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## Trade Unions as Employment Facilitators for Disabled Employees

Can trade unions be effective representatives of disabled employees? The paper presents a qualitative case study of views and experiences of a range of trade union stakeholders related to a novel UK Union Learning Fund (ULF) project designed to represent neurological impaired employees employed in the UK rail/transport industry. The case study is the UK's Transport Salaried Staffs' Association (TSSA) Neurodiversity project that began in 2012. The findings are based on analysis of focus groups with TSSA members, interviews with neurologically impaired employees, Neurodiversity Champions and TSSA organisers. The findings suggest the Neurodiversity project attracted positive sentiments from TSSA members and neurologically impaired employees, with Neurodiversity Champions and TSSA organisers reporting successes with individual case work and shaping trade union-employer bargaining agendas. Despite examples of resistance from some employers, an increased number of employers took active steps as the project progressed to support neurologically impaired employees, and incorporate neurodiversity practices into organisational strategy. The study makes a unique contribution to wider debates, showing how trade unions can be effective representatives of disabled employees.

## 1. Introduction

Disabled employees in the UK are experiencing improved employment prospects (Jones & Wass, 2013), related to improved human resource management practices (HRM) and disability activism (Schur, 2003). Yet, disabled employees report more negative experiences of employment than non-disabled employees (Fevre, Robinson, Lewis, & Jones, 2013). Government-led strategies have had limited impact on disability employment levels (Humber, 2014), with disability viewed as an individual problems requiring individualistic interventions (Foster, 2007). Individualistic disability practices involve self-advocacy (Meyer, 2001), HRM/occupational health professionals (Coole, Radford, Grant, & Terry, 2012), line managers (Haafkens, Kopnina, Meerman, & van Dijk, 2011) and disability advocacy organisations (Nesbitt, 2000). Within larger organisations and in the public sector, disability practices are also influenced by collective processes associated with trade unions who have demonstrated some success in getting disability onto organisational agendas (Bacon & Hoque, 2015; Bennett, 2010; Foster & Fosh, 2010).

The extent to which trade unions are able to represent disabled employees whose needs may require specialist expertise remains unclear. This paper presents an account of a current UK trade union initiative, namely the Transport Salaried Staffs' Association's (TSSA) *Neurodiversity* project, part-funded by the UK's Union Learning Fund (ULF) and designed to allow improved representation of neurologically impaired employees in the

UK rail/transport industry. A key aim of the paper is to understand trade union actors' attitudes towards such an initiative and to understand the work of those engaged in activities, from a range of perspectives. The paper begins with a review of trade unions and disability practices, neurological conditions and the concept neurodiversity. The second section provides the context for the case study, including a discussion of the ULF and the wider associated UK trade union modernisation agenda led by the Labour Party (1997 to 2010), contemporary developments in the UK rail/transport industry, and details of the TSSA and the Neurodiversity project. The methodological approach adopted for the current research is then presented; namely focus groups and interviews with key stakeholders within the Neurodiversity project. This leads to an analysis of the findings, identifying key benefits of trade unions involvement in traditional and specialised disability practices, as well as identifying the realities of such ventures. The final section is a discussion of the findings and the contribution of this study, including a discussion of the practical value of the paper and implications for trade union interventions in relation to disability practice.

## **2. Trade unions, disability practices and neurological conditions**

### *2.1 Disability and contemporary trade unions*

The literature on trade unions and equality and diversity reveals a tense relationship, with concerns amongst other diversity stakeholders that trade union representatives are too close to employers to successfully represent marginalised employees (Heery, Williams, & Abbott, 2012). In contrast,

Özbilgin & Tatli (2011) reveal trade union equality and diversity specialists advocate approaches to ensuring equitable workplaces which extend beyond the business case arguments preferred by employers. While some private sector employers express a preference not to work with trade unions due to a wish to avoid identity politics, workplaces with trade union recognition are more likely to have robust equality and diversity policies, particularly where representatives are engaged at the strategic level of organisations (Bacon & Hoque, 2015).

The research related to trade unions as representatives of disabled employees, protected by the UK Equality Act 2010, provides similarly mixed accounts. For instance, disabled employees in the UK are more likely to be trade union members (30 per cent density) than are non-disabled employees (24.9 per cent density) (Department for Business Innovation & Skills, 2014), reflecting higher levels of employment for disabled employees in larger, often unionised organisations, and the public sector where it is common to find a higher prevalence of disability-specific policies/practices (Jones, 2013). Further, trade union membership and recognition expose disabled employees to information and support networks they are less likely to find in non-unionised workplaces. Moreover, Schur (2003) highlights how unionised disabled employees are more likely to report cases of disability discrimination than non-union disabled employees. Research also indicates trade unions are proactive in terms of representing disabled employees in the workplace, leading disabled employees to be less passive in response to poor treatment (Foster & Fosh, 2010).

Trade unions also affect the employment experiences of disabled employees through a variety of representation practices. Managers are more likely to seek help on disability practices if a trade union representative with disability expertise is available (Bennett, 2010). Bacon & Hoque (as cited in TUC, 2010), found disability practices to be the most common activity of equality representatives, a new type of trade union activist with a specific role of promoting equality and fairness at work through encouraging employers to improve equality policies and practices (Bacon & Hoque, 2012). Bacon & Hoque's (2012) research indicated equality representatives spend more time on developing disability practices than any other equality practice, have a greater sense of impact on disability practices than other equality practices, spend more time per week on disability practices than other equality practices, and report higher levels of contact with management on disability over any other equality practice.

