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## Discussion paper

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## **AUTISTIC EMPLOYEES AS WHISTLEBLOWERS: ARE EMPLOYERS IGNORING POTENTIALLY VALUABLE ASSETS?**

David Lewis and Helen Evans \*

Historically, researchers have examined the personality characteristics associated with whistleblowers and whistleblowing. Evidence has been conflicting to date <sup>1</sup> so providing a conclusive answer is difficult. <sup>2</sup> However, a more specific question raised recently <sup>3</sup> is whether workers with diagnoses of Autism Spectrum Conditions (ASC) might be particularly valuable to organisations that are keen to ensure transparency, accountability and good governance. Having defined what we mean by ASC and whistleblowing, this article discusses some of the traits associated with ASC and attempts to explore how they might be used positively in the raising of concerns about wrongdoing. The authors focus on aspects of neurodiversity that might affect whistleblowing and hypothesise that hiring people with ASC can bring tangible

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<sup>1</sup> Mesmer-Magnus, J & Viswesvaran, C: "Whistleblowing in organisations: an examination of correlates of whistleblowing intentions, actions and retaliation". *Journal of Business Ethics*. 2005. Vol.62(3). Pp 277-97.

<sup>2</sup> See: Bjørkelo, B., Einarsen, S., & Matthiesen, S: "Predicting proactive behaviour at work: Exploring the role of personality as an antecedent of whistleblowing behaviour." 2010. *Journal of Occupational and Organizational Psychology*, 83(2), 371-394. doi:10.1348/096317910X486385; McCutcheon, L: "Is there a "whistleblower" personality?" 2000. *Psychology: A Journal of Human Behavior*, 37(2), 2-9; and Miceli, M., Near, J., Rehg, M., & Van Scotter, J: "Predicting employee reactions to perceived organizational wrongdoing: Demoralization, justice, proactive personality, and whistleblowing. 2012. *Human Relations*, 65(8), 923-954. doi: 10.1177/0018726712447004.

<sup>3</sup> By a previous winner of the Middlesex University UK Whistleblower of the Year Award.

economic and other benefits to an organisation.<sup>4</sup> We conclude by calling for empirical research to be conducted in order to test some of the arguments presented.

## WHAT ARE AUTISTIC SPECTRUM CONDITIONS?

There are a range of definitions of autism. According to the National Institute for Clinical Excellence (NICE), “autism means a developmental disability significantly affecting verbal and non-verbal communication and social interaction. ... Autism is a spectrum disorder.” Similarly, the Autism Awareness Centre defines autism as “a lifelong, non-progressive neurological disorder” and the National Autistic Society refers to autism as “a lifelong developmental disability”. These definitions are deficit-focused and fail to mention some of the key strengths associated with autism, for example, a strong sense of right and wrong, determination and conviction in their ideas and beliefs, honesty, loyalty and logical thinking.<sup>5</sup> A more neutral description would be that the autistic spectrum consists of a range of neurological developmental conditions that are part of the wider notion of neurodiversity.<sup>6</sup> Instead of regarding variations in sociability, learning, mood and attention as pathological disorders, neurodiversity is consistent with a social model of these conditions which focuses on societal barriers to inclusion.<sup>7</sup> Indeed, the great attraction of using

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<sup>4</sup> See generally: Vikas, T. & Vaishali, T: “Neurodiversity Management: A Step Towards Inclusivity.” 2018. *IUP Law Review*. Vol. 8 Issue 3, p28-38; Austin, R & Pisano, G: “Neurodiversity as a competitive advantage”. <https://www.google.co.uk/search?q=Neurodiversity-Is-a-Competitive-Advantage-article-in-Harvard-Biz-Review.pdf>; Brinzea, V-M: "Encouraging Neurodiversity In The Evolving Workforce – The Next Frontier To A Diverse Workplace," 2019. *Scientific Bulletin - Economic Sciences*, University of Pitesti, vol. 18(3), pages 13-25.

