



EPILEPSY & The Facts

Epilepsy and Employment

What are the key employment issues?

The central issues are lack of knowledge about the disorder and epilepsy's perceived impact in the workplace. This ignorance and resulting misunderstanding produce unnecessary fear and anxiety among both employees with epilepsy and employers. Specific concerns regarding disclosure, accommodation, safety and liability then arise, and a vicious circle ensues.

Workers with epilepsy face negative and uninformed attitudes, outright (and illegal) discrimination, sometimes unnecessary driving requirements, fear of repercussions after disclosing and under-utilization of their skills. On the other hand, employers worry about productivity, absenteeism, liability, job performance, reaction of customers or co-workers, accommodation costs and workplace safety.

What about unemployment and under-employment?

The unemployment rate is double that of the general population. Under-employment is also a serious problem: about 40 per cent are not given jobs that fully use their skills. A Canadian National Population Health Survey conducted in 1994/1995 showed that only 40 per cent of adults (16 years of age and over) with chronic epilepsy were employed. In comparison, 60 per cent of adults without epilepsy had jobs. These figures reveal a major under-utilization of the varied job skills which people with epilepsy possess. Likely factors are epilepsy's social stigma, employer prejudice due to ignorance and misconceptions about epilepsy, and safety and liability concerns.

Does epilepsy harm job performance or productivity?

Overall, there is no difference in job performance or productivity between workers with epilepsy and other workers. In fact, studies have shown that the work performance, cooperative behaviour, productivity and stability of employees with epilepsy is equal to or greater than that of employees without epilepsy. And absenteeism rates are lower too because workers with epilepsy practice good self-care and strive to avoid illness.

Accident rates for employees with epilepsy are lower too: .06 per cent vs. 1.92 per cent for employees without seizures. Some studies have even revealed that employees with epilepsy work more attentively and productively than others, as they often try harder to prove themselves at work.

Only a few occupations are prohibited for people with epilepsy. The consistent reason in these cases is the possibility of endangering the lives of others, or the individual with epilepsy, should a seizure occur. Examples are airline pilot and certain roles in the armed forces.



What role do psychological factors play?

The employee or job-seeker who has epilepsy often experiences fear of discrimination, low self-esteem, lack of self-confidence, and feelings of emotional and job insecurity. The employer may be prejudiced against workers with epilepsy because of the unpredictability of seizures and ignorance about the disorder. This attitude may then translate into excessive concern for safety, liability and the presumed negative perceptions of customers, clients or co-workers.

Education about epilepsy – what it is and what it is not – for both the person with epilepsy and the employer is essential to overcome these psychological barriers. Contact the Employment Consultant at Epilepsy Toronto for more information about epilepsy and the workplace.

Can an employer ask me medical questions during the hiring process?

It is illegal for an employer to ask medical questions on an application form under the Ontario Human Rights Code. Should such a question appear on an application anyway (likely due to employer ignorance), you can refuse to answer it.

The employer may, however, ask you questions during the interview to determine your ability to perform the particular job. A sample appropriate question would be “Do you have any medical condition which would interfere with your ability to perform this job?” It is illegal to ask, “Do you have any medical problems?” In other words, a medical question in the job interview must be tied to ability to do the job, not just to gather information.

A work-related medical examination may only be requested after a written offer of employment.

When should I disclose my epilepsy to my employer?

You can disclose your condition at any time or not at all, depending on your comfort level and how active your seizures are. There is no right time for everyone; it is an individual decision. Whatever time you choose, including never, will have both advantages and disadvantages. These are outlined on the Epilepsy Disclosure Chart (contact Epilepsy Toronto for a copy). Many people who have active seizures think the best time to disclose is after the job offer is made, so as not to run the risk of clouding the hiring decision. But some say this introduces an element of jeopardy into the probation period before you are permanently on staff.

An equally important issue is how to disclose. It is essential, above all, for you to have a thorough knowledge of your own epilepsy. Relevant information about what others can expect to witness and how they can best respond to your needs should be communicated clearly, calmly and concisely. Your employer will be guided to react appropriately by your knowledgeable, reassuring manner. This approach promotes understanding and flexibility in the workplace.

It is important to remember that disclosing to your manager or human resources department does not confer permission to tell your co-workers. This information is confidential. If safety issues are a factor, the employer may want your immediate co-workers to know, so that appropriate measures can be taken when or just before you have a seizure. The employer should, however, discuss the matter with you first. It is generally better for you to disclose to your co-workers yourself so that you can present the information firsthand in the way that seems best to you.

