Work and epilepsy – employees

This information is about looking for and staying in work. It looks at your rights in the workplace and ways the workplace can become more epilepsy-friendly. This might be down to reasonable adjustments being made after you have had a health and safety risk assessment (see below). Or by changing employer or employee attitudes to epilepsy. It also tells you how you can take action if you feel you are being treated unfairly at work.

Am I considered to be disabled if I have epilepsy?

You are classed as disabled by the equality laws if you have epilepsy that has a substantial effect on your day-to-day activities. Or would have a substantial effect, if you were not taking your epilepsy medicine.¹

If you have a type of epilepsy that is not currently causing any problems and doesn’t need epilepsy medicine, but could be triggered by specific certain circumstances, then you are likely to be covered.² Some common triggers for epileptic seizures are epilepsy:

- Feeling tired
- Not getting enough sleep
- Stress

Epilepsy Action has more information about things that trigger seizures.

The equality laws are called the Equality Act in England, Scotland and Wales and the Disability Discrimination Act in Northern Ireland. They apply to you whether or not you take epilepsy medicines.

The equality laws cover everything to do with work including:

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


² Personal communication, Sayeed Khan 14 October 2015
What type of work can I do?
It depends on how your epilepsy affects your daily life, and what skills and experience you have.

Which jobs might not be open to me because of my epilepsy?
Very few. Employers shouldn’t use your epilepsy as a reason not to give you a job, unless they have very good reason. Here are some possible reasons.

Health and Safety
An employer can legally refuse to give you a job if your epilepsy poses a health and safety risk to you or somebody else. For example, if you are still having seizures, they could refuse to give you a job where climbing ladders is a substantial part of the job.

Driving
An employer can refuse to give you a driving job if you don’t hold the right type of driving licence. For example, if you have had seizures in the last 10 years, legally you are not allowed to hold a licence that allows you to drive heavy goods vehicles. So, an employer can refuse to employ you as a lorry driver.

Armed Forces
Jobs in the Armed Forces are not covered by the equality laws. This means the Armed Forces can refuse to employ you because you have epilepsy or a history of epilepsy.

Can I be asked questions about my health before I’m offered a job?
It depends. If you apply for a job, employers aren’t generally allowed to ask you questions about your health before they offer you the job. This includes questions about your previous sickness absence. And, at this stage, they can’t refer you to an occupational health adviser or ask you to fill in a questionnaire provided by an occupational health adviser.

However, employers are allowed to ask questions about your health or any medical conditions before they offer you a job, if they have a good reason. This might be because they need to make a reasonable adjustment for your job interview or for an assessment. Or,


the employer might need to know if there are health and safety reasons why you couldn’t do the essential duties of a specific job, such as working at heights.

If, without good cause, the employer asks questions about your health before offering you a job, they can’t rely on this information when making a decision about the job. If they do, this would be disability discrimination.\(^5\)

**Application forms**

Employers should only ask you to fill in a medical questionnaire before offering you a job when this is essential. And the questions must be targeted on the essential duties of the job. So, if an application form includes questions about your health, and you don’t feel this is relevant. You can choose to ignore them.

However, they could ask if you need any reasonable adjustment to be made for an interview. For example, they could ask if you need extra time to do a test.\(^6\)

**Job interviews**

During an interview, an employer is only allowed to ask questions about your health if they are directly linked to an essential aspect of the job you are applying for. As an example, they could ask how your epilepsy could affect your ability to do that job safely.\(^7\)

If your ability to do the job safely and effectively is not affected by your epilepsy, you don’t need to mention it. An example of this could be if you only have seizures when you are asleep, or your seizures are well controlled.

Epilepsy Action has more information about the equality laws.

**Sources of help and support when looking for work**

**Jobcentre Plus work coaches\(^8\)**

A work coach can help you in your search for work, or to gain new skills. They can also tell you about disability friendly employers in your area.

To have an appointment with a work coach, you need to be already receiving certain benefits, or be disabled. See page 5, ‘Am I considered to be disabled if I have epilepsy?’

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\(^8\) Gov.uk, Work and health programme [online] Available at https://www.gov.uk/work-health-programme (Accessed 10 July 2018)
You can find contact details for your local Jobcentre Plus in the Phone Book, or search for 'Jobcentre Plus' online. If you live in Scotland, you can also get help from Fair Start Scotland.

