



Neurodiversity Guide



Foreword

by Owen Reidy, Congress General Secretary

I want to thank our disability committee for taking the initiative to produce this Neurodiversity guide for trade unions.

Neurodiversity refers to the variations in the brain regarding sociability, learning, attention, mood, and other mental functions. The many examples in the guide are simply variations in the way that people perceive the world around them.

The guide explores the importance of embracing neurodiversity in the workplace and the benefits it brings including creativity, problem solving skills and diverse perspectives.

It is also an important acknowledgment that whether neurotypical or neurodivergent, all workers belong in a trade union.

The guide was inspired by a similar guide published by the University and College Union and would not have been possible without the cooperation and support from a number of organisations including Autism NI and the Labour Relations Agency. Thanks also to SIPTU for their work in developing a model policy for workplaces. Any inaccuracies are of course our responsibility and we very much view this as dipping our toes into this important area and welcome constructive feedback from all.



Owen Reidy

Congress General Secretary

Introduction

Congress work on the broad disability agenda is guided by our disability committee in both Northern Ireland and the Republic of Ireland.

This guide aims to provide information to help union officials and workplace representatives to represent Neurodivergent members. It will help reps to recognise the workplace issues that may impact on Neurodiverse people and will give them the information and guidance they need to help tackle those issues.

Why is this a trade union issue?

Equality is a core value of the trade union movement. We have a proud history of fighting for more equal workplaces.

Engaging with disabilities, including neurodiversity, and recognising the differences that we all bring to the workplace removes stigma and dispels myths. It also provides a way forward for ensuring that our members requiring support at work are given that support and in turn provides our reps with the tools and skills needed to deliver that support.

Trade union strength comes from uniting and mobilising our members. The more workers we organise and involve, the stronger we are and the more we can win for workers. If we allow some workers to be left out, we are all weaker.

Acting to include disabled and neurodivergent workers makes us more powerful as a movement, able to win better pay, conditions and rights for all workers.

Neurodiversity

Neurodiversity is a relatively new term that refers to the diversity of the human brain. This means there is a wide range of difference in how people's brains work. Neurodiversity recognises that some people's brains are wired differently.

Neurodiversity is short for neurological diversity. It (is an abstract noun that) refers to the fact that our species is made up of individuals whose brains are 'wired' or structured in different ways. Neurodivergence means having a neurology that differs significantly from typical neurology. It is an umbrella term for a set of different skills profiles including dyslexia, dyspraxia, autism, attention deficit disorders (ADHD), Tourette syndrome and other conditions. The neurodiversity paradigm asserts that no one type of mind or brain is 'right' or 'wrong'.

The University and College Union (UCU) published a comprehensive guide to neurodiversity¹ in 2022 which has acted as an inspirational text for us in drawing up this guide. It includes this description about neurodiversity:

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¹ https://www.ucu.org.uk/media/12406/Neurodiversity-Guidance/pdf/Neurodiversity_A4_guide_January_22.pdf

"The term 'neurodiversity' was coined by Australian autism activist Judy Singer in 1999. Based on the idea of 'biodiversity', it was intended to identify that humanity is neurologically diverse, that this diversity occurs naturally, and that it is in our interests to preserve and value this diversity rather than try to eliminate it. As work and research developed, autistic author, speaker and educator Nick Walker, in his essay 'Throw away the master's tools: Liberating ourselves from the pathology paradigm (2013)' writes about the principles of the Neurodiversity Paradigm as:

Neurodiversity is an essential form of human diversity. The idea that there is one 'normal' or 'healthy' type of brain or mind or one 'right' style of neurocognitive functioning, is no more valid than the idea that there is one 'normal' or 'right' gender, race or culture.

Intersectionality

Intersectionality is a concept used to describe the ways in which oppressions based on various characteristics (race, gender, sexuality, disability etc) are interconnected and cannot be adequately examined separately from one another. This neurodiversity paradigm is linked very closely to the work of Kimberlé Crenshaw, a legal scholar in 1989 following her paper 'Demarginalising the intersection of race and sex: a Black feminist critique of anti-discrimination doctrine, feminist theory and anti-racist policies' (1989). UCU

encourages all branches to look through the lens of intersectionality when addressing discrimination in the workplace".

Language

Language plays an important part in how our thoughts and perceptions are shaped. The suggestions in this guide are also more respectful and less stigmatising for everyone but while it is good practice to use the most commonly used terms to refer to groups or in general communications, it is important to remain flexible and open to respecting the terms a specific individual may prefer to use for themselves in cases where this language differs. The Belfast Health and Social Care Trust has produced an excellent guide on neuro-affirmative language².

'Neuroaffirmative,' is a term used to describe neurodiversity-affirmative approaches, language and practices.

The following outline different terms used in explaining neurodiversity.

- Neurodivergent: (sometimes abbreviated as ND) describes a brain that functions in ways that diverge significantly from the dominant standards of 'neuronormative'. For example, a dyslexic person is neurodivergent.

