

An Employer's Guide To



EPILEPSY IN THE WORK- PLACE

This guide has been created to help employers better understand epilepsy in the workplace and how they can provide a safe environment for their employees. The guide covers the following topics:

- Facts about epilepsy
- What is epilepsy?
- Epilepsy, employment and the law
- What do I have to do if my employee has epilepsy?
- Risk assessment
- Actions from risk assessment
- First aid for tonic-clonic seizures
- First aid for focal (partial) seizures
- First aid training Courses for epilepsy

Facts about Epilepsy

87 people are diagnosed with
epilepsy every day in the UK



Over 600,000 people
in the UK have epilepsy



Many people who have the condition are able to work effectively to execute their job duties



People who have epilepsy would be better assisted by employers who understand their condition and have first aid training



In 2012, there were an estimated 241,692 people of working age with epilepsy in the UK

What is Epilepsy?

Epilepsy is a neurological condition that affects the brain and causes repeated seizures. This results from a sudden burst of electrical activity in the brain, which causes messages that control what we say and do to get mixed up and lead to seizures.

A seizure will usually last a short time and the brain will work normally between them. For some people, the condition can be triggered by things like insufficient sleep or skipping meals. A head injury or high temperature can also cause an isolated seizure, but this does not mean you have epilepsy.

People with epilepsy have a tendency to have repeated seizures, but many can stay seizure-free with the right medication and work effectively.

Epilepsy, Employment and the Law

As an employer it is important that you consider each person's situation on an individual and realistic basis. This means looking at their specific type of epilepsy and the effect it might have on their work. Speaking to a person about their condition is much more helpful than making assumptions.

Employees in England, Scotland and Wales who have epilepsy will generally be defined as 'disabled' for the purposes of the Equality Act 2010. The Act protects disabled employees from discrimination, victimisation and harassment on the grounds of their disability. This means employees must not be treated unfairly because of their condition, and it is an employer's duty to protect them from bullying or harassment from other employees.

The Equality Act covers every aspect of work, including:

- Job adverts 
- Application forms 
- Interviews 
- Job offers 
- Conditions of employment 
- Training 
- Promotions 
- Dismissal 
- Redundancy 

For the recruitment process, an employer can ask if applicants have any specific requirements to enable them to attend an interview. However, employers should not ask general questions about an applicant's health or absence with a previous employer before selecting them for a role. Instead at the interview you should discuss the specific requirements of the role, e.g. manual handling, working at heights, working with dangerous machinery, etc. and ask about their ability to perform the role or any restrictions they have that might affect their ability to carry out any necessary functions.

Don't say	Do say
I see you have epilepsy. This would obviously make it difficult for you to ...	I see you have epilepsy. Can we discuss whether you think there may be any impact on your ability to perform the job and what type of support might be helpful to you?
What exactly is the matter with you?	Tell me something about how your condition might impact on your ability to ...
You would obviously be unable to do the xxx aspects of the job ...	Tell me the extent to which you think you would be able to perform the xxx aspects of the job.

Did your disability cause problems in your last job?

Did your last employer make any adjustments that you found helpful?

In the end, an employer should always ask themselves: ‘Are they right for the job and is their epilepsy relevant?’ The decision should be based on an objective assessment of the applicant’s skills, qualifications and experience.

In addition, the Equality Act places a duty on employers to make ‘reasonable adjustments’ if needed to accommodate the needs of disabled employees, which could relate to the initial recruitment and selection process, the type of work they carry out, their working pattern, their working environment, time off for treatment, etc.

What is ‘reasonable’ will vary from organisation to organisation based on the size and type of business, the costs and/or disruption of the adjustment, and the extent to which the adjustment will help the employee. Adjustments may not be needed for an employee with epilepsy, but if they are it is best to discuss what adjustments might be helpful and whether the business can make them with the employee. You can ask what adjustments in previous employment have helped them.

What do I have to do if my Employee has Epilepsy?

An employee does not need to tell you they have epilepsy, as long as it will not affect their ability to perform their job duties safely and effectively. If an employee does not inform you about their condition and it does affect their ability to do their job safely, this could be grounds to take disciplinary action against them (including dismissal if there is a significant safety risk in a dangerous working environment). All the more reason to openly discuss the requirements of the role and the work, and ask about their ability to fulfil these.

If an employee is diagnosed with epilepsy you may need to make reasonable changes and adjustments. You may need to pay for reasonable adjustments to be made and you cannot ask your employee to cover or contribute to the costs. Refusal to make reasonable adjustments does breach the Equality Act and the employee may bring an employment tribunal claim against the organisation.