<sup>5</sup> See Loiacono, E. and Huimin, R: "Building a Neurodiverse High-tech Workforce" . *MIS Quarterly Executive*. (2018) Vol. 17 (4). <https://aisel.aisnet.org/misqe/vol17/iss4/5/> (last accessed 13/4/21).

<sup>6</sup> Some people with ASC refer to themselves as ‘neuroatypical’.

<sup>7</sup> See: Chapman, R: "*Neurodiversity Theory and Its Discontents: Autism, Schizophrenia, and the Social Model of Disability*". In Tekin, S & Bluhm, R.(eds.). *The Bloomsbury Companion to Philosophy of Psychiatry*. 2019. Bloomsbury Publishing. pp. 371–387. ISBN 9781350024069

the word neurodiversity is that treats ASC as a normal human variation.<sup>8</sup> We acknowledge that the expressions Autism, Autistic, Autism Spectrum Disorder, Autism Spectrum Condition and Aspergers Syndrome are often used interchangeably but in this article we have chosen to use the term Autism Spectrum Conditions. We find the word ‘spectrum’ useful as it reflects the fact that autism affects different people in different ways.

ASC is associated with difficulties in social interaction, non-verbal communication as well as restricted and repetitive behaviour patterns. This article focuses on whistleblowers with a diagnosis of ASC and, in particular those who are or have been in the workplace. Unsurprisingly, people with ASC who have impaired language and intelligence are less likely to be in jobs. It is estimated that 1.1% of people in the UK are on the autistic spectrum. However, according to the National Autistic Society, only 16% of autistic people are in full-time employment and 43% have said they have left or lost a job because of their condition. Rather than focus on the general issue of employability of people with ASC, this article looks at the particular contribution autistic people could make as workers in an organisation that is keen to identify wrongdoing and take remedial action. As Transparency International persuasively argue,<sup>9</sup> the business case for whistleblowing is a powerful one. Thus, in theory, persons willing and able to speak up effectively should be in great demand.

## **WHAT IS WHISTLEBLOWING AND WHAT PERSONAL CHARACTERISTICS ARE ASSOCIATED WITH IT?**

Although it does not reflect the many different statutory approaches to whistleblowing,<sup>10</sup> the most widely used definition used by researchers is: “the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or

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<sup>8</sup> See Jaarsma, P., & Welin, S: “Autism as a natural human variation: Reflections on the claims of the neurodiversity movement”. 2012. *Health Care Analysis*, 20(1), 20–30.

<sup>9</sup> Transparency International: *The business case for speaking up*. 2017

<sup>10</sup> Lewis, D: “Whistleblowing at work: on what principles should legislation be based?”. *Industrial Law Journal* 2001. Volume 30 No.2 pages 169-193.

organisations that may be able to affect action”.<sup>11</sup> One of the reasons this definition is not reflected in national legislation is that it refers to matters that are clearly open to wide interpretation. For example, what one person regards as immoral or illegitimate practices may be rather different to the views of another.

In terms of whistleblower characteristics, Miceli et al describe three types:<sup>12</sup> personality or dispositional traits; moral judgment; and demographic. The first category refers to internal factors that cause an event or behavior, for example, intelligence, conscientiousness and openness to experience have been associated with pro-social behavior. The second refers to the ability to judge one's own and others' activities as right or wrong.<sup>13</sup> In relation to ASC, it should be noted that personality traits may be misinterpreted because, for example, elevated levels of rigidity and anxiety may be a consequence of exposure to retaliation after whistleblowing rather than a predisposition.<sup>14</sup> It is possible that demographics are also relevant to any consideration of how ASC and whistleblowing might be related. For example, ASC is diagnosed more often in males than females and it is common for women to be misdiagnosed or not diagnosed at all.<sup>15</sup> This is thought to be a result of

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<sup>11</sup> Near, J & Miceli, M: "Organizational dissidence: the case of whistle-blowing". 1985. *Journal of Business Ethics*. Vol.4(1). Pp1-16

<sup>12</sup> Miceli, M; Near, J & Dworkin, T: *Whistle-blowing in organisations*. 2008. Routledge, New York.