2 <https://belfasttrust.hscni.net/service/child-adolescent-autism-service/guidelines-to-neuro-affirmative-language/>

- Neurodivergence: the property (of a person or brain) of being significantly different from the typical.
- Neurodiversity: the existence within a population of individuals with different brain structures.
- Neurodiverse: an adjective describing populations which contain individuals with different neurologies. The word Neurodiverse should not be used to describe an individual or a condition; it refers only to populations.
- Neuroatypical: synonymous with neurodivergent. Neurotypical: abbreviated as NT is often used to describe people who are not neurodivergent and falls within what society says is "normal".
- Neurominority: a group or population of neurodivergent people. For example, autistic people are a neurominority. Neurodivergent people are given different labels that diagnose how a person's brain differs from what society defines as 'normal'. Many of these are categorised as 'disorders'. However, these are not diseases and illnesses, or something that can be cured, and may not be disorders. An individual's neurology is part of that person's identity.

The following are examples of neurodivergent conditions or profiles:

- Autism: a spectrum condition characterised by differences in communication, cognitive

processing, sensory sensitivities, and with literal thinking and intense special interests.

- Attention Deficit Hyperactivity Disorder (ADHD) involves differences in directing attention, concentration and or impulsivity. ADHD has been strongly linked to increased efficiency in problem-solving and creative thinking.
- Dyslexia: a neurology which is not well-suited to certain forms of written language, leading to difficulties with reading, writing and spelling, and which may also include differences in concentration and planning. It is also associated with certain strengths, particularly in spatial reasoning.
- Dyspraxia: (also known as Developmental Co-ordination Disorder) – a condition associated with difficulties in movement and co-ordination, but also with strong strategic thinking.
- Dyscalculia: a learning difference that can cause difficulties with core mathematics. It affects approximately 6-8% of the population.
- Dysgraphia: a condition in which a person has difficulties with fine motor skills such as handwriting, spelling and finger sequencing, which may affect typing.

A list of support organisations is detailed at the end of the document. You may also consider contacting your trade union for support.

Neurodiversity and the law

The Disability Discrimination Act 1995 (DDA) is the equality law in Northern Ireland that prohibits disability discrimination against disabled people who are in work, or who are seeking work. The DDA and its duties apply to every aspect of employment from recruitment through to termination of the contract and everything in between, such as pay, training and career development, performance, and attendance management.³

The duty to make reasonable adjustments

The DDA is most notable for imposing a special duty on employers to make reasonable adjustments for disabled people. The goal of the duty is to 'level the playing field' to enable disabled people to enjoy the same opportunities as all other people to obtain and remain in work. A failure to comply with the reasonable adjustment duty is unlawful disability discrimination.

The DDA defines disability as

a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Given the challenges facing many neurodivergent people, it is highly likely that they will meet this definition and will therefore be regarded as having a disability.

The Autism (Amendment) was passed on Monday 7th March 2022 at the NI Assembly with unanimous cross-party support and altered the original Autism Act of 2011, through strengthening the legislative requirements of the NI Executive.

Some of the changes that the Act will introduce is the creation of an autism information service and a cross departmental autism training strategy. There will also be a requirement for the Department of Health to make provision for a regionally consistent adult autism service and early intervention service throughout NI.

The Act amends the DDA to include 'social communication disabilities' to ensure autistic people are clearly included within this disability legislation and are protected from discrimination.

Autism strategy

The Autism strategy is a cross-departmental strategy which runs until 2028. It sets out the key commitments and actions needed to enhance and improve support for autistic people and their families. More can be read [here](#).

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³ <https://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/DisabilityDiscrimShortGuide2011.pdf>

Neurodiversity in the workplace

Persons with disabilities are still significantly less likely to be employed than persons without disabilities. In 2020 the employment rate for people in Northern Ireland with disabilities was 38.1%, the employment rate for people without disabilities was 80.3%.

The disability employment gap for NI in 2020 was 42.2pps, compared to 27.9pps for the whole of the UK. Since 2014, the disability employment gap has consistently been higher in Northern Ireland than the rest of the UK.⁴

Despite their wish to work, the latest official statistics show that only around 3 in 10 working age autistic people are in employment, compared with around 5 in 10 for all disabled people and 8 in 10 for non-disabled people.⁵

It is difficult to confirm reliable numbers for other Neurodivergent people as this area is greatly under-researched, but figures from research conducted by the Institute of Leadership & Management⁶, Infinite Autism,

Autistic Nottingham & Tourettes Action show similar, and higher, levels of discrimination create barriers to a range of Neurodivergent people in securing employment.