What should I do if a seizure occurs in the presence of customers or clients?

Know and follow appropriate first aid measures as described in First Aid for Seizures. Ensure that someone stays with the person having the seizure to monitor the situation and provide reassurance. A seizure should be timed from onset; call 911 if it lasts 5 minutes or more OR if another seizure begins before full recovery from the first. Explain calmly and matter-of-factly to any bystander that a seizure is happening and that the situation is under control. Your manner will deflate any anxiety or fear others may be feeling. A seizure may be upsetting to watch, but it is also a fact of life like fainting or accidents or heart attacks. Such events are memorable but not stigmatized. Seizures should be no different.

Do employers have to make accommodations for employees with epilepsy?

Both the Ontario and the Canadian Human Rights Codes state that employers must accommodate people with disabilities UNLESS the disability interferes with performing the essential aspect of the job OR such accommodation causes the employer “undue hardship”. This means an employer must, in most cases, make every reasonable effort to adjust the duties or conditions of work to meet the constraints of the disability.

When epilepsy is the disability, common accommodations might be keeping the worker away from ladders and other height-related areas, scheduling a steady day or evening shift, altering lighting to eliminate flickering, not requiring lots of overtime, being flexible about how to make up time or taking work home, etc. Workplace accommodations for epilepsy are inexpensive, easy to make, and only require a little creativity and flexibility.

What about liability?

Like other employees, people with epilepsy are covered by the Workplace Safety and Insurance Board (WSIB), formerly known as the Workers Compensation Board. A common misconception is that premiums will rise if people with epilepsy are on the payroll. Actually, rates are tied to the type of company and the claim rate, not to employee disabilities. Workers with epilepsy are usually very safety-minded and are unlikely to cause preventable accidents, for example through carelessness.

Also, WSIB has a Secondary Injury and Enhancement Fund, which compensates for losses to both the employer and the employee in the event of any injury arising from a seizure as long as the employer is aware of the condition before the accident occurs. The claim is assessed separately from regular accident claims and is therefore not added to the yearly WSIS rates.

It is not “expensive” to have people with epilepsy on staff.

Workplace Safety and Insurance Board (Workers Compensation Board)

200 Front Street West

Toronto, ON M5V 3J1

Email: wcbcomm@gov.on.ca

Website: <http://www.wcb.on.ca>

Tel: (416) 344-1000

or 1-800-387-0750 (Ontario)

Fax: (416) 344-4684

TTY: 1-800-387-0050

What about driving and employment?

Where driving is concerned, it is important to distinguish between having epilepsy and having seizures. A person with fully-controlled epilepsy who is taking anti-epileptic medication and seizure-free for 12 months is legally entitled to drive in Ontario. A person who is fully compliant with medical treatment but experiencing seizures is not. The sole exception to the latter involves a consistent 5-year pattern of nocturnal seizures only.

When hiring, an employer cannot discriminate against a person with epilepsy whose license has been medically suspended, unless driving is an essential component of the job. The burden of proof lies with the employer to prove that a driver’s license is necessary, rather than just desirable. When a medical license suspension occurs for a current employee, the employer must make every reasonable effort to re-structure the job or re-arrange staff so that the worker retains his or her job at the same pay. Again, “undue hardship” as defined under the Ontario Human Rights Code is the only legal reason for not doing so.

Commercial driving is treated somewhat differently. Re-instatement of this category of license requires completion of a medical form and likely a neurologist’s report. Also the seizure-free period is five years, in accordance with Canadian Medical Association guidelines.

What can I do if I experience discrimination in the workplace?

The Ontario Human Rights Code specifically lists epilepsy as a handicap that you must not be discriminated against for having. Employers, then, must base policies and decisions concerning hiring, promotion, demotion or dismissal on the applicant's or employee's abilities without regard to their epilepsy.

Anyone who believes they have experienced discrimination or harassment on the job or been denied work because of their epilepsy has a legal right to complain to the Ontario Human Rights Commission. An appropriate investigation will then ensue.

Ontario Human Rights Commission

180 Dundas St. West, 7th Floor

Toronto, ON M7A 2R9

Website: <http://www.ohrc.on.ca/>

Tel: (416) 314-4500 or 1-800-387-9080

TTY: 1-800-309-1129

Fax: (416) 314-4533

How can Epilepsy Toronto assist employers and workers with epilepsy?

Our Employment Assistance Program offers professional and confidential counselling and consulting services on a wide range of employment-related issues customized to suit the individual situation. For more information about this free service contact the Employment Consultant at Epilepsy Toronto at 416.964.9095