Despite the potential for trade unions to represent disabled employees, there is no evidence of unionised organisations having better outcomes in relation to disability policies (Hoque & Noon, 2004). A trade union does not increase the likelihood of a disability forum within organisations (Bacon & Hoque as cited in TUC, 2010) or affect the career progression of disabled employees (Schur, 2003). Equality representatives also report a range of problems with disability practices, including where disability intersects with another identity, such as gender (Moore, Wright, & Conley, 2012). Notwithstanding evidence of influencing disability policy, Disability Champions, a non-statutory union representative whose role is to audit and improve disability policies and offer independent advice on

disability issues to employees, report difficulty translating this into reasonable adjustments for employees (Bacon & Hoque, 2015). Further, informal approaches adopted by organisations when implementing disability practices make the formalised roles of Disability Champions more difficult (Foster & Fosh, 2010). Furthermore, generalised equality representatives may be unable to represent the particular needs of certain groups (Moore & Wright, 2012), and this can be made more problematic by difficulties in understanding relevant legislation (Foster & Fosh, 2010).

## *2.2 Neurological impairments and neurodiversity*

The five neurological impairments (dyslexia, dyspraxia, dyscalculia, ADHD and Asperger syndrome) to be covered in the current research are recognised by the UK's Equality Act 2010 (under disability). A literature search, however, only revealed a limited range of literature on supporting neurologically impaired people in employment, with such literature typically of an advisory nature, untested in an empirical setting, as well as bereft of reference to trade unions and the debate about trade unions as representatives of neurologically impaired employees.

The focus on this particular range of neurological impairments relates to the funders of the current research (TSSA/ULF) and the trade union project that is the focus of this paper. Each is a life-long impairment that has substantial effect on both everyday and working life. It would be unlawful, as such, for a UK employer to deny a dyslexic employee reasonable adjustments based on the impairing qualities of the employee's dyslexia. From a theoretical standpoint this paper draws distinction

between impairment and disability. Following the social relational model of disability (Thomas, 2004), disability reflects an oppressive social relationship between those designated (or diagnosed) with impairments and those without such impairments. This important theoretical distinction allows for an analysis of the practices and processes which can ‘disable’ employees with impairments. In line with the social model, which also underpins UK legislation (The Disability Discrimination Act 1995 and more recently the Equality Act 2010), this paper refers to disabled employees, rather than employees with disabilities. Doing so recognises disability does not reside within the individual; rather it is the consequence of the broader environment, including organisational practices.

Each of the five impairments noted above come with unique and common qualities - dyslexia impairs reading, dyscalculia impairs numeracy, dyspraxia impairs movement, ADHD impairs attention span and concentration, and Asperger syndrome impairs social interaction. Each impairment is also often characterised by poor memory and organisation skills and co-occurring neurological impairments are common (Hendrickx, 2010). Approximately 10 per cent of the UK adult population has a neurological impairment (Butterworth & Kovas, 2013), indicating relevance to HR and diversity management practice.

Neurological impairments have recently been theorised in relation to the emergent concept of neurodiversity, advocates of which challenge the conventional notion of neurological conditions as cognitive impairments (Krcek, 2013) calling for neurological impairments to be viewed as normal



human variation (Paletta, 2013). However, the term neurodiversity remains widely unrecognised (Baker, 2011), often criticised for representing an idealistic take on medical problems (Herrera, 2013). Further, the concept of neurodiversity also runs the risk of biological essentialism, whereby difference is explained through the biology of the body, namely brain structures or genetic factors. The paper now moves to a description of the study undertaken, beginning with a presentation of the details of the study context.

### **3. Study context**

#### *3.1 The UK trade union modernisation agenda 1997-2010*

The origins of the funding for the TSSA's Neurodiversity project is the UK trade union modernisation agenda, based on encouraging partnerships between employers and trade unions and hinging on workplace learning (McIlroy, 2008), beginning with three back-to-back election victories (1997, 2001 and 2005) for the "pro-union" UK Labour Party. To encourage trade unions to focus on workplace learning the Union Learning Fund (ULF) was founded in 1998 providing modest funds (e.g. £50,000) to trade unions for development work with the involvement of Union Learning Representatives (ULRs) (Forrester & Payne, 2000). Since 1998 the ULF has distributed approximately £150m to trade unions (UnionLearn n.d.). In 2010 the incoming coalition government made up of the Conservative and Liberal Democrat parties agreed to extend the ULF for the lifetime of the

government, guaranteeing the ULF until March 2016. An announcement on the future of the ULF is expected to be made December 2015.

The Labour governments of 1997 to 2010 encouraged trade union modernisation in other ways, including part-funding UnionLearn within the Trades Union Congress, which amalgamated different aspects of union learning (Hoque & Bacon, 2008). The Labour governments also founded the Union Modernisation Fund (UMF) in 2005, aimed at speeding trade unions' adaptation to changing labour market conditions (Stuart, Martínez Lucio, & Robinson, 2009). The UMF involved three rounds of funding for a total of 79 projects and a final cost of £7.2M to the 2005 to 2010 Labour government (Stuart & Martínez Lucio, 2014). Despite a significant governmental commitment to trade unions, little is mentioned in official documentation about such funding being a source by which trade unions could raise memberships (e.g. see DTI, 2004). However, such initiatives were widely seen as attempts to revitalise trade unions after a succession of "anti-union" Conservative governments, 1979 to 1997.