Percentages of employers who would be uncomfortable employing or managing someone with one or more neurodivergent conditions:

- Tourette syndrome: 32%
- ADHD: 29%
- Dyscalculia: 26%
- Autism: 25%
- Dyspraxia: 19%
- Dyslexia: 10%

This is despite the fact that there are many benefits of neurodivergence in the workplace. These include:

- o Neurodiverse teams (i.e. teams formed with people who have a range of different neurotypes) show increased creativity, innovation and are significantly more effective in problem-solving.
- o Neurodivergent individuals often excel in areas where neurotypical people may traditionally underperform or find challenging, for example in maintaining sustained attention to detail, in pattern recognition, creative problem-solving and in accessibly communication information to a mixed or broad audience/customer base.

4 <https://www.nisra.gov.uk/news/disability-employment-gap-northern-ireland-2020>

5 https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/ECNI_SupportingAutisticPeople_Nov24.pdf

6 <https://leadership.global/resourceLibrary/workplace-neurodiversity-the-power-of-difference.html>

- o Having neurodivergent staff increases visibility and representation particularly in school contexts. For example, having neurodivergent teachers can be incredibly powerful for autistic students. They see themselves reflected in a position of authority and success, which can boost self-esteem and confidence. Neurodivergent teachers can often relate to the challenges faced by autistic students, having potentially experienced them themselves. This fosters empathy and allows them to create a safe and supportive learning environment.
- o Neuroaffirmatively designed workplaces environments have proven to create a number of 'knock-on' benefits for everyone who works there; environments which prioritise flexibility across a range of communication methods and styles, access to remote working, decreased emphasis on conformity and other Neuroaffirmative approaches show increased wellbeing, productivity and retention rates across the board. It is also worth keeping in mind that many long-term mental health conditions are forms of neurodivergence, so creating environments in which Neurodivergent people of all types feel safe and supported in being authentically themselves inherently creates environments more capable of supporting all staff who are dealing with mental ill-health or challenging life circumstances at various stages of their career. In disability

theory and Universal Design, this may be referred to as the "Accessibility Windfall" (i.e. unanticipated benefits for groups for whom an accessibility feature wasn't specifically designed, e.g. ramps and access features designed for wheelchair users benefitting people with children in prams, people with balance issues or vision impairment etc.)

- o Increased focus and perseverance leading to increased productivity on repetitive or complex projects.
- o Neurodivergent employees often excel at clear and concise communication, breaking down complex concepts into easy-to-understand steps.
- o Neurodivergent individuals may approach problems from unique angles, leading to creative solutions that others might miss. Their strong grasp of logic and systems can be helpful in developing efficient processes and finding innovative solutions.

Every individual is different, however some of the barriers that may impact a neurodivergent person in the workplace include:

Unadjusted workload

- may be unsuitable for the pace at which a neurodivergent person works.
- may create anxiety and stress.
- long hours may cause mental, physical or sensory overload.



**Highly
Focused**



**Expert
Knowledge**



Reliable



Honest

*Not all
Neurodiverse
people possess
these attributes



Loyal



**Detail
Orientated**



**Strong
Memory**

Distressing sensory environment

- fluorescent lights, loud noise, strong smells, uncomfortable uniform or upholstery, poor ventilation.
- over-stimulation from excessive sensory input: clutter, over-decorated walls, etc.

Lack of provision for breaks and quiet

- workplace stress and anxiety become worse without the facility for 'time out' in a quiet space.
- people with unusual concentration spans e.g. people with ADHD may find long work duties without breaks very difficult.

- autistic workers may need the opportunity to 'stim' i.e. to carry out their preferred activity for emotional regulation e.g. skipping, humming, rocking.

Changes to working practices, especially when these are not negotiated and are detrimental

- sudden changes in working practices may cause unnecessary stress and anxiety.
- neurodivergent workers may have developed working practices that work for them.

Stimming

A repetitive behaviour that helps us cope

E.g. When someone stims, they are fine

Don't draw attention to it when it happens

But do let people know in advance that they can stim if they need to



Inappropriate communication styles

- small type and serif fonts are harder for dyslexic people to read.
- workplace jargon and unclear instructions create problems for literal thinkers.
- information provided in only one format e.g. written, present difficulties to people whose neurology is better suited to other formats.

Unpredictability of working arrangements

- 'hot-desking' creates barriers for neurodivergent workers who prefer to maintain their own workspace.
- anxiety about the journey to work, due to, for example, peak-time public transport or lack of workplace parking.
- short notice changes to times and content of work duties.

Confusing workplace design

- unclear or insufficient signage.
- illogical layout.
- jargonistic labelling of work areas e.g. a 'yellow zone' that isn't yellow!

Computer use

- screen glare.
- on-screen fonts and layouts that are hard to read.

Unsuitable work processes

- alphabetically based filing systems.
- requirement for numerical calculations.
- lack of help with organising work.

Potentially discriminatory policies and procedures

- use of disciplinary and / or capability procedures.
- discrimination.

No policy to support neurodivergence in the workplace

- lack of policies leads to employees being treated differently by different line managers.
- neurodivergent employees are unaware of what they can request in terms of support.