**Disability Confident**

When you’re looking for work, look for the ‘disability confident’ logo on adverts and application forms. The logo means the employer is committed to employing disabled people. If a job advert displays the logo, you’ll be guaranteed an interview if you meet the basic conditions for the job.

**Work programmes and grants**

**The Work and Health Programme**
If you live in England or Wales, the Work and Health Programme can help you find and keep a job if you’re out of work.

**Work Clubs**
Anyone who’s unemployed can join a Work Club. They’re run by local organisations like employers and community groups, and give you the chance to share knowledge, experience and job hunting tips

**Specialist Employability Support**
Specialist Employability Support is intensive support and training to help you into work if you’re disabled. You’ll usually get Specialist Employability Support for 12 months.

Information about all these programmes is available from Jobcentre Plus.

**Telling people at work about your epilepsy**

**Telling your employer**
Once you have been offered a job, you don’t automatically have to tell your employer about your epilepsy. This is as long as you don’t believe it will affect your ability to do your job safely and effectively. This could be, for example, if your epilepsy is well controlled, or you only ever have seizures when you are asleep.

If you don’t tell your employer about your epilepsy and it does affect your ability to do your job safely, your employer may be able to dismiss you. To do this, they would have to prove that:

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• You have been given the opportunity to tell them how your epilepsy could affect your job and
• You haven’t given them this information

If you are not sure whether to tell your employer about your epilepsy, here are some things to think about:

**Reasonable adjustment**
If your employer doesn’t know about your epilepsy, they can’t make any reasonable adjustments to help you.

**Health and Safety at Work Act**
The Health and Safety at Work Act (1974) is a law that says that all employers have to provide a safe workplace. They must protect all their employees from any possible danger to their health, while they are at work. As an employee, you also have a responsibility to take reasonable care of your own and other people’s health and safety at work. If your epilepsy could cause a health or safety risk to you or anybody else, you must tell your employer about it. This is the law.

More information about the Health and Safety at Work Act is available from the Health and Safety Executive (HSE).

Websites: hse.gov.uk (for England, Scotland and Wales); nidirect.gov.uk (for Northern Ireland)

**Employer’s insurance**
Your employer’s insurance may pay you compensation if you are injured at work, or if you become ill because of your work. If you don’t tell your employer about your epilepsy, you will not be fully covered by their insurance. So, you may not receive any compensation if you have an accident related to your epilepsy.

More information about employer’s insurance is available from the Health and Safety Executive (HSE).

Websites: hse.gov.uk (for England, Scotland and Wales); nidirect.gov.uk (for Northern Ireland)

**When to tell your employer about your epilepsy**
If you decide to tell your employer about your epilepsy, it’s useful to do it before you start the job. This gives them time to make any reasonable adjustments you need. If you don’t tell

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them about your epilepsy before you start a job, you can change your mind and tell them at any time. As soon as your employer knows about your epilepsy, they have to make any reasonable adjustment that could be helpful for you.

**Telling people you work with**
It's your decision, whether you tell the people you work with about your epilepsy. But if you do, they will probably feel more confident about helping you if you have a seizure.

If you think it would help, you could ask your employer to arrange some epilepsy awareness training for your colleagues. Contact Epilepsy Action for more information.

**Can my employer tell other people about my epilepsy?**
Yes, if you give them permission, and sign a consent form. But they can’t tell other people about your epilepsy without your permission. This is to comply with the Data Protection Act.¹⁴

**Care plans for seizures at work**
If there’s a chance you will have seizures at work, it’s a good idea to prepare a care plan with your employer. This can include what happens when you have a seizure and how people can help you during and afterwards. This information collected at your risk assessment can be used to help you do this. Here are some more suggestions.

- If you usually recover quickly after a seizure, you might be able to get straight back to work. Or, you might just need a quiet place to rest, before returning to work. The care plan should say where this rest should take place.
- If you normally take a long time to recover from a seizure, you might need to go home. Your care plan should show how you will get home, and who will travel with you, if necessary. This should be in line with company policies and procedures for anyone becoming unwell at work.