<sup>13</sup> For a review of the literature investigating moral decision -making among autistic children and adults see Dempsey, E, Moore, C, Johnsons, S, Stewart, S and Smith, I: "Morality in autism spectrum disorder: A systematic review". *Development and Psychopathology*. Cambridge University Press. September 2019.

<sup>14</sup> See: Bjørkelo, B., Ryberg, W., Matthiesen, S., & Einarsen, S.: "When you talk and talk and nobody listens": A mixed method case study of whistleblowing and its ". 2008. <https://webarchive.nla.gov.au/awa/20110718001626/http://pandora.nla.gov.au/pan/10282/20110718-1007/www.usq.edu.au/business-law/research/ijob/articles.html>; Kenny, K., Fotaki, M., & Scriver, S.: "Mental Health as a Weapon: Whistleblower Retaliation and Normative Violence". 2018. *Journal of Business Ethics*. doi:<https://doi.org/10.1007/s10551-018-3868-4>

<sup>15</sup> See Ferri, F: *Ferri's Clinical Advisor* 2015. Elsevier Health Sciences. 2014. p. 162. ISBN 9780323084307 and Lai MC, Baron-Cohen S (November 2015). "Identifying the lost generation of adults with autism spectrum conditions". 2015. *The Lancet. Psychiatry*. 2 (11): 1013–27. doi:10.1016/S2215-0366(15)00277-1. PMID 26544750

women being better able to mask their autism and diagnostic criteria being based around a 'male' phenotypic expression of autism. In relation to race and national origins, it has been suggested that in some cultures there is considerable stigma attached to autism, so that it is less likely to be disclosed. Finally, age is associated with working experience and this in turn may be significant when people are considering how to deal with alleged wrongdoing.

Before discussing the particular role that workers with ASC (henceforward WASCs) might play in the whistleblowing process, it is worth noting the two main reasons why people do not report wrongdoing - that they do not believe that remedial action will be taken and/or that the person raising a concern will suffer retaliation.<sup>16</sup> However, researchers have suggested that people with ASC focus more on the outcomes of situations than the intentions of the persons in those situations.<sup>17</sup> Indeed, one reason why those with ASC might be more likely to become whistleblowers is because they may rigidly believe that if something bad happens there will or should be consequences.<sup>18</sup> Thus they may refuse to acknowledge or accept the existence of organisational and other barriers which might prevent rectification of proven wrongdoing. In addition, autistic people may be unable to predict accurately what other people may be thinking or feeling and have difficulties reading non-verbal communications. As a result, they may fail to pick up on or chose to ignore the social cues which suggest that reprisals might be suffered even when raising concerns is formally encouraged at the workplace. Alternatively, those with ASC may be well aware of the social consequences, including the possibility of retaliation, but simply not care about them.

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<sup>16</sup> See: Brown,A; Lewis,D; Moberly, R; & Vandekerckhove, W (eds.). *The International Whistleblowing Research Handbook*. 2014. Cheltenham, Edward Elgar. E-ISBN 978 1 78100 679 5

<sup>17</sup> See Chan, A: "Autism And Morality: Outcomes Matter More Than Intentions". *Livescience*. May 30, 2013. It has also been suggested that people with ASC may trouble understanding innocent intentions.

<sup>18</sup> According to Kohlberg, such reasoning is on a lower level compared with higher levels that emphasise universal rights -for example, saving lives being more right than not stealing a drug. See: Kohlberg, L. *The psychology of moral development. The nature and validity of moral stages*. 1984. San Francisco: Harper & Row.

## HOW MIGHT WORKERS WITH ASC APPROACH THE WHISTLEBLOWING PROCESS DIFFERENTLY TO OTHERS?

Models of whistleblowing usually involve awareness, judgment, choice, consequence as well as interpretation about whether to stop or continue the process.<sup>19</sup> Perhaps the first issue to be considered is therefore the ability to detect and identify wrongdoing.<sup>20</sup> People with ASC may have difficulties interpreting the feelings, thoughts and motives of others. Thus a person with ASC may not fully appreciate that the changes that he or she is struggling with at the workplace, for example new methods of carrying out tasks, have been widely welcomed (and possibly negotiated by trade unions). The abandonment of familiar ways of working may cause anxiety to a person with ASC which, in turn, may result in the perception of new methods as 'wrong'.<sup>21</sup> Indeed, if the new practices are not lawful, for example, they infringe health, safety and welfare legislation, or have been introduced against the wishes of the majority of the workforce it might be perfectly proper to challenge them. From the perspective of a person with ASC who has a particular interest in social justice<sup>22</sup> it might seem logical to pursue the matter, irrespective of workgroup acquiescence or possible hostility towards the WASC.<sup>23</sup> WASCs may well have