Inappropriate recruitment and promotion practices

- irrelevant personal characteristics included in job specification e.g. 'team player', 'outgoing personality' .
- written exams present difficulties to dyslexic applicants.
- interviews judging applicants on irrelevant personal characteristics e.g. eye contact .

Rigid and/or inflexible working practices

- requirement for all workers to work at the same pace, even though people's work paces differ.
- requirement that all workers carry out the work in exactly the same way, even though different working methods suit different people.

- These can also be particular to specific employment contexts, for example, neurodivergent teachers are particularly triggered during lunch breaks with increased noise levels in the yard, bells ringing.

Hostile workplace culture

- being discriminated against, treated less favourably than others.
- being harassed, bullied or excluded socially.
- being unwilling to disclose their condition.
- the assumption being made that a ND colleague is rude or not a 'team player' because they take their breaks away from others.

The neurodivergent person may create a false impression at interview by displaying some of the following behaviours:

- Poor eye contact.
- Underselling or omitting to mention personal experiences.
- Mind blindness.
- CV looks different.
- Anxiety.
- Stimming.

Given this under-representation in the workforce, it is clear therefore that work needs to be done to ensure that our workplaces are more inclusive of neurodiversity.

Trade unions have a vital role to play in increasing awareness and understanding of Neurodiversity in the workplace and enforcing the rights that protect people.

Dyslexia and the workplace

According to Dyslexia Ireland⁷, it is virtually impossible to find a job that does not require some level of reading, writing and remembering, or some use of the computer. Adults with dyslexia sometimes also struggle with time management and organisation at work. Planning and organising, setting out timetables, distinguishing between the important and the urgent, remembering appointments, passing on telephone messages from memory and meeting deadlines can be exceptionally difficult for many people with dyslexia. Some people may, feel overwhelmed by the workload and get stressed.

It is very important that the initial job training provided takes into account the specific needs of the adult with dyslexia. This requires flexibility in the approach to training, provision of information in alternative formats, multi-sensory learning techniques, more time and repetition of information when necessary.

Reasonable Adjustment for Neurodiversity

As mentioned above it is a legal requirement for employers to provide reasonable adjustment in all aspects of the employment journey.

In a recent publication, Supporting Autistic People in Employment, How to be a Supportive Employer,⁸ the Equality Commission NI (ECNI) advise

As a preliminary, there is one general adjustment that it would be reasonable for all employers to adopt: change your attitude, if necessary, by adopting positive attitudes towards disabled people and by abandoning negative biases against them. Be open-minded and understanding and be willing to listen and learn. Beyond that, the duty operates by requiring employers to change how they normally do things, or to provide things that they do not normally provide to others.

Key to achieving inclusive workplaces for Neurodiverse people is the provision of reasonable accommodation. These are generally low or no cost and include things as simple as:

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7 <https://dyslexia.ie/info-hub/adult-dyslexia/dyslexia-at-work/>

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8 <https://www.equalityni.org/Footer-Links/News/Employers-Service-Providers/New-guidance-Supporting-Autistic-People-in-Employ>

They are generally low or no cost and include things as simple as:

- Ear defenders.
- Support with sensory processing.
- Quiet time at lunch.
- Clear language and accessible documentation.
- Clear expectations.
- Job duties aligned with employee strengths as much as possible.
- Assistive technology.

Applying such supports can level the playing field for neurodivergent and disabled people, and can support a neurodivergent person to contribute to the organisation's work and to be included as a valued member of the organisation.

Members must be empowered to feel confident to request reasonable adjustments if required. A research report of autistic employees in Ireland found that 60% of all respondents said they require supports or reasonable accommodations in the workplace. However, fewer than 20% said they received any supports or reasonable accommodations during the recruitment process for their current role, with 40% not making their current employer aware of their diagnosis at any stage of the recruitment journey. Sadly, this lack of transparency seems to stem from fear, with 58% of respondents saying they feel that requesting reasonable accommodations would worsen their chances of finding their preferred role.⁹

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9 Autism in the Workplace; Creating Opportunity for Autistic Persons (2021)

Quiet Space

Privacy

Recovery

De-escalation

Matches needs



In recent years one of the initiatives spearheaded by the ICTU Disability Committee was the launch of a reasonable accommodation passport scheme¹⁰. The passport scheme provides a confidential live record of adjustments agreed with an employer. The passport is for workers to keep and share with anyone they think may need to know about the barriers they face within or outside the workplace and the adjustments that have been agreed to prevent or reduce its impact in the workplace.

Other trade unions have launched similar schemes in the UK and more can be read [here](#)



A passport system would ensure that everyone is clear about what has been agreed and reduce the need to reassess these each time an employee changes role or has a change in line management. It acts as a tool to support individuals in fulfilling their potential and contributing to their own success and that of the organisation. We believe that its adoption by employers could encourage the employment of Neurodiverse people and open up conversations around reasonable accommodation.