Research emerging from this era of change in industrial relations suggested such initiatives allowed trade unions to form alliances with external actors that specialise in the support of vulnerable groups (Mustchin, 2014), allowed trade union representatives to take on roles neglected by HR departments (Cassell & Lee, 2007) and allowed trade unions to create learning places, or "safe havens", where employees can overcome basic skill problems they hide from employers (Cassell & Lee, 2009). Critics of the modernisation agenda suggest ULF and UMF initiatives

dilute the historical regulatory function of trade unions (Ewing, 2005) distracting from organising low paid and precarious employees and rebuilding collective bargaining (McIlroy & Croucher (2013). Further, research suggests employers are unlikely to take short-term trade union projects seriously with employer attitudes likely to put significant constraints on such projects (Forrester & Payne, 2000; Wallis, Stuart, & Greenwood, 2005).

### *3.2 The contemporary UK rail/transport industry*

The TSSA is a small UK trade union representing approximately 22,000 members (Certification Officer, 2013), mainly in the rail/transport industry, which has seen increased privatisation since the 1990s. The rail privatisation agenda appears to have played a significant part in the TSSA losing a third of its members in the past ten years. Members are typically highly skilled transport employees, such as, administrative, clerical, supervisory, managerial, professional, technical, research, executive and allied grades (TSSA, 2013). The TSSA has approximately 100 recognition agreements with variously sized UK rail/transport organisations (TSSA n.d.). Commercial imperatives associated with privatisation do not appear to have overly weakened UK transport unions, yet changes increased fragmentation of bargaining units, bargaining over labour flexibility, and heterogeneity in industrial relations practices (Arrowsmith, 2003). In publicly owned transport organisations (e.g. Transport for London and Network Rail), employees report high levels of restructuring, longer hours, complex working environments, declining job security, less secure career paths and

challenges to seniority-based pay (Morris & Farrell, 2007). The current study's context is of an industry where disability practices are set against a generation of HR and employer behaviour shaped by cost cutting, privatisation, downsizing and de-regulation.

### *3.3 The TSSA and the Neurodiversity project*

The Neurodiversity project began in 2012 as a result of anecdotal reports of members not taking up learning, development and promotion opportunities, as well as difficulties arising from undiagnosed, unsupported neurological impairments. It built on a previous UMF pilot project focused on dyslexia. Since 2011, with funds from the ULF, the TSSA has trained over 50 ULRs to be "Neurodiversity Champions". Neurodiversity Champions are trained and supported by two neurodiversity organisers. Becoming a Neurodiversity Champion involves three days of training on neurological impairments, including general hidden disabilities screening training. A further training day is set aside for applying specialist knowledge in the workplace, in a trade union context. The Neurodiversity project was set up by one of the current neurodiversity organisers and the TSSA's Equality and Diversity Organiser. Since then, two neurodiversity organisers, both with pre-existing knowledge and experience of neurological impairments, have managed the Neurodiversity project, with periodic input from the Equality and Diversity Organiser and one Regional Organiser.

It is estimated that approximately 80 bargaining units recognise Neurodiversity Champions in some capacity, although formally negotiated agreements related to neurodiversity remain rare. Neurodiversity

Champions, however, have achieved a range of successes in terms of bargaining, negotiation and representation. For example, the work of Neurodiversity Champions has led to one transport organisations signing up to the "Two Tick" symbol on job advertisements. Neurodiversity Champions have also achieved adjustments at work (seven organisations), the use of HDQs (hidden disability questionnaire) (11 organisations), the introduction of "Lunch and Learn" sessions (four organisations), changes in performance review grading (five organisations) and changes in policy regarding investigating for neurodiverse conditions before disciplinary/capability hearings (one organisation). A further transport organisation is allowing the full-time release of a Neurodiversity Champion to advise business, train managers, review policies and procedures as well as writing a specific ND procedure and running HDQs at all locations.

The wider UK trade union movement has shown interest in neurological impairments, such as dyslexia (Unison n.d.) and autism (TUC, 2014). However, TSSA is the only UK trade union to have specially dedicated organisers and specially trained representatives. ULF funding for the Neurodiversity project ended in March 2015, with the loss of the two neurodiversity organisers. Responsibility for the Neurodiversity project after March 2015 transfers to the wider TSSA Union Learning team. To go beyond the quantitative measures of project reach and attempt to guide an understanding of trade union actors' attitudes towards the Neurodiversity project, the following questions were set based on similar research (e.g. Gyi, Sang, & Haslam, 2013; Wallis et al., 2005):

1. What are the experiences of stakeholders in the Neurodiversity project?
2. To what extent are employers supportive of the project?
3. What do key stakeholders perceive as necessary for the long term sustainability of the project?

#### **4. Research methodology**

##### *4.1 Research approach*

Qualitative research was determined the most efficient approach to understand trade union actors' attitudes towards such an initiative and to understand the work of those engaged in activities, from a range of perspectives. A qualitative approach was also considered because little is known about the issue under investigation (Gilbert, 2008) allowing researchers to be flexible and pragmatic, as well as conduct a broad and thorough form of research (Davies, 2006). Further, as Bacon and Hoque (2015) have argued, qualitative research is necessary to understand the work of those engaged in disability work within trade unions, as such an approach is likely to allow greater exploration of the impact and nuances of the Disability Champion to emerge. A case study approach was adopted, as it was expected the findings would be shaped by the complexity and particular nature of the setting (Stake, 1995). Further, this approach allowed for data to be collected from a range of informants, with a range of perspectives on the Neurodiversity project.