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<sup>19</sup> See: Bjørkelo, B: *Whistleblowing at work: Antecedents and consequences*. PhD. University of Bergen. 2010, p. 24.

<sup>20</sup> Researchers have suggested that people with ASC apply a rule of refusing to serve a bad cause because they evaluate the negative consequences of their actions more severely. See Yang Hu, Alessandra M. Pereira, Xiaoxue Gao, Brunno M. Campos, Edmund Derrington, Brice Corgnet, Xiaolin Zhou, Fernando Cendes and Jean-Claude Dreher: "Right Temporoparietal Junction Underlies Avoidance of Moral Transgression in Autism Spectrum Disorder". *Journal of Neuroscience*. 2021, 41 (8) 1699-1715; DOI: <https://doi.org/10.1523/JNEUROSCI.1237-20.2020>.

<sup>21</sup> The departure from a routine might, in terms of the Near and Miceli definition given above, be regarded as an immoral or illegitimate practice.

<sup>22</sup> The assumption that many of the behavioral characteristics of autism indicate a lack of social interest is flatly contradicted by the testimony of many autistic people themselves. See Vikram K. Jaswal and Nameera Akhtar: "Being versus appearing socially uninterested: Challenging assumptions about social motivation in autism" *Behavioral Brain Sciences*. Cambridge University Press. 2018.

<sup>23</sup> As noted by Austin: "the visceral discomfort some neurodiverse people feel when they encounter disorder or illogic in a business system usefully triggers process improvement efforts". See Austin, R: "Hart Schaffner Marx: Neurodiversity employment at a classic American suit maker". 2018. Ivey Business School case 9B14C048.

the intelligence and articulacy to counter arguments that what is being experienced is not wrongdoing or that the matter should be dealt with as a personal grievance.<sup>24</sup> In addition, some WASCs might acknowledge that drawing a distinction between public and private interests might be convenient for lawyers<sup>25</sup> but that fact does not ease their discomfort when they encounter disorder in a system and seek to rectify the situation

More generally, we might expect that some WASCs will have a special ability to observe and recall detail as well as the capacity and motivation to check whether their own or other people's concerns give rise to reasonable suspicions<sup>26</sup> that wrongdoing is occurring.<sup>27</sup> The law does not require whistleblowers to conduct their own investigations in order to adduce proof but statutory protection requires workers to have reasonable grounds to believe that wrongdoing will occur, is occurring or has occurred.<sup>28</sup>

Unfortunately, this can create a risky Catch 22 situation –without investigating there may be no grounds on which to hold a reasonable belief but by investigating a worker may be guilty of misconduct because that is not within their remit. Nevertheless, a WASC who is convinced that wrongdoing is taking place and is troubled by it may be less deterred than predominant neurotypes by this dilemma and choose to take whatever steps are felt necessary to find supporting evidence.<sup>29</sup> Indeed, if WASC's put themselves at greater risk of

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<sup>24</sup> Conversely, people on the autistic spectrum with lower intelligence and verbal ability may have the same values/drives as a more intelligent and/or verbally fluent autistic person but not be able to negotiate complex arguments and/or speak up.

<sup>25</sup> A public interest test is contained in Section 43B Employment Rights Act 1996 (ERA 1996) and features in whistleblowing legislation in other countries. A distinction between public and private interests is also drawn in some types of ethics. See Comer, D, & Vega, G: "Unsavoury problems at tasty's: A role-play about whistle-blowing". 2006. *Journal of Management Education*, 30(1), 251-269. doi: <https://doi.org/10.1177/1052562905280838>

<sup>26</sup> Part IVA ERA 1996 requires a worker to have a reasonable belief.