The ECNI has published guidance for employers in order to better understand autism and to effectively recruit, work with and support staff with autism in the workplace.

The guide has a number of practical tips for ensuring inclusive workplaces, including for example, a suggestion that employers should provide information about the interview process to candidates in advance of the interview. Research shows that for some Neurodiverse persons providing them with information prior to the interview, and the types of questions candidates would be asked can alleviate their anxiety about the event.¹¹ It also helps them to prepare for the interview.

Other examples of Neurodiversity friendly changes to the work place include:

- Provide neurodiversity awareness training for all staff – particularly management and HR.
- Establish a clear neurodiversity policy for the work place and give Neurodiverse workers and those with caring responsibilities for them the opportunity to contribute to its development.
- Review the working environment. Is the sensory environment suitable for people who may be sensitive to light and sound?
- Review workplace communications. Is information being shared in a way that is accessible for neurodivergent workers?

Lack of such provision can lead to fatigue and burnout.

10 <https://www.employersforchange.ie/Reasonable-Accommodation-Passport-Scheme>

11 https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/ECNI_SupportingAutisticPeople_Nov24.pdf

Unconscious Bias

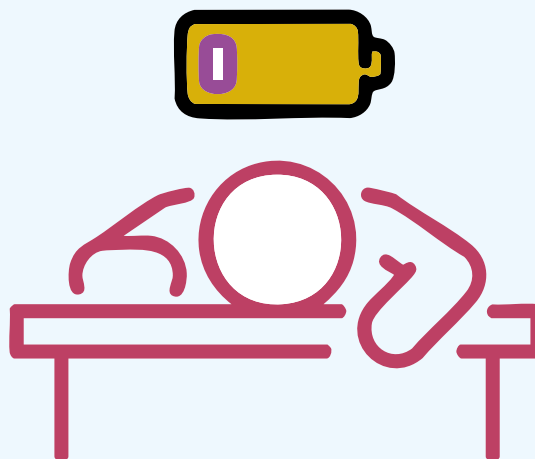
- Some interviewers may hold unconscious biases about neurodiversity, associating it solely with social deficits and communication difficulties. This can lead them to overlook the strengths and talents autistic applicants possess.
- Interviewers may misinterpret autistic traits like directness or intense focus as negativity, failing to recognise them as potential strengths in areas like detail-orientation or problem-solving.

The interview panel should consider breaking down the interview process to show in advance exactly how it will work. This could look like the following example:

Time	Task
09.00	Arrive
09.05	John will meet you at reception and take you to the interview
09.10	Introduction with the interview panel
09.15	Skill Based Assessment – Sally will conduct this part
09.30	Questions on Qualifications – Mary will conduct this part
09.45	Questions on past experience – Henry will conduct this part
10.00	Opportunity to ask questions
10.10	Thank You & End of interview - John will guide you out

Autistic fatigue and Burnout

Loss of skills
Increased sensitivity
More frequent stimming
More frequent meltdowns
Chronic exhaustion



Union Learning Representatives supporting neuro-divergent learners

Union Learning Representatives (ULRs) are appointed or elected trade union representatives focusing on the learning agenda in the workplace. Their role is to promote and support learning and development in the workplace by identifying training needs, advocating for access to learning opportunities and helping to navigate the process of professional development; essentially acting as a champion for lifelong learning within a unionised workforce.

ULRs have an important role to play in ensuring that neurodivergent learners get the support they need to achieve success in their studies.

As a ULR you may be involved in directly supporting learners to access learning, or you may need to discuss a learner's needs with tutors and other facilitators.

Creating an inclusive learning environment in the workplace or educational setting is essential.

Learning options: Offering a mix of online and in-person learning, allowing for self-paced learning and providing alternative and flexible assessment methods.

Quiet spaces: Designated areas for learners to take breaks or retreat when feeling overwhelmed.

Sensory considerations: Adjust lighting, sound levels and training room layout to minimise distractions.

Clear expectations and instructions: To help clarification for neurodivergent learners.

Support in Further and Higher Education

Colleges and Universities in Northern Ireland offer educational support to students with a range of additional needs such as specific learning difficulties, physical disabilities, medical conditions, sensory impairments, general learning difficulties and mental health conditions.

Northern Regional College

www.nrc.ac.uk/current-students/education-support/

North West Regional College

www.nwrc.ac.uk/student-support/supporting-you/learning-support

Belfast Met

www.belfastmet.ac.uk/life-at-the-met/students-support/inclusive-learning-development/

South West Regional College

swc.ac.uk/college-life/support/learning

South Eastern Regional College

www.serc.ac.uk/support/learning-support

Southern Regional College

www.src.ac.uk/student-life/student-services/learning-support

Open University

university.open.ac.uk/northern-ireland/study-us/disability-support

Ulster University

www.ulster.ac.uk/student/wellbeing/disability

Queens University

www.qub.ac.uk/Study/student-life/Support-and-wellbeing/disability/



ICTU Learning Hub

www.open.edu/openlearn/ictu-learning-hub

Prepared in collaboration with The Open University, the ICTU Learning Hub features free, flexible, distance learning content.

