

Disability Discrimination Act (DDA) 1992

The [Commonwealth Disability Discrimination Act](#) 1992 provides protection of people with a disability against discrimination. Other discrimination acts also apply in states and territories.

While not all people with epilepsy will identify as having a disability, the broad definition of disability used by the Disability Discrimination 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. Other factors that may influence whether epilepsy is considered a disability for the purposes of the Disability Discrimination Act include the symptoms of the condition and treatment.

The Disability Discrimination 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.