##### *4.2 Methods, fieldwork and ethics*

The main methods involved primary data captured from various trade union stakeholders, via focus groups and interviews. All participants were recruited through email via the TSSA membership database. The email encouraged participation on the basis of dyslexia, dyscalculia, dyspraxia, ADD/ADHD and Asperger syndrome in relation to workplace learning, with no mention at this stage of the TSSA's Neurodiversity project. The sample, as such, was based on self-selection, so eventual findings may not represent the views of trade union members more generally. Table 1 sets out the four data sets collected in this current study, namely focus groups with TSSA members, interviews with neurologically impaired employees, Neurodiversity Champions and TSSA organisers. A small amount of secondary data was also acquired through requests to TSSA organisers, typically by email, for details regarding the scope of the project as it developed over time.

#### **INSERT TABLE 1 ABOUT HERE**

Fieldwork began with focus groups of trade union members in July and August 2012, to understand members' attitudes to the TSSA Neurodiversity project. Focus groups were used because it is possible to tap into group dynamics and "safety in numbers" raises the willingness of participants to talk about sensitive topics (Greenbaum, 2000). Focus groups were also used because they are a quick and easy way to speak to many people at once and a low cost alternative to surveys. Six focus groups were conducted in London and one in York, the key hubs of the TSSA, with 44 UK transport employees representing a range of employees, many with

management or senior technical roles, with and without experiences of neurological conditions (see Table 2 for a full breakdown of focus group participant demographics). Each focus group was limited to one hour. The topics discussed in the focus groups can be viewed in Table 1.

**INSERT TABLE 2 ABOUT HERE**

Between October 2012 and May 2013, twenty-two telephone semi-structured interviews were conducted with neurologically impaired transport employees. This approach allowed major questions to be asked and questions asked out of sequence if need be (Fielding & Thomas, 2008). Telephone interviews were used to accommodate the geographical spread and irregular working patterns of participants. Further, a number of neurologically impaired employees requested telephone interviews, rather than meeting face to face, to accommodate their specific needs. Interviewees were 27 to 70 years of age, with an average age of 50 years. Full details of interviewee impairment and job titles are viewable in Table 3. Details of interview topics can be viewed in Table 1. Interview length varied from 30 to 60 minutes, averaging approximately 40 minutes per interview.

**INSERT TABLE 3 ABOUT HERE**

The third stage of the fieldwork involved semi-structured interviews with four Neurodiversity Champions (referred to in the Findings section as NC1, NC2, NC3 and NC4). A fourth stage involved semi-structured interviews with TSSA organisers. TSSA organisers interviewed include the Equality and Diversity Organiser (EDO), one Regional Organiser (RO), and the two TSSA



neurodiversity organisers (NO1 and NO2). Both sets of interviews took place in TSSA offices during May and June 2014 and lasted between 60 and 90 minutes, averaging approximately 75 minutes each. Six of the eight participants in this instance disclosed a neurological or suspected neurological impairment when interviewed. The interview topics for Neurodiversity Champions and TSSA organisers can be viewed in Table 1.

Steps to protect the interests of all research participants were taken at all times of the fieldwork exercise. For instance, information sheets, consent forms and information on specialist support relating to neurological impairments, was provided in relation to the focus groups and interviews with neurologically impaired employees. Extra steps were taken given as it was not possible to fully anonymise Neurodiversity Champions and TSSA organisers. In such instances, participants were sent copies of interview transcripts to verify and authorise for use. TSSA organisers were also sent working drafts of the paper to verify and authorise for use. Changes made to transcripts, however, did not go beyond correcting minor errors associated with the transcription process.

### *4.3 Data analysis*

All focus groups and interviews were recorded and transcribed verbatim by a professional transcription service. Following transcription, data were manually coded by the lead author. Template analysis was used because it allows for a priori codes to be identified from the literature and the incorporation of post-hoc codes arising from the data (King, 2004). Template analysis is also useful for managing large qualitative data sets of both

interviews and focus groups (Berta, Teare, Gilbert, Lemieux-Charles, Davis, & Rappolt, 2010). All codes related to the overarching theme of representing disabled employees. However, *a priori* codes included, for example, trade union representation practices and employer/management resistance. Post-hoc themes, included, for example, details of representation practices and employee experiences of representation practices prior to the beginning of the Neurodiversity project.

## **5. Findings**

The following section presents an analysis of both the focus group and interview datasets, organised around key themes of support a trade union can provide for members, managers, trade union representatives/employees and employer partnerships, the tensions that arise between traditional roles of trade unions and servicing disabled members, the realities of activism and disability practices, and the sustainability of the Neurodiversity project.

### *5.1 Support for neurologically impaired employees and their managers*

Focus groups with trade union members revealed widespread positive sentiments towards the idea of their trade union running a project to represent the interests of neurologically impaired employees. The data suggests both employees and line managers felt the trade union could help support neurologically impaired employees. In terms of positive or supportive sentiments, several issues emerged from focus group discussions. The first was that representing neurologically impaired employees was

perceived as a natural extension to traditional forms of trade union representation:

From the point of view of the employee, union rep or a colleague would be first person you would go to. (Focus Group 2)

Interviews with neurologically impaired employees provided a range of perspectives on the Neurodiversity project. On the whole the responses were positive towards TSSA attempts to put in place practices to support neurologically impaired employees. Several of those interviewed had already experienced individualised support from the TSSA:

I've had a very good local rep ... he was very good. He supported me. He said to me, this is what we're going to do ... He's quite a young chap, but he knew his subject ... he actually admitted that he had Aspergers as well. (Employee 2)

Many of the interviewees reported being aware of the TSSA Neurodiversity project, suggesting publicity efforts on behalf of the union had raised awareness of the project:

I have actually [heard of the Neurodiversity project]. ... I came off a week's leave and I found that Loss for Words booklet left on my desk ... left [by a] colleague who has dyspraxia. She had received this information from the TSSA. (Employee 15)