The most recent addition to the Hub is a Neurodiversity section, which includes short courses such as Understanding Autism, Diversity and Inclusion in the Workplace and Understanding ADHD.

Workplace policy

ACTION:

Use the model neurodiversity policy¹² which can be amended to suit your organisation to support Neurodiverse employees.

Congress believes that having a Reasonable Adjustment Policy that applies to all disabilities is crucial. Organisations/employers need to be mindful of not inadvertently discriminating against other disabilities by only focusing on particular cohort. However, this policy in relation to neurodiversity acts also as a model for other disabilities.

NEURODIVERSITY IN THE WORKPLACE POLICY

1. Introduction

This policy represents an agreement between [] ('the Employer') and ('the Union').

The policy covers the agreed approach of the Employer towards employees, and potential employees, who are neurodivergent, or who believe that they may be neurodivergent.

2. Principles

Both parties to this agreement believe that:

- a) All workers deserve opportunities, encouragement and support to realise their full potential.
- b) A diversity of cognitive approaches is a source of strength and value within a genuinely inclusive workplace.
- c) All reasonable steps must be taken to ensure that policies, practices and organisational culture do not discriminate against neurodivergent people.
- d) Neurodivergent people may not have a formal diagnosis or assessment, that a lack

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¹² Based on work by SIPTU and the UCU

of diagnostic support can be a barrier within the workplace for both employees and employers, and that employees must not be subject to unfavourable treatment if they choose to disclose a neurodivergent condition.

- e) People who are neurodivergent can face discrimination and stigma in wider society, as a result they may be unwilling to disclose a diagnosis or assessment, and that employees must not be subject to unfavourable treatment because they choose to not disclose a neurodivergent condition.
- f) Each person is unique and that there can be a high degree of overlap between neurodivergent conditions, and that consequently any accommodation must be identified and implemented on the basis of personal evaluation and individual consultation – not assumptions or stereotypes.
- g) Employees should be supported to obtain a diagnosis or assessment should they want one .
- h) Early disclosure within a genuinely supportive and inclusive workplace environment should be encouraged.
- i) Any personal data gathered in connection with employees' neurodiversity must be kept confidential.

- j) Barriers (including prejudice) that neurodivergent people can face in the workplace should be eliminated.
- k) All reasonable steps should be taken to ensure that internal communications, training programmes, and assessments (such as to complete education and training courses) are accessible for neurodivergent workers.
- l) There is a need to raise awareness of neurodiversity in the workplace and provide ongoing training and education to ensure that all employees and managers understand the needs of neurodiverse individuals.
- m) There is a need to consider changes made in response to requests and take steps to eliminate potentially discriminatory practices in the course of day-to-day activities.

3. Scope

This policy applies to all direct employees, contract and agency workers, and volunteers working for [].

4. Getting and disclosing a diagnosis or assessment

Neurodivergent conditions can be described as a hidden disability and employers, line managers or colleagues may not have awareness of the condition itself or the supports that may be required.

The employer agrees to consider all requests for support for the purpose of obtaining a diagnosis within a timely fashion. Such support may be in the form of time off work to attend appointments, the provision of information, and funding for assessments by appropriately qualified persons.

The employer will agree to all reasonable requests for diagnostic support within a timely fashion. If a request is refused, the Employer will explain its reasons for doing so in writing.

If the employer intends to refuse a request on cost grounds and the employee is a member of the union, the employer will agree to first enter into discussions with the union to identify options for funding an assessment, if such a discussion is requested by the employee.

Funding for accessing a diagnosis or assessment, where it is provided by the employer, will not be restricted to employees against whom capability proceedings have been initiated, or are likely to be initiated.

A process will be established and publicised to encourage employees to disclose neurodivergent conditions to the employer, although it is also recognised that employees are under no legal or professional obligation to disclose a neurodivergent condition. The employer will not discriminate against nor allow discrimination against any employee who discloses that they are neurodivergent.

As neurodivergent conditions are lifelong, the employer will accept previous assessments undertaken by appropriately qualified persons as sufficient evidence that an employee is neurodivergent. Such assessments may include but are not limited to reports by specialist consultants, educational psychologists' reports and Assessment of Need (AON) reports.

5. Reasonable adjustment

The Disability Discrimination Act 1995 (DDA) is the equality law in Northern Ireland that prohibits disability discrimination against disabled people who are in work, or who are seeking work. The DDA and its duties apply to every aspect of employment from recruitment through to termination of the contract and everything in between, such as pay, training and career development, performance, and attendance management.¹³

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¹³ <https://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/DisabilityDiscrimShortGuide2011.pdf>

opportunities as all other people to obtain and remain in work. A failure to comply with the reasonable adjustment duty is unlawful disability discrimination.

