

Fact Sheet 26

Epilepsy and employment

Epilepsy is a spectrum of disorders, with at least 40 different seizure types and a large number of ways in which it is displayed. It is a condition that can provoke a negative response from some, but it need not be something to be feared.

Most people with epilepsy seeking employment have a good level of seizure control and, hopefully, they would be aware of their own limitations and understand their rights and responsibilities to themselves and to others. A person with epilepsy also has rights and obligations as set out under the Employment Relations Act 2000 and the Health and Safety Act 2015.

A political movement called the Access Alliance (<https://ewct.org.nz/access-alliance-seek-support/>) is campaigning for the introduction of an “Accessibility for New Zealanders Act”, which aims to cover all people with disabilities including visible, invisible, permanent or episodic events. Epilepsy is regarded as an episodic event, which can be relatively well managed largely through medications, and so many people with epilepsy have the potential to be gainfully employed. In some circumstances, however, an epilepsy diagnosis does preclude a person from entering some career pathways such as becoming an airline pilot.

Information for the employee

1. Choose your job according to your set of skills and qualifications while bearing in mind your possible limitations as well. It is not possible to be the airline pilot, deep-sea fisherman, or roofer, for example, but there are plenty of other jobs suitable for you. Sell yourself if you want to find work that suits you well. Many people are employed by simply networking actively with family and friends.
2. Take responsibility for yourself in managing your epilepsy with regard to regular medication regimes, understanding and mitigating seizure triggers, and by ensuring you attend medical appointments.
3. Have a conversation with your colleagues and employer regarding your seizure type(s) and how you would like to be helped in the event of a possible seizure. Your EWCT epilepsy advisor is able to design a personalised epilepsy action plan for you, and is prepared to provide epilepsy awareness training to reduce that fear or misunderstanding that may surround your condition at work.

The Health and Safety at Work Act is New Zealand's workplace health and safety law which came into effect on 4th April 2016. Apart from understanding what your work-related health and safety risks are, it is also important to minimise your own potential risk should you have a seizure at work.

Look closely at your working environment and say to yourself, "If I had a seizure now, what would happen to me?" A personalised epilepsy action plan and epilepsy awareness seminar will hopefully provide an appropriate level of care and reassurance for all concerned.

4. Ongoing, or break-through seizures could potentially jeopardise employment if absenteeism from work, driving restrictions, or changes in circumstances become an issue. Enlist the support of your epilepsy advisor to help advocate for you. Under the Human Rights' Act 1993, the employer is obliged to take reasonable measures to accommodate a person with a disability which could be as simple as changing attitudes or opening up means of improved communication. (<https://www.hrc.co.nz/news/reasonable-accommodation-guide-focussing-persons-disabilities-released/>)

Effectively communicate your request for reasonable accommodation. The failure to provide reasonable accommodation to a person with disabilities can amount to discrimination depending on circumstances.

5. Losing a driver's licence is an inconvenience and a possible reason for a job loss. Through Workbridge, you should normally be able to access the Job Support Fund (<https://workbridge.co.nz/employers/funding/>) to help with possible transport to, and from, your place of work.

The Land Transport Agency is responsible for ensuring the safety of all people who use our roads, and so there are rules governing the rights of the person with epilepsy to drive. For more information please go to: <http://www.nzta.govt.nz/driver-licences/getting-a-licence/medical-requirements/epilepsyseizures-and-driving/>

6. An accident at work, as a result of an epileptic seizure, is covered by ACC and this organisation/fund will usually cover treatment costs, loss of earnings, social rehabilitation and provide lump sums for permanent impairment.

(<http://communitylaw.org.nz/community-law-manual/chapter-18-accident-compensation-acc/costs-covered-by-acc-treatment-compensation-and-other-support-chapter-18/>)

Information for the employer

1. At least ~70% of people with epilepsy have seizures that are either well established or managed, and, therefore, they do not affect their ability to work. People with epilepsy can participate in a whole variety of jobs and they are normally only limited by their skill base and qualifications.

If you need support around employing a person with epilepsy you may find help with Workbridge. Workbridge provides funding to cover any additional costs an employee has as a direct consequence of their disability when undertaking the same job as a person without a disability. Such costs could include modifications to a workplace, productivity allowances, or additional transport costs for example. For more detailed information, please go to: <https://workbridge.co.nz/employers/funding/>

2. Occasionally a person with epilepsy may have a break-through seizure, which may necessitate a day (or two) off work to recover. Seizures are really tiring and a person may feel ashamed or upset at having them. People may even have to endure medication changes over time to bring the seizures back under control. Please enlist the support of the EWCT advisor to help both yourself and your employee. Some epilepsy awareness training will be really helpful, too. Workbridge support funding may help in this situation as well.
3. From a business perspective it makes good sense to employ a person with a disability such as epilepsy. Society's views on a business are influenced by the people who work there, and if businesses are shown to celebrate diversity and support people with disabilities then there would be strategic, commercial, legal, social, ethical and personal benefits. (<https://www.employment.govt.nz/workplace-policies/employment-for-disabled-people/the-benefits-of-being-a-disability-confident-organisation/>)
4. To meet the needs of a person with a disability an employer must take reasonable measures to provide services and facilities for them. (<https://www.employment.govt.nz/workplace-policies/employment-for-disabled-people/reasonable-accommodation-measures/>)

For a person with epilepsy this would perhaps mean understanding seizure triggers in a workplace environment so that measures (mitigation) can be taken to reduce the likelihood of a seizure from happening. Possible seizure triggers may include aberrant temperature (a person being too hot or cold), undue stress, light sensitivity, noise, night duties, etc. It could be possible, for example, to mitigate against these seizure triggers by adopting and modifying environmental stressors or changing the hours of work to some degree, perhaps even by a slight amount. Please have a conversation with your employee or epilepsy advisor, or both, to discuss seizure triggers and how to prevent seizures from potentially occurring in the workplace.

Please check the support funding section of Workbridge to see if you are eligible for additional financial support. (<https://workbridge.co.nz/employers/funding/>)

5. Please seek the support of your EWCT epilepsy advisor who will provide additional information, advice and support for your organisation or business.

References/URLs

1. Employment Relations Act (<http://communitylaw.org.nz/community-law-manual/chapter-15-being-employed/key-legislation-the-employment-relations-act-2000-chapter-15/>)
2. Health and Safety Act (<https://worksafe.govt.nz/laws-and-regulations/acts/hswa/>)
3. Human Rights Act (<http://communitylaw.org.nz/community-law-manual/chapter-5-discrimination/overview-of-the-anti-discrimination-laws-chapter-5/>)
4. New Zealand Transport Agency (<http://www.nzta.govt.nz/driver-licences/getting-a-licence/medical-requirements/epilepsyseizures-and-driving/>)
5. Workbridge (<https://workbridge.co.nz/employers/funding/>)

Disclaimer: this fact sheet is for education purposes only. Please consult your doctor or other health professional for advice regarding your epilepsy.