

Epilepsy and Employment – Accommodating Epilepsy

What is job accommodation?

Accommodation refers to adjustments that can be made to the workplace to support a person to perform the job at their best. According to the Workers' Compensation Board of BC (WCB) and the Canadian and BC Human Rights Codes, an employer must accommodate a person with disabilities for a job they have the skill and aptitude to do, unless such accommodation causes the employer "undue hardship" (e.g. safety, cost).

What is required under the policy?

Employers are legally responsible for acknowledging potential barriers in the workplace and in workplace procedure. They must make a reasonable effort to accommodate employees with disabilities. For their part, employees must make accommodation needs known and be involved in determining what adjustments are necessary.

What can the employer ask you regarding your disability or medical condition?

There are straightforward guidelines from the Human Rights Commission in regards to questions that an employer can ask regarding one's disability or medical condition. Employers can only ask questions such as, "Is there anything that prevents you from performing the essential component of the job?"

How do I obtain accommodation?

Each organization must ensure that its employees or applicants are aware of their right to be accommodated. Information on how to request accommodation in that organization must also be provided to employees and applicants. Speak to your human resources manager or your union representative first. In smaller workplaces, speak to your supervisor. Strategies to do so are discussed in our Information Sheet: *Employment and Disclosure*.

What are some examples of accommodations?

How you are affected by your seizures and your workplace setting will determine what kind of accommodation you may need or if accommodation is required.

Some questions that you can ask yourself to help think of strategies and accommodation(s) that you may benefit from are: what types(s) of seizures do you have, what is the frequency, do you have a warning before a seizure, what are potential triggers, what specific job tasks could be problematic, are there work related factors that seem to affect the occurrence of seizures, what are the potential workplace hazards and which tasks are difficult as a result of the seizures.

Workplace accommodations are often inexpensive, easy to make and only require a little creativity and flexibility. Many of these are workplace practices that may increase the safety and efficiency of all employees.

For example, if your seizures cause you to fall, your employer could accommodate your needs by installing some rubber matting or carpeting to cover a hard surface or pad edges of desks or counters to provide cushioning. Providing chairs with deep arm rests could also be useful. Other accommodations could include installing a safety guard or automatic stop switches on machinery. Duties involving heights could also be reassigned to another employee.

It is important for an employer to have a designated person to respond to emergencies who is trained in seizure recognition and first aid and knows when to (or not to) call 911. It is also important to keep aisles clear of clutter and post clearly marked signs and directions for exits and fire doors.

Seizure education and sensitivity training to employees is another example of a workplace accommodation. The BC Epilepsy Society provides free educational sessions about seizures and epilepsy to employers and employees.

Accommodations in regards to transportation could include: transferring an employee to a position whereby driving is not an essential job function, pairing an employee with a co-worker who can drive to meetings or events, adjusting the work schedule so employee can access public transportation, allowing employees to do work from home or helping to facilitate a carpool with co-workers for transportation to/from work.

If you have memory problems or learning difficulties, having your employer use a wall calendar to track progress or posting a prioritized daily task list might be sufficient accommodation. As well, providing a step by step procedural manual, written or pictorial instructions, regular training refreshers, or using a chart to describe steps to complicated tasks can be very useful. As well as, maintaining, safely and securely, paper lists of crucial information such as passwords. Assigning a "workplace buddy" or mentor to assist an employee is also a great idea.

If you are photosensitive, you can request a flicker-free monitor with a glare guard, or perhaps frequent breaks from computer related tasks.

For individuals whose seizures are triggered by inconsistent sleep patterns, scheduling consistent day work shifts can be useful. As well as, allowing an individual who needs to rest after a seizure the option of making up missed hours during evenings or weekends.

Workplace accommodation equipment could include the employer providing: steel-toed shoes, hand protection, flame-retardant clothing, and/or head, eye and/or harness protection.

Both employers and employees are encouraged to seek assistance when assessing the type of accommodation required. A document which details employment accommodations for people with epilepsy has been produced by the Job Accommodation Network (JAN). You can read this document here: askjan.org/media/epil.htm

What if accommodation is refused?

Your workplace may have established appeal procedures regarding employee grievances. If these recourses do not work or are unavailable you can file a complaint with the Human Rights Tribunal.

Legal Resources:

Human Rights Tribunal

The BC Human Rights Tribunal is an independent, quasi-judicial body created by the BC Human Rights Code. The Tribunal is responsible for accepting, screening, mediating and adjudicating human rights complaints that arise in British Columbia and are covered by the Human Rights Code.

Phone: 604-775-2000 Toll Free: 1-888-440-8844 Website: www.bchrt.bc.ca

BC Human Rights Clinic

The BC Human Rights Clinic is a charitable non-profit community based organization that can help you with filing a complaint with the BC Human Rights Tribunal. They have a variety of programs including mediation, education, advocacy, and law reform with respect to human rights issues.

Phone: 604-622-1100 Toll Free: 1-855-685-6222 Website: www.bchrc.net

Access Pro Bono

A BC non-profit society that provides free legal advice and representation services to individuals of limited means.

Phone: 604-878-7400 Toll Free: 1-877-762-6664 Website: www.accessprobono.ca

Legal Documents:

BC Human Rights Code: www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96210_01

Canadian Human Rights Act: laws.justice.gc.ca/en/H-6/index.html

Employment Accommodation Resources:

Job Accommodation Network (JAN)

JAN helps people with disabilities enhance their employability by working toward practical solutions that benefit both employer and employee: www.askjan.org

WorkAble Solutions

WorkAble Solutions is an initiative from the BC government to connect employers to persons with disabilities by providing resources and support. They have a variety of accommodation resources on their website at:

<http://www.workablesolutions.ca/services.php>

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You can join the BC Epilepsy Society as a member and receive all the program and service benefits.

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