Further, there was a belief amongst respondents that the trade union was a trustworthy source of support, in contrast to line managers or HRM professionals within employing organisations. Respondents reported a belief that representatives of the employers could not be completely trusted to

look after the interests of neurologically impaired employees. As the quote below illustrates, the trade union was seen not only as a more suitable source of support, as well as a safe alternative to management, but also as having a greater engagement with the broader diversity agenda:

Yes, talking to your line manager is what we are told to do, but I don't currently have a great opinion of mine. I think I will find out who my union rep is! They are defenders of equality. (Focus Group 7)

In addition, managers who made up the focus groups reported the trade union could support their work, through the provision of specific guidance in relation to supporting neurologically impaired employees. As the quote below illustrates, managers felt the TSSA was able to provide information which employers were not, indicating a critical role for the trade union:

As a manager, knowing you have someone specific to go to would make all this so much easier. I think the company doesn't know a lot about it. Someone who specialises in it would be a big relief, having that support behind you. That is what the role of the union is. (Focus Group 4)

As the quote above illustrates, there is potential for the trade union to be a source of information and support, as such we move to a consideration of the relationship between the TSSA and employers.

## *5.2 Working in partnership with employers*

Many respondents took the view the TSSA should go beyond representing individuals and providing information on neurological conditions. Specifically, a number of respondents in the interviews said that the TSSA should take a proactive stance in representing neurologically impaired

employees, and that employer departments such as Human Resources or Occupational Health were seen as a barrier by employees:

I think there could be a role [for the TSSA in relation to neurodiversity] ... I can see that there can be a role in terms of ... providing a good example to the practice ..., they can take on the HR department and occupational health department ... I suppose the union should be there to represent its members and actually kind of doing that because, you know, taking your problems and pushing them forward, and helping out, they should be on the side of the employee. (Employee 21)

The view, moreover, was the TSSA should go further than providing individualised representation tailored to the specific needs of individual employees:

As I said ... they're a union ... they could suggest to the companies, whether it's XXXX or any other company, just say: "Well, if somebody declares they've got dyslexia, then straightaway they should be given these facilities ...." ... that's what I think the union should be pushing for, in my view ... (Employee 6)

Interviewees and focus group participants also revealed TSSA members would like to see their trade union working in partnership with employers on practices related to neurological conditions and that such partnerships would be good for the TSSA in a range of ways, for example:

I think [representation] is about partnerships. If the union becomes specialised in working with neurodiverse people, they can say we can help you get the best out of your employees, who have great skills, but

might find it hard with their managers. Provide the resources and training for managers, so everyone is happy. More productive workforce. There are so many win-wins that you could get out of this. (Focus Group 5)

Further, there was a perception the TSSA should draw on additional sources of support outside of the employment relationship, for example, disability advocacy organisations:

You say: what could the union do? I think I'd like them to use *Prospects* [Asperger syndrome and autism employment support organisation] more. Because they really are the experts in Aspergers ... [but] they've got reduction in funding, so they can't do it for nothing. So, it's always money. (Employee 2)

Many focus group discussions, however, reflected on how employer attitudes and behaviour may undo much of the ideas or efforts surrounding the day-to-day support of neurologically impaired employees. Examples here include widespread perception of poor line management skills, trade unions lacking influence on everyday HRM practices, and trade unions having difficulties influencing the attitudes and behaviour of smaller sized employers:

... you put your employees into the hands of [line managers] who are going to drive [neurologically impaired employees] round the bend, because they don't understand how human beings work. Please, educate the managers properly, in these additional aspects ... (Focus Group 5)

Further, focus group participants were skeptical of the willingness and ability of employer human resource departments to support employees.

Specifically, as the quote below illustrates, HR departments were seen as gate keepers for employment:

[HRM professionals] don't do anything, and they are the blocker if you want to advance yourself or apply for a post. You have to go through them. Trying to get past them is hard ... all HR will look for is just the qualification. They are not interested in the rest of your CV. (Focus Group 6)

Focus group discussions also brought to attention how the state of past and present relations between the TSSA and employers may mitigate against TSSA attempts to build a constructive agenda surrounding disability practices:

There is some historical baggage protecting workers from unfair treatment and discrimination ... There has been a bit of a tendency of our union to support workers and regard managers as the bad people. (Focus Group 6)

### 5.3 *Neurologically impaired employees and trade unions*

The focus groups revealed a historically tense relationship between neurologically impaired members and the trade union, specifically a perception of having been denied support from their trade union before the advent of the Neurodiversity project:

I have always felt on my own. Nobody there for us. You could say the union will back me. The help is not there. (Focus Group 6)

These tensions appear to exist in the contemporary relationship with members. Some participants also displayed criticisms of TSSA attempting to

represent employees in such situations. Criticisms were typically based on mixed previous experiences of seeking support from the TSSA, for example perceptions of dismissive treatment or lack of specific expertise:

[The TSSA haven't] got back to me yet. It has happened to someone else though, and apparently, they want to take my case back. Waiting for them now ... They ask me what they can do to change [my situation]. I said 'I don't know? How am I meant to know? I don't think they understand what it is fully about, I don't either. (Employee 17)

The interviews also revealed skepticism of the fundamental position of trade unions, which in turn is likely to undermine the essence of the Neurodiversity project:

But unfortunately trade unions are only interested in the greater glory of trade unions and if it was costing them money ... the trade union is mostly interested in its own survival. Looking after its members comes second. (Employee 11)

However, the project appeared to have created positive relationships between the TSSA and neurologically impaired members, for example, several interviewees were inspired to become more active in the TSSA on hearing of the Neurodiversity project. Specifically respondents reported a belief their trade union was providing tailored support for their needs:

