



*This Week in Employment Law*

**18-04-2022**

## Supporting neurodiverse employees in the workplace

**With April being recognised as Autism Awareness Month, this can be a great opportunity for employers to raise awareness of autism and neurodiversity in their organisations, we look at the key areas for employers to consider.**

- Neurodiversity describes the range of differences in individual brain function and behavioural traits, and includes neurological conditions such as autism, dyslexia, dyspraxia and attention deficit hyperactivity disorder (ADHD). It is important to recognise that individuals may be neurodiverse even if they haven't been diagnosed as such.
- Neurodiversity is associated with many workplace benefits including higher levels of innovation, creative thinking, lateral thinking, highly specialised skills and analysing strategically.
- As neurodiversity is recognised on a spectrum, employers should avoid adopting a 'one size fits all approach' to neurodivergent employees and ensure that support is tailored to individual needs. Employers should be aware that neurodiverse employees may be classed as disabled under the Equality Act 2010, triggering the employer's legal duty to make reasonable adjustments.
- Employers could consider setting up a taskforce to help design a work environment that is inclusive for neurodiverse employees.
- A neurodiversity policy can help to encourage employees to speak to appropriate individuals about their condition and to provide reassurance that this will be treated sensitively and that they will be fully supported, without such a policy employees are likely to be more reluctant to raise this initially.

### New statutory right to Safe Leave for Northern Ireland

The government in Northern Ireland has confirmed plans to introduce statutory "Safe Leave." This will give victims of domestic abuse, from day-one of employment, 10 days' paid leave each year to deal with related issues. This includes finding alternative accommodation, protecting family members, and getting welfare and healthcare support. Whilst this doesn't impact GB laws, it does show that other governments are taking it seriously.

#### Did you know?

Whilst it remains to be seen if the UK government will introduce similar entitlements in the future, employers may want to consider introducing a form of Safe Leave as a contractual provision.

### Face coverings mandate ends in Scotland

From 18 April 2022, face coverings are no longer legally required in Scotland. However, the Scottish government is strongly recommending anyone who is age 12 or over wears a face covering in indoor public places and on public transport, particularly in crowded, poorly ventilated spaces and where it is not possible to maintain a safe distance from other people you would not normally meet.

#### Did you know?

Employers in Scotland should review their health and safety procedures to ensure they continue to keep their workforce safe and reassure staff who may be anxious about restrictions being lifted.

### Female employee wins equal pay claim against British Gas

In *Long v British Gas*, a female employee won her claim for equal pay after a male new starter was hired on a higher salary than her to do a job of equal value. British Gas argued the increased salary was related to market forces (i.e. high wages needed to attract applicants in a competitive job market) and not sex. However, British Gas were not able to objectively justify paying him more.

#### Did you know?

The tribunal found no evidence to show a shortage of candidates for the role, of negotiation with the new starter, or that a lower offer would have meant the applicant wouldn't accept the job.

Employers should ensure that neurodiverse employees are protected against discrimination by, for example, including neurodiversity in their induction and management training. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.