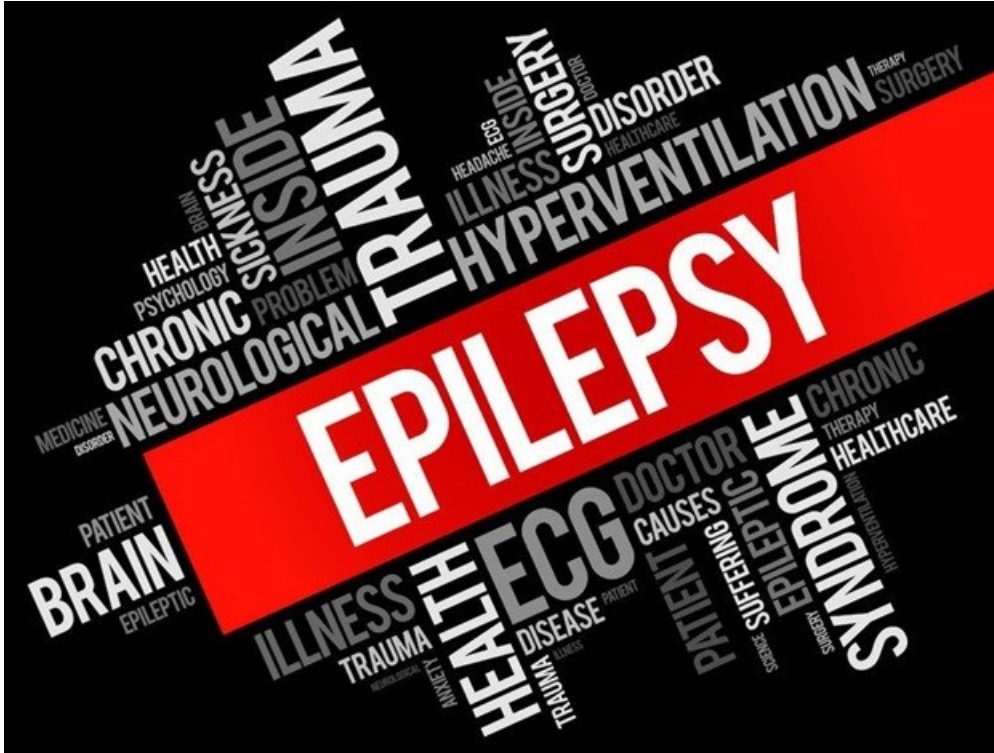


# Epilepsy in the workplace - to disclose or not to disclose?

Following the observance of National Epilepsy Week this past week (12-18 February), as well as International Epilepsy Day (12 February), it's time to take a closer look at the condition that affects one out of every 100 South Africans and explore the issues around disclosure.



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According to Justene Smith, a disability expert at equity solutions company, Progression, epilepsy may be classified as disability in terms of the Employment Equity Act if it substantially limits a person's entry into or advancement in employment or if it substantially impacts on a person's ability to perform the inherent functions related to their role. "While disclosing one's condition can empower the person to explore their reasonable accommodation need with their employer, it may also have negative consequences for the person with epilepsy. This depends largely on the attitude of management at their workplace."

## Are South Africans legally required to disclose their epilepsy status?

According to the Employment Equity Act, South Africans are not legally required to disclose a disability such as epilepsy. Even though employees may be asked to complete the standard Employment Equity Declaration Form (EEA1 form), which is used to confirm the employee's race, gender, nationality and disability status, they are not compelled to disclose a disability as this is considered to be voluntary.

## What are the benefits of disclosure?

Smith says if employers know about a condition such as epilepsy, they can ensure the person is integrated into the workplace successfully. "It also affords employers the opportunity to make important decisions about what conditions are most suitable for the person with epilepsy."

"It also affords employers the opportunity to have a discussion with the individual to establish potential risks and barrier so that Reasonable Accommodation and Health and Safety can be considered and measures can be implement where required to the benefit of the employee and employer alike."

In a construction environment there may be physical requirements that could pose risk for a person with epilepsy, for example if staff work at height up ladders, on scaffolding or operate heavy machinery. It is important to remember that if valid risk has been identified it is fair to conclude that this may not be a safe environment for a person who has disclosed epilepsy to be working.

"By disclosing their condition, people with epilepsy are well positioned to create awareness about epilepsy and provide others with insight on what to be aware of and what needs to be done in the event of a seizure," adds Smith.

## **What are the benefits of non-disclosure?**

Smith points out that many South Africans are not educated about epilepsy. "Employers may view the appointment of someone with epilepsy as a risk and they may decide not to employ the job-seeker in the first place."

Knowledge of an epilepsy condition might create an uncomfortable situation for the person who has disclosed his or her condition. Employers or colleagues may think they need to treat the person differently.

"While they may think they are being helpful, they are actually creating an uncomfortable situation for the person with epilepsy," says Smith.

It is however also very important to consider the number of people with epilepsy in South Africa and encourage workplaces, staff and also communities to accept this more openly as the judgement element is generally ill-informed.

## **How can employers accommodate persons with epilepsy?**

Knowing how to accommodate someone with epilepsy is dependent on understanding what known triggers can cause a seizure.

Smith says if a person's epilepsy is triggered by sudden loud noises, they would need to be placed in a relatively quiet office. "Alternatively, if heat or extreme temperatures are a trigger, they would need to be placed in an environment that has an air conditioner or adequate ventilation systems."

She adds that employers need to made aware that people who access medication through government services only receive 30 days' worth of medication at a time. "This means the next appointment issued to the employee for the collection of the medication may fall on a week day and could result in a day's absence from work.

"Because of this, we generally recommend that individuals who make use of government services to manage their health appropriately are given one day of health management leave per month as part of their reasonable accommodation," she says.

Of course, this leave needs to be validated with either a doctor's letter or a stamped letter from the clinic, confirming the individual's attendance.

## **What are some important factors to consider to ensure all employees, including those with epilepsy, are accommodated in the work space?**

Every organisation needs to make sure that they have appropriate health and safety measures in place, including a qualified first-aider.

"Often, when I inform employers or HR staff that people will not always disclose their epilepsy, their responses are similar: 'What am I meant to do if the person has a seizure at work?'. This is where the organisation's health and safety policy comes into play," says Smith. "It is important to note that no one is obligated to disclose that they have a condition such as epilepsy. Thus, having a first aider on site who will provide support should an injury or emergency occur should be a priority for any organisation. Standard first aid provides some basic tools and measures for managing a person who may be experiencing a seizure. However, further emergency medical intervention should be sought immediately."

"Conducting risk assessments is also important. Employers need to determine what areas present risks, such as working on ladders, scaffolding or at heights. This would help them determining suitable roles and work environments where a person with a disability would be safe and well accommodated at work," concludes Smith.

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