And I thought, well, that's something [Neurodiversity information session] I can go and do. And they're organising, so I'll go along. It's not a lot of time ... I think everyone in that room had, at the session I was at, had



some ... neurodiverse condition, and for all I know was actually sitting there thinking the same thing as me. (Employee 8)

#### 5.4 *Neurodiversity activism*

As noted earlier, Neurodiversity Champions had a variety of impacts that include successes with respect to work adjustments, hidden disability questionnaires, "Lunch and Learn" sessions, performance review grading, and investigations before disciplinary/capability hearings. However, interviews revealed other ways in which Neurodiversity Champions could play a part in the representation of neurologically impaired employees, as well as more broadly influence employer practice in this field. Neurodiversity Champions attempted to improve employment experiences for neurologically impaired employees through utilising existing approaches; including supporting and representing neurologically impaired employees, although perceived impact was mixed:

... I've been called in a couple of times to go [to] meetings with the members of staff. Just to sort of, just to sort of help out, really. I don't know, I have mixed results, won a couple and lost a couple. (NC1)

Further, these trade union actors provided a role beyond supporting individual members with concerns. The role of the Neurodiversity Champion also involves raising awareness of the neurodiversity project in the work setting:

I've got a couple of things ... putting up things on the wall, posters, makes it clear that I'm a rep. And people ask what you do and I tend to

wear the badge on my jacket, so if I wear that jacket they could see it and they query it and I'll explain what it is. (NC3)

Most notably, Neurodiversity Champions were also able to raise awareness of the Neurodiversity projects by encouraging employees to be screened for dyslexia:

... in my area, I suppose, I've must have screened [for dyslexia] maybe between 15 and 20 people in just my area. I know there are other people that want me to screen them that I haven't actually got around to doing (NC1)

It was evident Neurodiversity Champions were active in terms of building the neurodiversity agenda through organisational forums based on disability or equality, which were often attended by senior and HR managers:

... the best thing I did was join this staff network disability group ... It can be sharing stories. It can be getting a guest speaker in ... you'll have someone from senior management ... You'll have someone from HR who'll come in ... And then, everyone comes in and they can talk about their disabilities. (NC2)

The data also suggests Neurodiversity Champions were engaging with employers at a strategic level, shaping policy and practice in transport organisations:

... [my organisation] seems to be reasonably open to accepting what we're saying in building the [neurodiversity documents]. (NC4)

Neurodiversity Champions, moreover, reported a sense of making an impact on the agenda of organisations with their activism. They measured

successes, for example, in terms of a sense of shaping the views of managers on disability practices, servicing members in a unique manner, as well as working with individual managers on understanding neurodiversity. As NC3 suggests below, this role may include acting as a bridge between members and managers:

... I see myself as really somebody in the middle that spreads information, if you like. I'm in a fairly fortunate position in that I can talk to managers and I can talk to staff and liaise in both cases to see where I can help ... I can help a manager to understand what the condition means. (NC3)

As the quote from NC3 indicates, these Neurodiversity Champions are both employees and trade union representatives. They felt this enabled them to speak to both colleagues and senior members of staff to shape the disability agenda in relation to neurologically impaired employers.

Neurodiversity Champions also stated that the support from TSSA organisers was a key factor in their own roles, reporting on the personal support received. The sense of support was articulated in a general sense, as well as in terms of being supported by Neurodiversity Champions through the use of social media:

... it's just clever, it's clever use of social media [TSSA neurodiversity Facebook page] ... There's no commentary ... It's just [NC1] sharing a link ... it's my only source of neurodiversity news. I don't go anywhere else ... I'm not a big Facebook user, but I do always look on those. (NC2)

However, the role of a Neurodiversity Champion is complex, with a range of difficulties associated with attempts to represent neurologically impaired employees. Employer resistance to the Neurodiversity project, for example, was a feature of interviews with Neurodiversity Champions:

My line manager said, “Yeah, that’s fine.” I just filled in a form. And he was about to sign. He said, “I just need to forward [the Union Learning Representative form] to the HR department.” And [HR] came back and said, “No, it’s not, it’s not company based.” And we get a lot; I get a lot of resistance from the people there, the human resources ... (NC2)

Interestingly, Neurodiversity Champions reported on how the wider campaigning of trade unions, related to pay, conditions and job cuts created some confusion over the role of Neurodiversity project activism:

Mostly, I think people see a union rep as somebody who sort of takes on management and fights for a better pay and that kind of thing. And I tend to explain, “Well, actually no. It’s not what I do.” There’s not a great deal of awareness of what a learning rep does. (NC3)

### *5.5 Sustainability of the project*

During the interviews TSSA organisers were keen to stress the positive impact of the Neurodiversity project. The examples below demonstrate a sense of impact in terms of their project. One participant reported through their interactions with representatives of other trade unions in the sector, it is apparent, the TSSA is leading a broader agenda related to neurological conditions. Further, the data also revealed during the course of the project, there was a perceived increase in the proportion of employers (where the

TSSA is a recognised union) who were taking active steps to support neurologically impaired employees:

... when we did that exercise [Neurodiversity Champion workshops] at the start of the project [early 2012] there was only ever one company that was doing anything, it was TransportCo, because they have a dyslexia unit. When I did it a couple of months ago [early 2014] ... about 50 per cent of the room said their employers were doing something or had heard of it ... to me that is a success ... (NO2)

Further, participants said that within some organisations human resource departments were beginning to incorporate neurodiversity practices into organisational strategy:

Last week, I met with two HR people and they're now looking at how they incorporate it in their strategies and diversities, so I think it's, it's slowly getting there. (NO1)

The TSSA organising team also reported employer resistance to the Neurodiversity project, illustrated by lack of facilities time for Neurodiversity Champions.