<sup>27</sup> Boucher has noted "the special abilities of people with autism to complete exacting and repetitive tasks, to observe and to recall detail, and to recognize patterns". See Boucher, J: *The autistic spectrum. Characteristics, causes, and practical issues*. 2009. Los Angeles: Sage Publications

<sup>28</sup> Section 43B(1) ERA 1996.

<sup>29</sup> On the notion of the "choiceless choice" in this context see Alford, C: "Whistle-blower narratives: The experience of choiceless choice". (2007). *Social Research*, 74(1), 223-248.



being accused of misconduct there is an argument that employers should have proper support mechanisms in place for them.

Once a worker has a reasonable belief or suspicion of wrongdoing, the next step is to locate and utilise the employer's whistleblowing policy/ procedure if one exists. Whistleblowing cases may also start as a consequence of the introduction of an ethical guideline, a routine for work processes and/or corporate governance. It may be that a WASC will be particularly determined to find the relevant documentation and, even if no specific whistleblowing arrangements exist at the workplace, may be willing to report their concerns directly to management in order to get their concern dealt with. Indeed, a WASC who is keen to pursue a matter might be less likely than others to be deterred by the need to complete detailed forms or follow the templates used by providers of whistleblowing 'hotlines'. Similarly, once a WASC has started to run with an issue it may be that their monotropism will lead them to seek feedback when it is not offered (or is delayed) and to comment on any action the employer is proposing to take. Equally, if dissatisfied with the internal response – being ignored or perhaps a decision not to investigate or take remedial action – a WASC's discomfort with disorder may mean that they are more willing than neurotypical individuals to appeal up the management hierarchy.

Particular issues might arise for WASCs where an organisation receives a concern but decides that an investigation is not needed. For example, managers might be aware of information that downplays perceived risks or leads to the conclusion that the whistleblower has misunderstood the situation. If this is not properly communicated to the whistleblower it may make them feel isolated. This may be more problematic for a WASC who might have difficulty in drawing a line and letting matters go if there is a disagreement over how they should be handled. Rather than accepting that the concern has been dealt with, WASC's may raise it repeatedly until it is addressed 'their' way, making them more liable to be disciplined for inappropriate behaviour. Indeed, in a number of cases the courts have drawn a distinction between the disclosure of information about wrongdoing and the

manner in which it is made.<sup>30</sup> In practice, the particular words used in raising a concern may be important. For example, allegations of fraud are not likely to be welcomed by managers but explaining that clients are being overcharged may well be better received. WASC's and predominant neurotypess alike can find this difficult but a WASC may struggle if they are not used to putting themselves in someone else's shoes. The distinction between the disclosure and the way it is made is very worrying for all workers as it affects a number of statutory rights.<sup>31</sup> Thus it might be argued that raising concerns several times without allowing adequate time to respond amounts to bullying or that pursuing a matter until his or her view prevails makes a worker 'unmanageable'.<sup>32</sup> What might distinguish a WASC in these circumstances is that they may give greater priority to the logical pursuit of the rectification of wrongdoing than worrying about whether their vehemence and persistence may lead to allegations of misconduct and the loss of legal protection.

If a concern is not resolved internally, WASC's may be more anxious and impatient than predominant neurotypess to seek out and use appropriate external channels. Indeed, their commitment to a cause may make them less likely to be deterred by regulators or other external recipients creating barriers to reporting, for example, providing inadequate information on their websites; appearing ignorant of their role as prescribed persons; insisting on the submission of complex online forms; denying advice; inaction or delays etc. We might also expect those who are both intelligent and determined to appreciate that both the print and social media have power and, if mobilized, may be able to exert pressure to ensure that wrongdoing is dealt with. The possibility of obtaining 'justice' in this way may lead WASC's to use the media even though such involvement is likely to be resented by organisations and could result in reprisals. Indeed, whereas predominant neurotypes may be inhibited by the fact that disclosures to the media are unlikely to attract legal protection under

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<sup>30</sup> For example, see: *Panayiotou v Chief Constable of Hampshire Police* [2014] IRLR 500.