**What is a health and safety risk assessment?**
It’s an assessment your employer must do to make sure you can carry out your duties safely. Some questions that might come up during your health and safety risk assessment are:

- What happens to you when you have a seizure?
- Are your seizures controlled?
- How often do you have seizures?
- Do they happen at a particular time of day?
- Do they happen when you are awake, asleep, or both?
- Is there anything that makes your seizures more likely, such as lack of sleep, tiredness, stress, hormonal changes, flashing or flickering lights or patterns?

• Do you get a warning before a seizure?
• How long do your seizures last?
• How do you feel afterwards?
• How long does it take you to recover?
• Do you need any first aid/specific care during/following a seizure?

**What is a reasonable adjustment?**

It’s something that your employer could do to help you at work, such as:

• Make changes to your working pattern and duties
• Provide training or mentoring
• Make alterations to their building
• Make sure they provide information in a format you can use
• Change or get different equipment
• Allow you extra time to do selection ‘tests’
• Making sure you don’t work alone, or there is a ‘regular check in’ process for you.

Reasonable adjustments have to be reasonable to the employer and to you.15

Many reasonable adjustments involve little or no cost. If there are costs involved, funding might be available from Access to Work.16 See: [gov.uk/access-to-work](https://www.gov.uk/access-to-work)

**People with epilepsy talk about their reasonable adjustments at work**

“My seizures are always first thing in the morning. I am allowed to start and finish work two hours later than other people”

“I have a poor memory, so my boss always writes down instructions as well as talking to me about them”

“There’s a three shift system where I work. I don’t do the night shift, as my seizures can be triggered by not having a regular sleep pattern”

“I’m a community nurse. When I lost my licence after a seizure, I was given clinic work instead”

“My usual work is delivering post. After my recent seizure, I was given work in the sorting office, rather than my usual walking round”

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“I’ve recently qualified as a chef and work in a large company. My seizures are not fully controlled, so I work well away from the ovens and stoves”

“We have children between the ages of 0-3 years in our nursery. I work with the older children, as they don’t need carrying around. That could be risky if I had a seizure”

“Our sales teams work in various offices around the country. Since I lost my driving license, I’ve been moved to our local office, rather than travelling to head office.”

“I need regular hospital appointments during my usual working hours. My employers do their best to accommodate them.”

“My boss records my epilepsy sickness separately from sickness for other reasons. This means it doesn’t look too bad on my sickness record.

Employers can decide themselves how much sickness absence they will allow before your absence from epilepsy is considered excessive

If your employer doesn’t make reasonable adjustments to help you, this could be illegal, unless they have significant justification. But sometimes it might not be possible to make a job safe, even with adjustments, if you have uncontrolled seizures. Not making reasonable adjustments in this instance would not be illegal.

If your epilepsy changes (for example, you get better or worse seizure control), you should ask your employer to do a new risk assessment for you. Generally speaking, if you’re allowed to drive a car, then there are few jobs you can’t do.

**No reasonable adjustment needed**

It may be that you won’t not need any adjustments to be made in the workplace. This could be if you are completely seizure free, or you or others wouldn’t come to any harm if you had a seizure at work.

**What can I do if I feel I have been treated unfairly at work?**

**Three important things to do are:**

1. Talk to people
2. Keep notes
3. Know your rights

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1. Talk to people
Talk to the people involved. This might be your colleagues, your line manager or your employer. If you’re a member of a union, you could ask them to support you when you are talking to them. If not, you could ask to bring a colleague or friend with you to meetings when you are discussing your work situation. ¹⁹

2. Keep notes
Keep notes of any actions, or comments made, that you are concerned about. Also, keep a note of attempts you have made to try and sort the situation out. This can be useful information if you later decide to take more formal action, such as raising a grievance or getting legal advice. ²⁰

3. Know your rights
Check your contract, in particular the terms and conditions and the grievance procedure.

If your employer wants information from you doctor, they can only get this with your consent. ²¹ They should only ask for information that is relevant to your epilepsy.

