



Neurodivergent Workers and Their Rights

Approximately **1 in 7 people in the UK is neurodivergent**. This handout summarises the key UK legal protections that apply at work, what employers must do, and how colleagues can support an inclusive culture. It is written for guidance and is **not** a substitute for professional legal advice.

1. The legal framework

Legislation	What it does for neurodivergent workers
Equality Act 2010	The main law protecting disabled workers in Great Britain. Many neurodivergent conditions (autism, ADHD, dyslexia, dyspraxia, Tourette's, etc.) can meet the Act's definition of disability and so attract its protections.
Employment Rights Act 1996	Provides general rights such as written terms, protection from unfair dismissal and the right to request flexible working – often a key reasonable adjustment.
Health and Safety at Work etc. Act 1974	Requires employers to safeguard the mental as well as physical health of staff, including managing sensory and workload pressures that affect neurodivergent employees.
Public Sector Equality Duty (s.149 Equality Act)	Public bodies – and charities delivering public functions on their behalf – must actively advance equality of opportunity for disabled people, including neurodivergent staff and service users.
UK GDPR & Data Protection Act 2018	Diagnoses and adjustment information are special category data. Employers must keep them confidential and only share them on a need-to-know basis.

2. Is neurodivergence a “disability” in law?

Under section 6 of the *Equality Act 2010*, a person is disabled if they have a physical or mental impairment that has a **substantial and long-term** adverse effect on their ability to carry out normal day-to-day activities. Many forms of neurodivergence – including autism, ADHD, dyslexia, dyspraxia and Tourette's syndrome – commonly meet this test, though it is always assessed individually. **A formal diagnosis is not required** for protection to apply, and workers are also protected if the employer *perceives* them to be disabled or if they are associated with someone who is.

3. Key rights at work

Reasonable adjustments (s.20–21 Equality Act)

Employers have a positive duty to remove substantial disadvantages arising from working arrangements, physical features, or the lack of an auxiliary aid. The cost falls on the employer – not the worker. Common adjustments include:

- Flexible or hybrid working hours, quiet rooms and noise-cancelling headphones.
- Written instructions instead of verbal, or vice versa; clear agendas and minutes.
- Assistive technology (text-to-speech, mind-mapping software, coloured overlays).
- Adjustments to recruitment: questions in advance, extra time, a named contact.
- A workplace mentor, coach or buddy paid for through the DWP's Access to Work scheme.



Protection from discrimination, harassment and victimisation

Type	Meaning	Workplace example
Direct discrimination	Treating someone less favourably because of their neurodivergence.	Withdrawing a job offer after the candidate discloses autism.
Indirect discrimination	A neutral rule that puts neurodivergent staff at a particular disadvantage and isn't justified.	Mandatory open-plan hot-desking with no quiet space.
Discrimination arising from disability	Treating someone unfavourably for something connected to their condition.	Disciplinary action for lateness caused by ADHD without considering adjustments.
Failure to make reasonable adjustments	Not removing a substantial disadvantage when the employer knew or should have known.	Refusing to provide screen-reading software to a dyslexic colleague.
Harassment	Unwanted conduct related to the condition that violates dignity or creates a hostile environment.	Mocking a colleague's tics or stimming behaviour.
Victimisation	Punishing someone for raising or supporting a discrimination concern.	Passing over a worker for promotion after they filed a grievance.

Confidentiality and data

Information about a person's neurodivergence is special category personal data. It must be kept secure, shared only with those who need to know to deliver an adjustment, and never used as a basis for unfavourable treatment.

4. What employers must do

- Anticipate, don't just react. Review policies, recruitment practices and the physical environment for barriers before they arise.
- Have a clear adjustment process. Respond promptly, keep workers involved, and record what is agreed.
- Train managers. Front-line managers are usually the gatekeepers of adjustments – they must understand the duty.
- Apply policies fairly. Sickness, performance and conduct procedures should consider whether neurodivergence is a factor.
- Consult, don't assume. The worker is the expert on what helps them; co-design the solution.



5. What workers can do

- Disclose at the level you are comfortable with – you can ask for an adjustment without sharing a diagnosis.
- Put requests in writing where possible and keep a copy of any agreement.
- Apply directly to Access to Work (gov.uk/access-to-work) for grants towards equipment, support workers or coaching.
- If something goes wrong, raise it informally first, then through the grievance procedure. Acas can mediate.
- Claims under the Equality Act must normally be brought to an Employment Tribunal within three months less one day after early conciliation through Acas.

6. Where to get further information and request assistance

Acas (Advisory, Conciliation and Arbitration Service) is an independent UK public body that provides free, impartial advice to employers and employees to improve workplace relationships and resolve disputes.

Advice line 0300 123 1100 – Website - acas.org.uk

EHRC (Equality and Human Rights Commission) is Britain's independent regulator for equality and human rights, enforcing laws such as the Equality Act 2010 to protect against discrimination and promoting fairness across England, Scotland, and Wales.

Phone - 0161 829 8100 – Website - equalityhumanrights.com

Access to Work can help you get or stay in work if you have a physical or mental health condition or disability. The support you get will depend on your needs. Through Access to Work, you can apply for:

- a grant to help pay for practical support with your work
- support with managing your mental health at work
- money to pay for communication support at job interviews

Website - gov.uk/access-to-work

Citizens Advice is a network of independent UK charities providing free, confidential, and impartial advice on debt, housing, benefits, employment, and consumer issues.

Phone - 0800 144 8848 - Website - citizensadvice.org.uk

Disability Rights UK is a UK pan-disability charity established to represent the needs and expectations of disabled people in the UK.

Phone - 0330 995 0400 - Website - disabilityrightsuk.org

Mind UK is a leading mental health charity in England and Wales, providing advice, support, and campaigning services for over 70 years. They offer information, legal support, and local services aiming to ensure everyone with a mental health problem gets respect and support.

Phone - 0300 123 3393 – Website - mind.org.uk