<sup>31</sup> On the exercise of trade union rights see: *Morris v Metrolink Ltd* [2018] EWCA Civ 1358.

<sup>32</sup> This is despite the fact that most reports of wrongdoing are made internally, and most often only to the reporter's immediate boss. See: Bjørkelo, B., Einarsen, S., Nielsen, M., & Matthiesen, S: "Silence is golden? Characteristics and experiences of self-reported whistleblowers." 2011. *European Journal of Work and Organizational Psychology*, Vol.20(2), 206-238. doi:10.1080/13594320903338884

ERA 1996 (and could give rise to claims against them for breach of confidence), WASC's may be as aware but less influenced by such considerations. On the other hand, some autistic people may be paralysed in this situation as they want to both do the right thing and follow the rules so far as possible.

## CONCLUSIONS

In recent years, employers have increasingly come to recognize that people with ASC have skills that may be different to those of predominant neurotypess but are nevertheless valuable in a business context. Indeed, many would argue that any perceived problems are not caused by people with ASC but by the inability of employers to manage diversity properly.<sup>33</sup> From a wider perspective, there are clear financial benefits to society if talented but previously excluded people are integrated into the workforce. In this paper we have hypothesized that the characteristics commonly associated with ASC might make people with ASC more likely than their neurotypical counterparts to be effective whistleblowers, and as such are a particular asset to organisations that are keen to ensure transparency, accountability and good governance. If this hypothesis is correct, then it adds further to the case for employers having neurodiverse workforce that includes people with ASC. It also has important implications for whistleblowing best practice as adopted by employers and organisations working with whistleblowers (e.g., regulatory agencies). This might include the following measures to minimise communication difficulties, reduce anxiety etc:

- Providing policies that define as precisely as possible the types of wrongdoing that should be reported. For example, avoiding words that are open to wide interpretation –“unethical conduct”, “unreasonable or improper behaviour”, “sub-standard management”, “any serious concern” etc
- Communicating policies and procedures in a variety of ways, for example, by supplying written documents to all those covered by the

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<sup>33</sup> See: Krzeminska, A, Austin, R, Bruyère, S, Hedley, D: “The advantages and challenges of neurodiversity employment in organizations” *Journal of Management and Organisation*. Vol. 25(4). September 2019, pp. 453-463.

arrangements, issuing emails on a regular basis, oral briefings, posting material on the internet and intranet etc

- Omitting vague /irrelevant concepts like “public interest” and “good faith” and avoiding legal and management jargon where possible.
- Specifying clearly whether reporting is mandatory or merely encouraged.
- Providing a list of internal recipients of concerns and a range of options in relation to how they can be contacted.
- Encouraging potential whistleblowers to consult and take advice from friends, relatives, trade unions, Protect, welfare rights organisations etc about their plans to raise a concern .
- Explaining in advance how investigations and any necessary preliminary screening will be conducted.
- Setting realistic target dates for feedback and outlining what form it will take.
- Giving detailed reasons for finding that there has been no wrongdoing and, where wrongdoing is established, a full explanation about what remedial action is to be taken.
- Seeking the involvement of an intermediary where there is communication difficulty, for example, a union representative, work colleague or family member.
- Stating precisely what a person can do if they are dissatisfied with the way their concern has been handled or the outcome of an investigation.
- Indicating the circumstances in which external reporting will be appropriate, which outside bodies are considered to be relevant recipients and how they can be contacted.
- Providing undertakings about protecting whistleblowers and associated persons from retaliation.
- Explaining that the supply of information known to be false will leave the discloser open to disciplinary action.
- Providing regular training about handling concerns for potential disclosers and recipients.