Reasonable adjustments can include:

- Making the person’s workspace safer in case they have a seizure
- Making staff working around them aware of what to do in the event of them having a seizure
- Avoiding them carrying out ‘lone work’
- Tracking time off for medical appointments separately from sick leave

‘Reasonable’ can mean a lot of things, but there are some guidelines to follow:

- How practical is it to make the adjustment?
- How effective would this be in helping the employee?
- How would it affect other employees?
- Is there any financial or other assistance available to help make the adjustment?

If you employ a person with epilepsy in a job that cannot be made safer for their condition, you are likely not fulfilling your duty of care. You can however not offer someone a job or continued employment if you cannot identify and make reasonable adjustments to accommodate them in their role, and/or their epilepsy poses a significant health and safety risk to them or other employees. If you are looking to potentially dismiss someone from employment due to the effect of their disability at work, you should seek professional medical and/or occupational health advice about their condition first, and ultimately follow a proper dismissal procedure, i.e. a capability procedure.

Jobs that are difficult to make safe include:

- Working at unprotected heights (e.g. scaffolder) 
- Working near open water 
- Working with high voltage or open circuit electricity 
- Working on or near moving vehicles 
- Working with unguarded fires, ovens and hot plates 

Risk Assessment

If you are aware that an employee has epilepsy, you should carry out a risk assessment to identify potential risks to them and their colleagues. It is also good practice to have the assistance of an occupational health professional when doing this.

The risk assessment should include the following questions:

- What type(s) of seizure do you have?
- What things can trigger a seizure?
- How often do you have seizures and how long do they normally last?
- What normally happens when you have a seizure?

- How much time does it take for you to recover?
- Is there a time of day when you usually have seizures?
- Do you get a warning (an ‘aura’) before?
- Are there any areas of your job that could be dangerous, if you had a seizure?
- Do you take medication to control your seizures that might make you tired or disturb your concentration?
- Is there any part of the job that you are concerned about in relation to your condition?
- Is there anything specifically our first aiders should do in the event of you having a seizure?

Actions from Risk Assessment

Once you have completed a risk assessment, you can put together a care plan with your employee. This should include information about what happens when they have a seizure and how people can safely help them during and afterwards.

If they usually recover quickly from a seizure, they may be able to carry on working. If they need a quiet area to rest and lie-down for a short while, this should be specified in the care plan.

If it usually takes them a while longer to recover after a seizure, they may need to go home. The care plan should specify how they will get home and who will travel with them, if necessary.

Or, if they normally have seizures during the night and your workplace operates twenty-four hours, you may allow them to only work day shifts.

In some cases, a risk assessment may show there is nothing that can be done to make a job safer for an employee with epilepsy. If this happens it may be appropriate to end the employment on the grounds of health and safety having sought professional medical or occupational health advice and following a proper dismissal procedure, i.e. a capability procedure.

First Aid for Tonic-clonic Seizures

This is the most common type of generalised seizure and is where the person becomes stiff, loses consciousness and falls to the floor.

Do

- Protect the person from injury by removing potentially harmful objects from nearby
- Protect the person by cushioning their head



- When the seizure has finished – if they are unconscious open their airway and check for breathing



- If breathing, place the person in the recovery position – if not breathing, start Basic Life

Support



- Remain with them until recovery is complete and monitor their vital signs



Don't

- Try to restrain their movements
- Put anything in their mouth
- Try to move them unless there is immediate danger
- Attempt to give them food or drink until they are fully recovered
- Try to bring them around



Call for an ambulance if

- You know it is their first seizure
- The seizure lasts for longer than five minutes
- The person has another seizure without regaining consciousness
- The person has been injured
- You believe urgent medical attention is needed or if you are at all unsure



First Aid for Focal (Partial) Seizures

This is where the burst of electrical activity that causes a seizure stays in one part of the brain. The person may be not be aware of their surroundings or of what they are doing, and may smack their lips, wander around or swallow repeatedly.

Do

- Lead the person away from potential dangers

- Sit them down in a quiet place
- Remain with the person until recovery is complete
- Explain to them anything they may have missed

Don't

- Try to restrain their movements
- Make abrupt movements, shout or perform other actions that could frighten them
- Assume the person is aware of what is happening or what has happened
- Attempt to give them food or drink until they are fully recovered
- Try to bring them around

Call for an ambulance if

- You know it is their first seizure
- The seizure lasts for longer than five minutes
- The person has been injured
- You believe urgent medical attention is needed

First Aid Training Courses for Epilepsy

First aid training is important to ensure you as an employer and your employees can help people within your organisation who have epilepsy.

This will ensure you have the confidence to employ a person with epilepsy and that your team are trained to react correctly.

This guide was created by:

