

## 7c Epilepsy: Safety at Work

The health and safety of both employer and employee are of paramount importance in the work place so initial steps should include:

- awareness of occupations closed to people with epilepsy
- employee's awareness of the implications of not disclosing medical conditions
- awareness of the terms of the Disability Discrimination Act, 1995
- awareness of driving restrictions imposed on people with epilepsy
- risk assessment of work environment/equipment/epilepsy/seizure patterns
- involvement of appropriate people—epilepsy field worker, employer, occupational health service, GP, epilepsy specialist, Disability Employment Adviser, Employment Medical Advisory Team, Human Resources, Occupational Therapist
- Epilepsy awareness and first aid training for all relevant personnel
- awareness that the majority of people with epilepsy have their seizures completely controlled by medication
- awareness that Employers' Liability Insurance covers everyone in the workplace.

### Background Information

Epilepsy is a common neurological condition affecting about 1 person in every 130. Epilepsy is a tendency to have recurring seizures. Seizures occur as a result of a disturbance in the electrochemical activity of the brain which can affect the person's body movements, thinking, memory, emotional and behavioural responses. Seizures can take many forms which can have safety implications for the employee and those working around him/her.

### The Disability Discrimination Act (DDA), 1995

The Act defines a person with a disability as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. If you feel you have been discriminated against as a result of having epilepsy you are entitled to pursue your claim provided you have previously disclosed your epilepsy to your employer. **(See note on page 5 of this leaflet).**

Contact Epilepsy Connections who can advise on your circumstances and may suggest you get in touch with the Equality and Human Rights Commission.

Under the DDA an employer must not discriminate against a person with a disability in

- recruitment and retention
- promotion and transfers
- training and development
- redundancy and dismissal processes.

## Adjustments

Under the terms of the DDA, employers must make “reasonable adjustments” to their premises or employment arrangements if these were to substantially disadvantage a person with a disability. Reasonable adjustments can be simple and inexpensive. To meet the needs of an employee with epilepsy an employer may consider the following:-

- awareness of possible seizure triggers, including stress and anxiety (particularly when starting a new job), tiredness, disturbed sleep, and environmental factors, e.g. lighting
- approximately 5% of people with epilepsy are photosensitive. Their seizures are triggered by low-frequency flickering light, either natural (such as sunlight through railings or reflected off wet surfaces) or artificial (e.g. TV screens), or by some geometric patterns. Computer screens operate at a high frequency and are unlikely to trigger seizures. It's good practice to provide anti-glare screens and encourage frequent breaks away from the computer screen to prevent fatigue, which can trigger seizures. Ordinary light bulbs may be more suitable than fluorescent tubes and may reduce the risk of seizures in a person who has photosensitive epilepsy
- time off for medical treatment/hospital appointments and flexibility while the employee adapts to any new treatment regime
- flexible working hours
- awareness of the possible detrimental impact of changing shift patterns on a person's epilepsy
- awareness that seizures and adverse side effects of antiepileptic drugs (AEDs) may sometimes affect memory, concentration and mood
- provision of epilepsy awareness training for employees
- provision of a safe, comfortable recovery room
- encourage the employee to talk through any problems and make his/her own suggestions on how best to promote health and safety without discrimination or stigma
- awareness of current driving regulations—is driving essential for the post? Could driving duties be re-allocated? Is public transport an option?

## Suggestions for Employees

Good first steps to protect your health and ensure safety at work involve having a good understanding of your condition and how it affects you, adhering to your treatment plan and making sensible lifestyle choices.

Be open and honest about your epilepsy.

Share information with your employer about your epilepsy to reduce risk to yourself and others should a seizure occur.

It's up to you to decide when and how to tell your employer that you have epilepsy, however deciding **not** to tell your employer may have health and safety implications for you and your colleagues.

If you don't disclose your condition you will not be covered by the terms of the Disability Discrimination Act.

### **Consider the following questions when deciding what to tell your employer about your epilepsy.**

How well are your seizures controlled?

What kind of seizures do you experience?

How frequently do your seizures occur?

Do you get a warning or aura before a seizure?

What happens before, during and after a seizure?

How long do seizures last?

How long is it before you are fully recovered?

Are you aware of seizure triggers—e.g. stress, tiredness, shiftwork, lighting?

What is your seizure pattern, e.g. do you fall? Injure yourself?

What help do you need during and after a seizure?

What medication do you take and when?

Do you have other medical conditions?

## Restricted Occupations

The majority of jobs are open to people with epilepsy. However, some occupations are restricted by law and others by health and safety. These include:-

- pilot
- armed forces
- firefighter
- ambulance driver
- child minder
- merchant seafarer
- air traffic controller
- train driver
- LGV, PCV or taxi driver
- coastguard
- prison service

Statutory restrictions do change and there may be flexibility so it's worth checking current guidelines with prospective employers or trade organisations.

Non-statutory restrictions may apply to other occupations depending on the type of work, degree of seizure control, type of seizures and side effects of antiepileptic drugs (AEDs). Some types of work pose particular hazards to people with poorly controlled seizures. These include working:-

- at heights
- near water
- with high voltage or open circuit electricity
- with unprotected machinery
- on/near moving vehicles
- with chemicals
- near sources of extreme heat/cold
- in isolated places
- alone with babies/children or frail/elderly people.

## Brief notes on UK Driving Regulations

People with epilepsy can hold a valid ordinary driving licence provided that:-

- 1) they have been seizure free for 12 months with or without AEDs
- or**
- 2) have experienced seizures only during their sleep for at least the last 3 years
- and**
- 3) the Driver and Vehicle Licensing Agency (DVLA) is satisfied the person is not likely to be a danger on the road.

**ALL** seizures are included in the regulations including

- those in which consciousness is not lost
- seizure warnings or "auras" which are, in fact, partial seizures.

To qualify for an LGV (large goods vehicle) or PCV (passenger carrying vehicle) licence a person must be seizure-free and medication-free for at least 10 years, and the DVLA must be satisfied that there is no likelihood of further seizures. These rules also apply to anyone wanting to drive 9-16 seater minibuses and vehicles weighing between 3.5 and 7.5 tonnes. Some local authorities apply similar medical rules to anyone applying for a taxi/hackney carriage licence.

## Brief notes on UK Driving Regulations (cont)

For more information contact:  
Drivers Medical Group  
DVLA  
Swansea  
SA99 1TU  
Tel: 0870.600 0301  
Fax: 0845.850.0095  
Email: [eftd@dvla.gsi.gov.uk](mailto:eftd@dvla.gsi.gov.uk)  
Web site: [www.dvla.gov.uk](http://www.dvla.gov.uk)

For more information about seizures and how they can affect people see Leaflet 1 'What is Epilepsy? An Introduction'.

For more information on managing seizures see Leaflet 4 'What to do when someone has a seizure'.

### **The Disability Discrimination Act (DDA) 1995**

In the light of recent case law, Epilepsy Connections now understands that if you believe you have been discriminated against at work as a result of having epilepsy, you may be entitled to pursue your claim whether you have disclosed your condition or not.

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Supporting people with epilepsy

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