Employers must ensure that employees with a disability:

- a) have equal opportunities when applying for work
- b) be treated the same as co-workers
- c) have equal opportunities for promotion
- d) undertake training.

Appropriate measures mean effective and practical changes that the Employer puts in place to enable employees with a disability to carry out their work on an equal footing with others. These may include but are not limited measures such as:

- a) adapting the premises, workstation or the equipment
- b) adapting the employee's work pattern;
- c) providing access to a quiet space or a sensory room;
- d) providing training or other supports;
- e) adjusting an employee's attendance hours or allowing them to work from home; or
- f) assigning an employee certain tasks, and substituting others for equivalent duties, in consultation with the employee;

- g) putting in place a mentoring or buddy system.

In order to know which appropriate measures to put in place, the Employer needs to understand the practical needs of neurodivergent employees. This can be gained through consultation with the employee themselves. It may be appropriate to refer the matter to an Occupational Health Advisor so that an expert assessment can be undertaken with any special measures identified. Once received, it is vital that the Employer consults with the employee in question to get their response to any possible measures.

The employer recognises that most requests for reasonable accommodations are not expensive or difficult to implement, and that such adjustments can make a significant difference to the wellbeing and performance of neurodivergent employees.

The employer will consider all requests for reasonable accommodations and respond to them with [x timeframe].

The Employer recognises that neurodivergent employees often have a clear prior understanding of the reasonable adjustments that would best support them, and that many neurodivergent workers will not require an external assessment of workplace needs.

All clear recommendations for reasonable adjustments that are made by an appropriately qualified person will be implemented unless there are exceptional reasons to not do so.

If a request for a reasonable accommodation is refused, the employer will set out their reasons for doing so in writing within [x timeframe]. If there are compelling reasons for not accepting a request for a reasonable accommodation, the employer will try to identify alternative adjustments that achieve the same aim.

The signatories to this agreement recognise that many neurodivergent employees have developed coping strategies and that not all neurodivergent employees will require reasonable adjustments. The signatories further recognise that neurodivergent employees may have dual or multiple diagnoses or assessments, and that reasonable adjustments should be based on the needs of the individual.

If an employee considers that a recommendation for a reasonable adjustment made in their case is inappropriate for any reason and does not want that recommendation to be implemented in their case, then that will constitute an 'exceptional reason' for refusing a recommendation. No employee will be forced to comply with a reasonable adjustment recommendation against their will. In these circumstances, a written record of refusal (or discontinuation) of a reasonable adjustment will be kept.

The employer recognises that there may be employees who, while not neurodivergent themselves, may have caring responsibilities towards people who are neurodivergent such as parents of children identified as

having special educational needs (SEN). Every reasonable effort will be made to accommodate requests for leave (or similar requests) that are made in connection with those responsibilities, and workers in this position will more generally be treated no less favourably than their counterparts who do not have caring responsibilities towards neurodivergent people.

6. Performance management and capability proceedings

The signatories to this agreement recognise that standardised employment practices can be barriers to neurodivergent employees' performance. The Employer will use any performance management processes as an opportunity to review and improve support for neurodivergent workers, and to identify barriers that can reasonably be removed.

When concerns about an employee's performance are linked to a neurodivergent condition then performance management or capability proceedings will be halted or not initiated until any accepted reasonable accommodations have been made and an appropriate amount of time has passed to allow those adjustments to take effect.

All managers who conduct performance management or capability proceedings

will, in the medium to long term, receive training on neurodiversity. The programme of such training (including timescales) will be agreed between the Employer and the Union within twelve months of the signing of this agreement.

The fact that an employee is neurodivergent, or is believed to be neurodivergent, will never be used as a reason for initiating performance management, disciplinary or capability proceedings.

7. Recruitment, progression and promotions

Neurodivergent employees and applicant employees will not be discriminated against during recruitment, progression and promotion processes.

Specific provision will be made to encourage neurodivergent job applicants to disclose conditions and request adjustments to recruitment, application, and interview processes.

8. Awareness and training

Neurodiversity will be incorporated into existing equality and diversity training programmes (both initial and top-up training). The employer, in consultation with the Union, will deliver or fund the delivery of training and awareness events specifically on the topic of neurodiversity, with the programme and provider of such training to be agreed by both parties. As covered in section 6, all managers who conduct performance management or capability proceedings will receive neurodiversity training.

9. Trade union undertakings

The Union will nominate a representative to act as a 'Neurodiversity Champion' to raise awareness in the workplace and act as a point of contact with the Employer, including for the sharing of guidance and best practice. The Union will provide guidance to its members on the disclosure of neurodivergent conditions that they have, or are believed to have, to the Employer, which is based on the principle of early disclosure as best practice, unless there are compelling reasons not to do so. The Union will raise any concerns regarding potentially discriminatory practices or incidents at the earliest reasonable and practicable stage.



