

Neurodiversity - Legal Protections: A Practical Guide

Several laws and regulations exist worldwide to protect neurodivergent individuals in the workplace, ensuring equal opportunities, reasonable accommodations, and protection from discrimination.

Here are some key examples, with links to helpful sources, from different regions across the globe to compare and contrast the legal requirements and protections afforded to Neurodivergent employees.

Australia

[Disability Discrimination Act \(DDA\) 1992](#)

- **Purpose:** Prohibits discrimination against people with disabilities in areas such as employment, education, public transportation, access to premises, and providing goods, services, and facilities.
- **Reasonable Adjustments:** Reasonable adjustments are required to accommodate people with disabilities unless this causes unjustifiable hardship.

Brazil

Brazilian Inclusion Law (Statute of the Person with Disabilities) 2015

(unable to find a link to an official source, but a [summary from Disability: IN](#) is very useful).

- **Purpose:** Ensures the rights of people with disabilities, promoting their autonomy, independence, and social inclusion.
- **Key Provisions:** The law requires accessibility in buildings, education, health care, work, and the justice system. It also mandates reasonable accommodation in employment and public services.

Canada

[Accessible Canada Act \(ACA\) Adopted: 2019.](#)

- **Purpose:** Aims to make Canada barrier-free by 2040 by identifying, removing, and preventing barriers to accessibility in areas under federal jurisdiction.
- **Key Areas** include employment, the built environment, information and communication technologies, procurement of goods and services, program and service delivery, transportation, and the design and delivery of services and facilities.

European Union (EU) Legislation

[European Accessibility Act \(EAA\) Adopted: 2019.](#)

- **Purpose:** Harmonizes accessibility requirements for a wide range of products and services, making them more accessible to people with disabilities.
- **Scope:** Includes products and services such as ATMs, banking services, computers, e-commerce, telephony services, and transport.

European Disability Strategy 2010-2020

- **Purpose:** Provides a comprehensive framework to empower individuals with disabilities to participate fully in society and the economy.
- **Key Areas:** Accessibility, participation, equality, employment, education and training, social protection, health, and external action.

Japan

[Act on the Elimination of Discrimination against Persons with Disabilities 2013](#)

- **Purpose:** Promotes the elimination of discrimination based on disability.

- Key Provisions: Public institutions and private businesses must provide reasonable accommodations to people with disabilities and eliminate barriers in various societal areas.

United Kingdom

[Equality Act 2010](#)

- Purpose: Consolidates previous anti-discrimination laws, including the Disability Discrimination Act 1995, into a single Act.
- Key Provisions:
 - Reasonable Adjustments: Requires employers, service providers, and education providers to make reasonable adjustments for people with disabilities.
 - Protected Characteristics: Disability is a protected characteristic under the Act, ensuring protection against discrimination in various areas, including employment, education, and access to goods and services.

United States

[Americans with Disabilities Act \(ADA\) of 1990](#)

- **Purpose:** Prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places open to the general public.
- **Title I:** Addresses employment, requiring employers with 15 or more employees to provide reasonable accommodations to qualified employees with disabilities and prohibits discrimination in hiring, promotions, and other aspects of employment.
- **Title II:** Covers public services, including state and local government services, ensuring they are accessible and non-discriminatory.
- **Title III:** Pertains to public accommodations and commercial facilities, mandating that businesses and nonprofit service providers make their facilities accessible.

- **Title IV:** Relates to telecommunications, requiring telephone and internet companies to provide a system for individuals with hearing and speech disabilities to communicate over the phone.

Rehabilitation Act of 1973

- **Section 504:** Prohibits discrimination against individuals with disabilities in programs and activities receiving federal financial assistance. This includes public schools, colleges, and universities.
- **Section 501:** Requires affirmative action and nondiscrimination in employment by federal agencies.
- **Section 503:** Requires affirmative action and prohibits employment discrimination by federal contractors and subcontractors with contracts exceeding \$10,000.
- **Section 508:** Mandates that federal electronic and information technology is accessible to people with disabilities, including employees and members of the public.

Individuals with Disabilities Education Act (IDEA)

- **Purpose:** Ensures children with disabilities can receive a free appropriate public education (FAPE), just like other children.
- **Individualised Education Program (IEP):** Requires the development of an IEP tailored to the individual student's needs, outlining specific educational goals and the services to be provided.
- **Least Restrictive Environment (LRE):** Mandates that students with disabilities should be educated with their non-disabled peers to the maximum extent appropriate.

Fair Housing Act (FHA)

- **Purpose:** Prohibits discrimination in housing based on disability, race, colour, national origin, religion, sex, and familial status.
- **Reasonable Modifications:** This law requires landlords to allow tenants with disabilities to make reasonable modifications to their living spaces and common areas to ensure accessibility.
- **Reasonable Accommodations:** The law obliges housing providers to make reasonable accommodations in rules, policies, practices, or

services to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Air Carrier Access Act (ACAA)

- **Purpose:** Prohibits discrimination against individuals with disabilities in air travel.
- **Accommodations:** Requires airlines to provide certain accommodations, such as seating assistance and accessible lavatories, and to allow service animals on board.

Architectural Barriers Act (ABA)

- **Purpose:** Requires that buildings and facilities designed, constructed, altered, or leased with federal funds must be accessible to people with disabilities.

International

[United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

Adopted: 2006, came into force in 2008.

Purpose: To promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

Key Provisions:

- **Equality and Non-Discrimination:** Ensures that persons with disabilities are treated equally under the law and protected against discrimination.
- **Accessibility:** Promotes access to the physical environment, transportation, information, communications, and services.
- **Living Independently and Being Included in the Community:** Supports the right of persons with disabilities to live independently and participate fully in all aspects of life.

- **Education:** Guarantees inclusive education at all levels and lifelong learning opportunities.
- **Work and Employment:** Promotes the right to work in an open, inclusive, and accessible environment.

Summary:

These laws collectively aim to ensure that neurodivergent individuals receive fair treatment and necessary support in the workplace. The specifics of protections and requirements can vary significantly by country, so employers and employees need to be familiar with the regulations applicable in their respective regions.

For further information about our wide range of expert services to support neurodiversity in the workplace, visit our website:

www.beebrilliantpeople.com