EPILEPSY NEW ZEALAND
Kia titiro ki te tangata | See the person

# Disability Discrimination Act (DDA) 1992

The Human Right Act 1993 provides protection of people with a disability against discrimination.

While not all people with epilepsy will identify as having a disability, the broad definition of disability used by the Human Rights Act provides protections for those who may not consider themselves 'disabled'. For example, a genetic predisposition to epilepsy could be covered, as could a condition that is attributed to a person.

The Human Rights Act makes it unlawful for employers to engage in direct and indirect discrimination. Direct discrimination might include disadvantaging a person due to their epilepsy. Employers must make reasonable adjustments to accommodate a person's disability. Adjustments are considered reasonable if they do not cause major difficulties or unreasonable costs, referred to as 'unjustifiable hardship'. Changing work hours may be an example of a reasonable adjustment.

Indirect discrimination is less clear-cut and refers to situations where there is an unreasonable rule in place that makes it harder for people with epilepsy to gain employment or promotion. For example, if only online applications were accepted for a position, this could be considered indirect discrimination against people with photosensitive epilepsy.

This February 2023 report on this by New Zealand's Independent Monitoring Mechanism, goes into much more detail on this subject.
Removing barriers: A guide for reasonable accommodation of disabled people in Aotearoa.

If you feel you have been subjected to discrimination and want advice, please get in touch with ENZ and we can help connect you with the support you need.


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