I mean I've had, I've had one company where I have to really argue to get time off for the reps and there'd been cases where [the Neurodiversity Champions] had to just come in, in their own time. You know we've had to reimburse them the salaries because we just can't get [employers] to agree [to time off]. [Employers are] not seeing the wider picture. (NO1)

A further external constraining factor concerns problems trying to work with disability advocacy organisations specialising in neurological impairments.

The organising team reported a range of problems, with the example below suggesting the individualist approach of disability advocacy organisations could be at odds with the collective nature of trade union disability practices and how trade unions view disability:

They're not linking it to anything, any sort of organisational practice. They're just dealing with it in terms of individuals ... they all had agendas and it was to sell their services ... [ADHD trained psychiatrists] just took a completely medical line ... you know and the solution to all these ... medicate them ... it was interesting even the language they used because we really try to not use the language of "suffering" as an individual ... (NO2)

Insights provided by TSSA organisers revealed key factors relating to the long term success of the Neurodiversity project. The first concerned the nature of the project itself, with interviews detailing the freedom of the organising team to make decisions, divide up roles, and experiment with organising tools:

... there's no performance management here. So basically people can do what the hell they like and it's about whether you get called on it. (NO2)

We support each other ... throw ideas about ... we're developing ideas all the time, so yeah. And we also try and split up jobs so you know [NO2] ... likes doing ... the research, you know the academic side. I kind of like doing the teaching side. So we kind of looked at sort of where our strengths are and work that way. (NO1)

However, the long term success of the project was also linked to external political forces which include the sustainability of UK government funding for trade unions to provide workplace learning. A further key finding concerns creating a legacy due to the expected end of financial support (note: interviews with TSSA organisers were conducted before support ended, but during a time when the end of support was expected) from the ULF. This related to ensuring the project was not dependent on the presence of particular staff members:

... we put quite a lot of effort into producing materials that would last longer than the individual workers. (EDO)

We just want to make sure that our current Champions are okay and sort of know what they should be doing and feel confident and empowered in their roles. ...it's really an exit strategy that we're working towards at the moment. (NO2)

The problems of the project related to internal and external factors. An important internal factor was decline in TSSA membership:

We're at a situation where ... we've lost lots of members. We had to go for a reorganisation to be able to continue as a trade organisation. (RO)

Further internal problems were also identified in the interviews, with the organising team sensing the Neurodiversity project was a low priority for senior TSSA officials:

So there probably is some line in [the Bargaining Guide], somewhere a line in there about neurodiversity, or how to negotiate around neurodiversity, or some request ... the only thing anyone ever cares

about is the percentage pay, so all of that stuff can get lost very easily ...

(EDO)

Neurodiversity Champions, moreover, reported worries and concerns about the uncertainty of the ULF and how the end of the ULF is likely to mean an end to specialised training on neurological conditions, information and advice:

There's no reason why we can't carry on with the screening ... but I guess, everything will be affected if [NO2] and [NO1] aren't there to call and to ask for advice, that sort of thing ... I guess the Facebook page will get closed down ... [NO1] puts a lot of information on there. (NC1)

## **6. Discussion and conclusions**

The main aim of this paper was to give an account of the views and experiences of a range of trade union stakeholders related to a novel UK trade union project in order to make a contribution to wider debates surrounding trade unions as representatives of disabled employees. In order to achieve this, data were gathered from a range of trade union stakeholders on the topic of trade unions as representatives of disabled employees.

In line with the extant literature, the data revealed the TSSA was proactive on a range of specialised disability issues (Foster & Fosh, 2010) with employee representatives experiencing high levels of contact with managers on disability issues (Bacon & Hoque as cited in TUC, 2010). Further, the data suggest some managers recognise employee



representatives as a source for expertise on disability issues (Bennett, 2010). There was evidence the project had enabled impaired employees to access disability information and support networks that would otherwise be unavailable (Jones, 2013) and be more likely to report discrimination at work, or be less passive in the face of poor treatment at work (Schur, 2003; Foster & Fosh, 2010), since the Neurodiversity project began.

In line with previous research (Bacon & Hoque, 2015), the problematic side of trade union involvement in disability practices was evident in the data. Despite being ULRs, Neurodiversity Champions had an ambiguous status in transport organisations, with some employers unappreciative of the work of the Neurodiversity Champion and employees sometimes confused about the champions' roles. However, the findings depart from previous studies that suggest trade union representatives rely on non-trade union support for disability practices (Foster & Fosh, 2010). Neurodiversity Champions reported high levels of satisfaction in terms of being supported by their trade union, specifically by Neurodiversity organisers, as well as via the creative use of social media. Further, the data reveals there are particular issues in representing neurologically impaired employees. Such work requires an analysis of the needs of individual employees, which can be at odds with the broader aim of collective work for equality and diversity agendas which is preferred by trade unions in the UK (Özbilgin & Tatli, 2011). Additionally, the study suggests Disability Champions have some impact at the strategic level of organisations, for example, placing neurodiversity on the strategic agendas of human resource departments. This is supported by recent work which suggests Disability

Champions' effective influence on organisational equality and diversity agendas necessitates input in strategic decision making (Bacon & Hoque, 2015). Although there was also evidence of employer resistance to the efforts of the project, those engaged in future work should consider how impact at the strategic levels of organisations can be achieved, including, buy-in from senior staff.