Unfortunately, there has been a historical tendency to view workers who disclose their ASC as having a disorder or disability <sup>34</sup> with a burden on employers to adjust their working practices to accommodate the additional needs of people with ASC with no perceived benefits to the employer in return. Section 6 of the Equality Act 2010 is most commonly cited in respect of ASC and stipulates that for the protections afforded by this law to apply the employee's condition, referred to as a "mental impairment" must have a "substantial and long-term adverse effect on [the] ability to carry out normal day-to-day activities". However, many autistic people in the workplace will not want to suggest that they have "a limitation going beyond the normal differences in ability which might exist among people".<sup>35</sup> Our argument is that focusing on the consequences of fulfilling statutory criteria serves as a distraction from the positive benefits, as outlined in this paper in respect of whistleblowing, of a workforce that includes people with ASC and is neurodiverse.

## RESEARCH ISSUES

The question we have tried to address in this article is whether some people with ASC may possess personality traits and skills that make them particularly equipped to deal with perceived wrongdoing at the workplace. Exploration of this hypothesis was precipitated by a case made known to the author of a notable whistleblower with a diagnosis of ASC who had in turn identified contemporaries also with an ASC diagnosis and whistleblower status. However, aside from this anecdotal evidence, there is no evidence base that enables us to conclude that some workers with ASC are more likely to whistleblow or do so successfully. <sup>36</sup> Thus it seems entirely appropriate to call for empirical research to be carried out to explore the following key questions:

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<sup>34</sup> The Equality Act 2010 requires a range of measures to be taken if a person has a disability within the meaning of the legislation. It expressly prohibits discrimination at the point of hiring.

<sup>35</sup> Paragraph 8 of the Equality Act 2010 Statutory Code of Practice,

<sup>36</sup> 'Successful' whistleblowing commonly refers to the situation where wrongdoing is rectified without the person raising the concern suffering a detriment.

1. Do whistleblowers demonstrate common characteristic traits that are expressed in ways that differ to the population in general?
2. If there are common characteristics demonstrated by whistleblowers that differ to the population in general, how do these correlate with common characteristic traits to be found in people with autism spectrum condition?
3. What additional needs might a whistleblower with autism spectrum condition have compared to a whistleblower without this condition in order to be effective at raising concerns and how can this inform reporting arrangements?

In order to address these questions, case studies might be conducted involving two cohorts of people: one group of whistleblowers who display the characteristic traits of ASC and the other consisting of whistleblowers without such traits. It should be noted that whistleblowers who raise concerns externally may have a different experience to those that only report internally so this may have to be taken into account when establishing the relevant groups.<sup>37</sup>

Participants might be sought via specialist charities and advice organizations.<sup>38</sup> Ethical approval would then be sought from funding bodies and/ sponsoring universities to explore a range of issues via interviews, including whether WASC's are:

- more likely to contest perceived wisdom about what constitutes wrongdoing at work;
- less likely to drop their concerns if management concludes that wrongdoing has not occurred or is unwilling to take remedial action;
- more likely to insist on feedback and raise the matter again if not satisfied with management's response;
- more willing to raise concerns externally –either concurrently or subsequently to pursuing internal avenues for redress;

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<sup>37</sup> See: Park, H., Blenkinsopp, J., & Bjørkelo, B.: "External Whistleblowers' Experiences of Workplace Bullying by Superiors and Colleagues". 2018. *Journal of Business Ethics*. doi: <https://doi.org/10.1007/s10551018-3936-9>; & Park, H., & Lewis, D.: "The negative health effects of external whistleblowing: A study of some key factors". 2018. *The Social Science Journal*, 55(4), 387-395. doi: <https://doi.org/10.1016/j.soscij.2018.04.002>

<sup>38</sup> For example, PROTECT and Whistleblowers UK,

- less likely to be influenced by the presence or absence of legal protections, for example, in relation to what amounts to wrongdoing, who are appropriate recipients of concerns and when disclosures are in the public interest.
- more or less likely to achieve rectification of wrongdoing
- more or less likely to perceive or suffer reprisals for raising concerns

Finally, it goes without saying that expressing an intention to raise a concern is not the same as actual whistleblowing. Nevertheless, it might be worth attempting to explore in a separate study whether people with ASC are more likely to have different intentions to report compared to predominant neurotypes when wrongdoing is perceived.