

WORKING GROUP REPORT: Neurodiversity in the Legal Sector



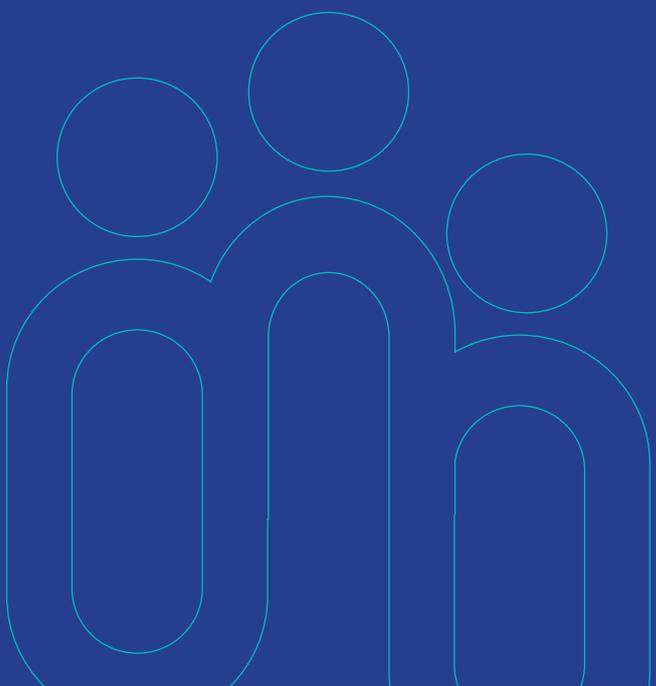
CONTEXT

A key aspect of the South African General Counsel for Diversity and Inclusion (SA GC for D&I) initiative is the creation of working groups to facilitate comprehensive and multi-stakeholder conversations around critical themes linked to diversity, equity and inclusion (DEI) within the South African legal fraternity.

These working groups discuss topics proposed and voted on by members of and partners to the initiative. Each working group is tasked with using the discussions to create an output intended as a public-good resource for those wanting to enhance DEI. This document is such an output and we encourage readers to share it with others in the South African legal fraternity who may benefit from its content.

This particular document is the fruit of the collaborative efforts of the Neurodiversity in the Legal Sector working group, which started in late 2023 and concluded its work in early 2024. The SA GC for D&I gratefully acknowledges the efforts of all of those who took part in these working group discussions and thanks their organisations for allowing them the time to do so.

The discussions within the working groups adhere to the Chatham House Rule, ensuring the anonymity of individual contributors to the dialogue. For further information or to become part of the SA GC for D&I and its current or future working groups, [visit www.sagcdi.co.za](http://www.sagcdi.co.za).



LETTER OF SUPPORT TEMPLATE FOR NEURODIVERSITY IN THE WORKPLACE

[Company Name]

[Address]

[Contact details]

[Date]

Letter of support for neurodiversity in the workplace/[Company name]

We at **[company name]** commit to embracing neurodiversity within our organisation, just as we embrace other aspects of diversity. Creating an inclusive and diverse workplace is not just the right thing to do – it can also drive efficiency, foster creativity and enhance a sense of belonging for all employees.

Neurodiversity describes the idea that people experience and interact with the world around them in many different ways and there is no one “right” way of thinking, learning and behaving. Each individual’s experience of their neurology is different and some may have several neurodivergent conditions, experiencing symptoms of each. These symptoms can affect people of all ages and genders indiscriminately.

Embracing neurodiversity in the workplace entails understanding and accepting neurological differences as we do with other forms of human diversity. Doing so allows us to take a balanced view of individuals’ unique strengths and weaknesses.

[Note: the following paragraph is an optional addition]

This letter of support further emphasises the importance of considering neurodiversity within the South African legal profession. While many professions should strive to improve their inclusivity for neurodivergent persons, it is critical to recognise the potential advantages that the legal profession in particular could gain from fostering an environment conducive to neurodiversity. These may include creating space for additional creativity and novel approaches to problems, as well as potentially improving access to individuals with strengths like attention to detail, precision and reliability.

Neurodivergent persons **[in the South African legal fraternity/in South African companies]** face various challenges. Unlike more visible forms of diversity, neurodiversity is not typically easy to notice and has not historically been a focus of DEI policies, meaning there may be a lack of awareness and understanding within organisations.



To create an inclusive environment for neurodivergent individuals, we at [**company name**] are committed – wherever appropriate – to the following:

- Cultivate a culture of caring and create awareness for neurodiversity by:
 - **Challenging the definition of “normal”** and questioning traditional descriptions and understanding of neurological conditions to create space for neurodivergent persons to flourish
 - **Creating awareness and understanding of neurodiversity among all staff members**, focusing on fostering empathy and building a supportive environment, and
 - **Considering neurodivergent employees in the design of physical office space and work-from-home guidelines** to ensure we get the best out of all employees and to avoid challenges such as sensory overload for employees who may be prone to that and similar reactions
- Refine relevant internal processes and key performance indicators (KPIs) to materialise our commitment to embrace neurodiversity by:
 - **Reviewing internal policies, processes and practices with a renewed perspective on neurodiversity** to ensure all staff members work together in an inclusive environment. This will include the recruitment process as well as considerations of how traditional work arrangements may negatively affect neurodivergent individuals
 - **Developing inclusive measurements for individual KPIs** that consider the diverse strengths and capabilities of neurodiverse individuals, and
 - **Utilising creative communication methods** in interpersonal engagements and our teams to accommodate different communication styles and preferences
- Provide training to all staff and lend support to neurodivergent persons by:
 - **Providing training across all departments, groups and managerial levels.** This could include sensitivity training for functional areas, practical recommendations for team leaders and management, and communication workshops for neurodivergent persons to share their experiences and voice their concerns, and
 - **Setting neurodivergent employees up for success** by providing appropriate support and resources tailored to their strengths and needs – this may include coaching to help improve strategies for time management, information processing, understanding social environments and work etiquette, for example

While [**company name**] acknowledges that it may not be legally obligated to adopt the specific measures outlined above, we are committed to fostering an inclusive environment that values and supports neurodivergent individuals. We recognise that the actions required to create such an environment extend beyond the measures listed herein. Our intention is to cultivate a workplace culture that embraces neurodiversity, promotes a sense of belonging, and empowers all employees to achieve their full potential.

[Name of the company representative]

[Position of the company representative]

[Signature]

THREE WAYS TO AVOID 'DIVERSITY WASHING'

“Diversity washing” is when organisations overstate commitment to DEI, or when declarations of organisations’ DEI commitments do not materialise into real-world practices. Organisations that use this letter to demonstrate support for neurodiversity should be aware of and avoid diversity washing. Here are three simple principles to follow¹:

1. Actions speak louder than words

- Set realistic goals for actions
- Enact policies to improve DEI in your organisation
- Collect DEI data and report accurately



2. Avoid vague language

- Use specific, meaningful terms in your DEI pledges and policies
- Avoid misleading and vague jargon



3. Release the need for perfection

- Be transparent about your limits as an organisation and set time-bound goals, allowing for gradual improvement in DEI

