



# Support obligations for employers

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a quick-reference resource

# Support obligations

## What do employers need to know?

Making workplaces understanding and supportive of neurodivergence is hugely beneficial. It highlights a commitment to diversity, fosters an inclusive workplace which reduces harmful perceptions and stigma, broadens the talent pool, and helps ensure managers treat staff fairly.

Creating the right culture also empowers employees or applicants to disclose neurodivergence. This will assist in making workplace adjustments to accommodate needs.

Employees who feel safe to disclose their neurodivergence are more likely to ask for the support they need, which in turn improves retention at work as these employees feel satisfied and valued in their role.

Businesses should be aware of their legal obligations to employees. Each form of neurodivergence could potentially amount to a disability under the Equality Act 2010. Employers therefore have a legal obligation to make reasonable adjustments to the workplace and the individual's role that will remove or minimise any disadvantage to them. They will also need to ensure the individual is not subjected to direct or indirect discrimination or harassment in relation to their neurodivergence.

## Disability definition

Under the Equality Act 2010 a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities



# UK Legislation

The Equality Act 2010 prohibits discrimination on specific grounds. These provide a legal framework to protect individuals from discrimination, harassment and victimisation, promoting equality across various characteristics, including disability in England, Scotland and Wales. In Northern Ireland, The Employment Equality Acts 1998–2015 prohibits discrimination.

The protected characteristics under the act: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, plus civil status, family status and membership of the traveller community in Northern Ireland. It aims to become a fairer society.

It gives protection to the characteristics covered. Neurodivergence, encompassing conditions such as autism, ADHD, dyslexia, and others, is covered under the disability provisions of the Act.

Being protected by the Equality Act means that you should be treated equally and fairly in the workplace and should not be discriminated against on the grounds of your disability or health condition. It also means that your employer should make reasonable adjustments to help you at work.

# What makes an adjustment ‘reasonable’?

What constitutes ‘reasonable’ depends on each situation and the nature of the job role.

The employer must consider carefully if the adjustment:

- Will remove or reduce the disadvantage – the employer should talk with the person and not make assumptions
- Is practical to make
- Is affordable
- Could harm the health and safety of others

## Reasonable adjustment examples:

Providing a breakout/quiet space

Regular check-ins

Working in a quieter location

Altering the lighting

Work from home or hybrid working

Arrange meetings when most productive

Quiet or sensory-friendly interview space

Providing meeting agendas

Workplace buddy or mentor

Awareness training for colleagues

## Who pays for reasonable adjustments?

The employer is responsible for paying for any reasonable adjustments. Many adjustments will be simple and affordable or even free to implement.

However, it's important to recognise that a small employer might not be able to afford as much as a large organisation.



## What is Access to Work?

There is support available to both employees and employers in the form of access to work. The access to work scheme is a Government funded scheme which can help people with a physical, mental health condition or disability apply to get a grant.

Access to work support includes:

- Equipment or assistive technology
- Practical support to get into work (e.g., taxi costs)
- Workplace assessments
- Job coaching
- Mental health support

It is important to remember that this is not a substitute for the employer's legal obligation to make reasonable adjustments or pay for them.

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## REFERENCES

1. [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010)
2. [A Guide the Employment Equality Acts - IHREC - Irish Human Rights and Equality Commission](#)
3. [Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK](#)

We empower organisations to become authentically neuroinclusive by delivering expert guidance and exceptional IT solutions from our own neurodivergent talent.

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