10. Legislative compliance

This policy complies with current employment legislation.

The Disability Discrimination Act 1995 (DDA) is the equality law in Northern Ireland that prohibits disability discrimination against disabled people who are in work, or who are seeking work. The DDA and its duties apply to every aspect of employment from recruitment through to termination of the contract and everything in between, such as pay, training and career development, performance, and attendance management.¹⁴

The duty to make reasonable adjustments

The DDA is most notable for imposing a special duty on employers to make reasonable adjustments for disabled people. The goal of the duty is to 'level the playing field' to enable disabled people to enjoy the same opportunities as all other people to obtain and remain in work. A failure to comply with the reasonable adjustment duty is unlawful disability discrimination.

The Health and Safety at Work (Northern Ireland) Order 1978 is the primary piece of legislation covering work-related health and safety in Northern Ireland. It sets out the responsibility of the employer to ensure, insofar as it is reasonably practicable, the safety, health and welfare at work of their employees.

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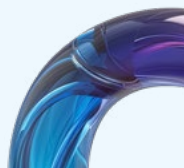
14 <https://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/DisabilityDiscrimShortGuide2011.pdf>

11. Signatures and commencement

This Neurodiversity Policy will come into force from the day of its signing.

[Name Job title Signed and dated on behalf of the Employer]

[Name Job title Signed and dated on behalf of the Union]



Appendix 1

Sources of information:

Neurodiversity UK

www.neurodiversityuk.com/

Neurodiversity UK is a not-for-profit organisation, established in 2013 to serve and support those living with neurological conditions.

Specialisterne Northern Ireland

www.specialisterneni.com

Specialisterne Northern Ireland is a not-for-profit organisation dedicated to empowering autistic and neurodivergent (ADHD, OCD, Tourette's, Dyslexia & Dyspraxia) individuals of all ages. Their mission is to assist autistic and neurodivergent people in securing and progressing in fulfilling careers in their chosen fields.

SPARK (Supporting Potential and Resilience in Neurodiversity)

www.neurodiversityspark.com/

SPARK is a Northern Ireland-based neuroinclusion initiative, providing training, advocacy, and community support for neurodivergent individuals and organisations.

Autism NI

www.autismni.org

Autism NI is Northern Ireland's longest serving autism charity and training provider. Autism NI support autistic people and their families, and campaign for autism acceptance within society.

National Autistic Society Northern Ireland

www.autism.org.uk/what-we-do/northern-ireland

The National Autistic Society provides a range of support to Northern Ireland's 35,000 autistic people and their families and campaigns to help create a society that works for autistic people.

British Dyslexia Association

www.bdadyslexia.org.uk/

The BDA promotes early identification of specific learning difficulties and support in schools for dyslexic learners. The BDA is the voice of dyslexic people. They aim to influence government and other institutions to promote a dyslexia friendly society.

Northern Ireland Dyslexia Centre

www.nidyslexiacentre.co.uk

The centre has become a centre of excellence for dyslexia in Northern Ireland. The dedicated

staff have changed many lives giving caring support and practical, effective help to overcome the challenges of dyslexia, enabling many to realise their ambitions and reach their potential.

Tourettes Action

www.tourettes-action.org.uk

Tourettes Action is the UK's only national charity dedicated to supporting individuals with Tourette syndrome and their families.

A Safe Space to be Me – ADHD Services NI

www.asafespacetobeme.co.uk

A Safe Space to be Me have developed specialised ADHD services based on the latest, ground-breaking research, providing tailored therapeutic support and management strategies for adults. These services which include counselling, coaching and behaviour management programs, are essential for helping individuals maintain employment, achieve personal goals and manage relationships effectively.

Workable NI

www.nidirect.gov.uk/articles/workable-ni

Workable (NI) offers a flexible range of long-term support to help people with disabilities who have barriers to employment to keep work.

Equality Commission

www.equalityni.org

The Equality Commission for Northern Ireland is a non-departmental public body established by the Northern Ireland Act 1998. Their powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation.

Northern Ireland Human Rights Commission

www.nihrc.org

The Northern Ireland Human Rights Commission (NIHRC) is a national human rights institution. Their job is to make sure government and other public bodies protect the human rights of everyone in Northern Ireland. They also help people understand what their human rights are and what they can do if their rights are violated.

Labor Relations Agency

www.lra.org.uk

The LRA provides a free, impartial and confidential employment relations service to those engaged in industry, commerce and the public services. Services include the provision of advice on good employment practices and assistance with the development and implementation of employment policies and procedures.

Neurodiversity Affirming Practice

Core Principles



intersectionality

respecting autonomy

validating differences

presuming competence

reframing expectations

promoting self-advocacy

rejecting neuronormativity

prioritising lived experience

nurturing positive self-identity

adapting systems and environments

honouring all forms of communication

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