**How do I take legal action against someone who has treated me unfairly at work?**
Seek advice as soon as possible. This is because there are strict time limits for bringing cases to Employment Tribunals and courts. ²²

You can get advice from different organisations, including Citizen’s Advice, ACAS, or your trade union. You can also take legal advice from a solicitor. Taking legal action can be very expensive. Depending on your financial circumstances and the issues involved, you might be eligible for the Legal Aid scheme. This can cover some, or all, of your costs. ²³ You might consider opting for legal expenses insurance cover, for example when taking out house contents insurance. This is usually inexpensive and can be valuable if you have problems at work.

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If you decide to employ a solicitor, it’s important to check at the beginning how they will expect to be paid. You should also check that they have a contract to provide advice and representation through the Legal Aid scheme, if you qualify for it.

Epilepsy Action has information about organisations that can offer help, support and advice in the UK, if you feel you are being unfairly treated.

**Staying in work**
If you are having problems at work because of your epilepsy, here are some things you could do that might help.

**Talk to your employers**
Keep your employer up-to-date with any changes to your health that could have an effect on your work. Make a note of your discussions and of any changes to your working conditions that are made as a result. This would be useful if your work situation became really difficult and you needed to raise a grievance.

If your epilepsy has changed, you could ask your employer to arrange a new risk assessment for you. And if you are off sick because of your epilepsy, keep them up-to-date with your situation.

**Sources of further advice and information**
The information in this section is about epilepsy and working in the UK. If you live outside the UK, you can find out about working and epilepsy in your country by contacting your local epilepsy group.

**Equality Advisory and Support Service (EASS) (England, Scotland and Wales)**
The Equality Advisory Support service gives free advice, information and guidance to individuals on equality, discrimination and human rights issues.
Tel. 0808 800 0082
Website: equalityadvisoryservice.com

**Equality and Human Rights Commission (England, Scotland and Wales)**
The Equality and Human Rights Commission (EHRC) provides advice and guidance on rights, responsibilities and good practice, based on equality law and human rights. Website: equalityhumanrights.com

**The Equality Commission (Northern Ireland)**
The Equality Commission provides advice and information about the Disability Discrimination Act in Northern Ireland.
Tel: 028 90 500 600
Website: equalityni.org
Law Centres (England, Scotland and Wales)
Law Centres provide free legal advice and representation to disadvantaged people.
Tel: See your local Phone Book
Website: lawcentres.org.uk

ACAS (Advisory, Conciliation and Arbitration Service) (England, Scotland and Wales)
ACAS aims to improve organisations and working life through better employment relations.
They offer free advice about employment rights. Tel: 0300 123 1100
Website: acas.org.uk

Disability Law Services
Disability Law Services offer advice and information about employment law to disabled people.
Tel: 020 7791 9800
Website: dls.org.uk

Jobcentre Plus
Tel: See your local Phone Book
Website: direct.gov.uk (search for Jobcentre Plus)

The Health and Safety Executive (HSE)
HSE can provide general information and guidance for employers about work-related health and safety issues. They also offer a free leaflet, Controlling risks in the workplace, which aims to help employers do their own risk assessments. This can be downloaded from their website. There is also a specific section about employing disabled people on the HSE website.
Website: hse.gov.uk

Employment Medical Advisory Service (EMAS)
EMAS is part of the Health and Safety Executive. It is staffed by specialist occupational health professionals who give health related advice for people with medical conditions. Website: hse.gov.uk

About this information
This information is written by Epilepsy Action’s advice and information team, with guidance and input from people living with epilepsy, and medical experts. If there is anything you would like to say about the information, please contact us.

Epilepsy Action makes every effort to ensure the accuracy of information but cannot be held liable for any actions taken based on this information.

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**Your support**  
We hope you have found this information helpful. As a charity, we rely on donations to provide our advice and information. If you would like to make a donation, here are some ways you can do this.

- Visit [www.epilepsy.org.uk/donate](http://www.epilepsy.org.uk/donate)
- Text **ACT NOW** to **70700** (This will cost you £5 plus your usual cost of sending a text. Epilepsy Action will receive £5.)
- Send a cheque payable to Epilepsy Action to the address below.

Did you know you can also become a member of Epilepsy Action from as little as £1 a month? To find out more, visit epilepsy.org.uk/join or call 0113 210 8800.

**Epilepsy Action Helpline**  
Freephone 0808 800 5050, text 0753 741 0044, email helpline@epilepsy.org.uk, tweet @epilepsyadvice

**Contact details**  
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