts asked for it when this was not a genuine requirement for the job. This unfairly discriminates against people who may not be able to drive due to their epilepsy. This should only be asked for if driving takes up a significant portion of the job and there is no way around this eg use of public transport or a support driver.

Good practice in applications

Questions about disability, health conditions and work absences should be kept separate from the application form. This is fairer for potential employees and can protect you as the employer from being accused of discriminating against someone if you do not give them an interview.

If the interview panel has no information about an applicant's health this shows the person did not get an interview for another reason.

Good practice in work

As an employer it is good practice to record disability and non-disability related sick days separately. With epilepsy some work absences may appear to be unrelated, eg headaches, tiredness, sore limbs, but they are actually linked. After a seizure people with epilepsy can experience all of these symptoms and need time to recover. A reasonable adjustment could involve a person with epilepsy being allowed more time off than is detailed in the general sickness policy. Despite this, research shows that people with epilepsy usually have no more time off sick than people who don't have epilepsy.

In terms of career development, Ross Bennet an Inspector with Fife Constabulary describes the way his employer supported him to reach his career goals. Neither Ross nor his employer has let epilepsy hold him back:



"I was a Constable with this Force when I developed epilepsy in 1997. Since then I have been supported in every possible way. I have been twice promoted in rank and I am now an Inspector. I have had financial assistance to study for two separate Masters degrees. I was given the opportunity to work from home on several occasions when I was undergoing changes to my medication. A driver took me to meetings when my licence was temporarily withdrawn. I have also been moved to other tasking and rewarding duties when seizures interfered with my regular work. My sickness record is lower than average."

Epilepsy should not be a bar to further study, training or promotion within the organisation. Equal opportunity policies in the workplace should reflect this.

Good practice in emotional support

Receiving a diagnosis of epilepsy and/or developing seizures can be a shock for people. They may find it difficult to cope initially. As well as practical support at work it can make a big difference for people if they have an understanding employer. Anyone looking to talk through what it means to have epilepsy can call our freephone Helpline on **0808 800 2200**.



Questions you may have:

What will I do if a member of staff has a seizure?

It can be frightening to see someone having a seizure, particularly if you are unsure how to help. Our 'First aid for seizures' factsheet has information on managing seizures. You can call our Helpline on **0808 800 2200** for a copy or view it online at **www.epilepsyscotland.org.uk** This can be passed on to first aiders at work so they can give appropriate help. There is a checklist for first aid for tonic-clonic seizures on the second last page of this leaflet.

Do I need to call an ambulance if someone has a seizure?

Probably not. Most people with epilepsy do not need an ambulance when they have a seizure. Coming round from a seizure to find an ambulance and paramedics there can add to the person's embarrassment and dramatise the situation for colleagues.

If an employee has told you they have epilepsy, ask them what usually happens during a seizure. This will help you to gauge when an ambulance will be necessary. Generally an ambulance only needs to be called if the jerking part of a tonic-clonic seizure lasts for 5 minutes or a longer time than is usual for that person.

An ambulance should be called if:

- it is the person's first seizure
- the person has badly injured themselves
- one seizure follows another with no recovery time in between
- the jerking part of a tonic-clonic seizure lasts for 5 minutes or a longer time than is usual for that person

Remember to check what is usual for the individual so you can support them appropriately.

Should I tell staff that an employee has epilepsy?

Whether or not other members of staff are told is up to the person with epilepsy. Some may want to know that a colleague will be able to help them if they have a seizure. Due to the stigma of epilepsy, some people with the condition may prefer not to mention it. Your staff will feel more confident and comfortable if they have received epilepsy awareness training. Epilepsy Scotland can provide this training. Call 0141 427 4911 for more information.

Can people with epilepsy use computers?



Most people with epilepsy will have no problems using computers. Only a small percentage of people with epilepsy (less than 5%) have photosensitive epilepsy and are affected by flashing or flickering lights. These can sometimes trigger seizures when people are watching TV or using computers.