Government attempts to modernise UK trade unions through ULF and UMF initiatives establishes an important context to these findings. For instance, it seems unlikely that TSSA, a trade union with high and ongoing membership losses, would have completely self-funded the Neurodiversity project. The UMF and more recently the ULF have enabled the TSSA to recruit specialised and motivated organisers. Such organisers have, in turn, used their high degree of autonomy to equip a cohort of employee representatives with specialised disability expertise. Through these efforts, TSSA organisers attempted to ensure the sustainability of the project beyond the precarious nature of the underpinning funding. The findings suggest training and information initiatives, as well as more general support from the TSSA, should sustain the project at least in the short-term. Trade unions that wish to undertake similar projects should therefore consider the long term sustainability of efforts, including working to ensure projects are not dependent upon the influence of particular members of staff within the union.

These findings link with research suggesting government attempts to modernise the UK labour movement enhance the relevance of trade unions

in the workplace (Forrester, 2004) by providing trade unions with new tools to win old arguments (Heyes & Rainbird, 2011), filling gaps left by HRM departments (Cassell & Lee, 2007) creating havens for vulnerable employees (Cassell & Lee, 2009). The Neurodiversity project increased the relevance of the TSSA to both current and potential members. Government funding also allowed the TSSA to develop new ways to tackle historical problems with representing disabled employees, train employee representatives with a level of disability expertise unlikely except in the best equipped HRM departments, and provide settings where neurologically impaired employees can seek confidential advice and specialist support on employment and disability-related problems.

However, the study findings did not point towards the forging of project enhancing alliances between trade unions and disability advocacy organisations, as was the case with a UMF project aimed at precarious employment (Mustchin, 2014). Contrary to previous work (McIlroy & Croucher, 2013) there was also little evidence that trade union modernisation initiatives are to the detriment of the long term future of the UK labour movement. Although some resistance was perceived by respondents, the findings did not support concerns over employer resistance to government funded trade union projects (Forrester & Payne, 2000; Wallis et al., 2005). However, further work with employers is needed to understand the dynamics of these relationships. The findings suggest the Neurodiversity project increased the scale of representation for a historically neglected disability group, as well as offering wider organising opportunities for the TSSA.

The Neurodiversity project has contributed to current debate on trade unions as representatives of disabled employees. The case study has revealed the complex and hidden work trade unions can do in relation to disability practices, and also highlighted the many obstacles trade unions face in order to achieve such objectives. The current study identifies the potential role of trade unions as representatives of disabled employees. Additionally the findings demonstrate trade unions, even in times of declining memberships, ongoing employer resistance and government intervention in employment relations, retain the capacity to make a positive difference to the working lives of disabled employees. A key question, however, is: how sustainable is this position given the reliance of funding on the political context? Further research may wish to adopt a longitudinal comparative approach across trade unions/employers. Doing so would allow for analysis of the impact of the broader UK political context, as well as the dynamics of the relationships between employers, trade unions and other stakeholders.

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Table 1. Details and aims of focus groups and interviews.

Data collection method	Aim
Focus group with TSSA members	Explore workplace experiences of those who self-identified as having a neurological impairment; roles and experiences of line managers; potential roles of trade unions in supporting employees and line managers; as well as knowledge of neurological impairments and neurodiversity
Semi-structured interviews with neurologically impaired employees	Explore experiences of neurologically impaired employees, factors affecting disclosure, sources of support within and outside the workplace
Semi-structured interviews with Neurodiversity Champions	Explore frontline experiences of disability activism related to neurological conditions, including awareness raising, servicing members, working with management and the future of the Neurodiversity project
Semi-structured interviews with TSSA organisers	Explore origins of the Neurodiversity project; the day-to-day running of the project; status of the project in the TSSA; the impact of the project on employer disability practices; the future of the project

Table 2. Details of focus group participants.

Focus group detail (based on 44 participants)	Per cent
Male	79
Female	21
Average length in current job	8
Has neurological impairment	27
Works with someone with neurological impairment	30
Has neurological impairment and works with someone with neurological impairment	9
Has family or friend with neurological impairment	32
Has other experiences of neurological impairments, e.g. through colleague or partner with education or health expertise	9
Represented neurologically impaired employees at work	11
No experience of neurological impairments in any situation	16

Table 3. Details of neurologically impaired participants.

Employee	Job title	Interview disclosed impairment
1	Data Analyst	ADHD/Asperger syndrome
2	Project Manager	Asperger syndrome
3	Electrical Engineer	Asperger syndrome/undiagnosed dyspraxia
4	Transport Engineer	Asperger syndrome
5	Track Quality Manager	Asperger syndrome
6	Middle Manager	Dyslexia/undiagnosed dyscalculia
7	Senior Architect	Dyslexia
8	Project Manager	Dyslexia
9	Mechanical Engineer	Undiagnosed dyslexia
10	Ticket Office Manager	Dyslexia
11	Transport Engineer	Dyslexia/undiagnosed Asperger syndrome
12	Software Engineer	Undiagnosed dyslexia
13	Procurement Officer	Undiagnosed ADHD
14	Engineering Manager	Dyslexia
15	Workforce Development Specialist	Dyslexia
16	Station Supervisor	Dyslexia
17	Control Room Officer	Dyslexia
18	Ticket Clerk	Dyslexia/dyscalculia
19	Information Analyst	Dyslexia/undiagnosed dyspraxia
20	Customer Service Assistant	Dyslexia/Asperger syndrome
21	Transport Planner	Dyspraxia/undiagnosed dyslexia/ADHD

22	Support Engineer	Undiagnosed Asperger syndrome
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