An LCD screen on a computer prevents this flickering and therefore reduces the chance of a seizure. Replacing an older screen with an LCD screen is a straight forward reasonable adjustment.

Will employing a person with epilepsy make my insurance invalid?

No, your Employer's Liability Insurance will not be affected if you know about the person's epilepsy and have assessed them as suitable for the job. Your insurance will not be affected if you were unaware that an employee has epilepsy.

Can people with epilepsy drive?

Yes, people with epilepsy can drive if they have not had seizures for one year. People who only ever have seizures when asleep and none when awake can also hold a driving licence after a 3 year period.

Driving regulations for a LGV/PCV licence are different. A person needs to have been off epilepsy medication for 10 years with no seizures during this time.

Further help

There may be other questions you have in relation to epilepsy and employing someone with the condition. Please feel free to discuss this in confidence with our Helpline advisor.

If you would like this leaflet in an alternative format please call **0808 800 2200** or email **enquiries@epilepsyscotland.org.uk**

There are various organisations that can provide further support and information to employers including:

ACAS

ACAS (Advisory, Conciliation and Arbitration Service) provide information and advice on employment issues and work with employers and employees to resolve disputes.

Website: www.acas.org.uk

Telephone: 08457 47 47 47 Textphone: 08456 06 16 00

Employment Medical Advisory Service (EMAS)

The Employment Medical Advisory Service can help assess the suitability of particular types of work for disabled people. You can find out more about EMAS by contacting your local Health and Safety Executive office. These details can be obtained from the HSE information line on 0845 345 0055.

Disability Rights Commission (DRC)

The Disability Rights Commission provides information and advice on all aspects of the Disability Discrimination Act. They have produced guidance notes and a code of practice in employment.

Website: www.drc-gb.org

Telephone: 08457 622 633 Textphone: 08457 622 644

* From October 2007 the DRC becomes part of the Commission for Equality and Human Rights. Please see www.cehr.org.uk

Health and Safety Executive (HSE)

The Health and Safety Executive provide information and advice on health and safety and risk assessments.

Website: www.hse.gov.uk

Telephone: 0845 345 0055

Access to Work

The Access to Work scheme can provide practical information on overcoming difficulties for disabled people in the workplace. In some situations financial support can be accessed through Jobcentre Plus to make this possible. This can involve help with additional costs of travel where a person cannot use public transport to get to work.

Telephone: 0141 950 5327 Textphone: 0141 950 5218

Employers' Forum on Disability

This is an employers' organisation focused on making it easier to recruit and support disabled people in the workplace.

Website: www.employers-forum.co.uk

Telephone: 020 7403 3020 Textphone: 020 7403 0040

Epilepsy Scotland best practice certificate

We offer a best practice certificate to Scottish employers who are doing the right things for employees who have epilepsy. Employees or employers can nominate their organisation for this. See our website at www.epilepsyscotland.org.uk or telephone our freephone Helpline on **0808 800 2200** for more information on how to apply.

First aid for seizures

The following is a checklist for tonic-clonic seizures where people lose consciousness and fall over. Remember, once a seizure starts it will generally stop on its own.

What to do

- ✓ Check the time to record the length of the seizure
- ✓ Put something soft under the person's head like a rolled up jacket
- ✓ Loosen tight clothing around the neck and if the person wears glasses remove them
- ✓ Try not to feel frightened
- ✓ Stop other people crowding around
- ✓ Turn the person onto their side into the recovery position as soon as the jerking stops
- ✓ Protect the person's privacy, particularly if they have emptied their bladder
- ✓ Speak reassuringly and tell the person what has happened.
- ✓ Remember they may be confused for a period of time after a seizure.

What NOT to do:

- ✗ Do not move the person when they are having a seizure unless they are in danger eg they are on a busy road or near a hot radiator
- ✗ Do not try to stop the jerking or restrain the person
- ✗ Do not put anything in the person's mouth or between their teeth
- ✗ Do not offer the person something to drink until they are fully conscious