

How you're selected

Your employer might group together similar roles in a 'selection pool' to make sure redundancies are decided fairly.

They might also use agreed criteria to choose who to make redundant from the selection pool.

Using selection criteria

Criteria should be as objective and measurable as possible. This means the selection criteria should:

- be fair
- be based on facts that can be measured
- not be affected by personal opinions

Examples of selection criteria could include:

- standard of work or performance
- skills, qualifications or expertise
- attendance record, which must be accurate and not include absences related to disability, pregnancy or maternity
- disciplinary record

Following the law

It's against discrimination law (Equality Act 2010) to select anyone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

It's also against other areas of employment law to select anyone because of:

- maternity leave, paternity leave, adoption leave, ordinary parental leave, shared parental leave, parental bereavement leave, time off for dependants and carer's leave
- having a role as an employee representative or trade union representative
- membership of a trade union
- a part-time or fixed-term contract
- [working time regulations](#) – for example if you've raised concerns about holiday entitlement or rest breaks

- concerns you've raised about not being paid the [National Minimum Wage](#)
- concerns you've raised about [whistleblowing](#)

Your employer must also not use criteria that indirectly discriminate against you. For example, if they use flexible working as one of the criteria, this could be sex discrimination. This is because women are more likely to have caring responsibilities that can make it harder to change their working hours. They would need to show that flexible working is no longer possible after the organisation has changed.

[Find out more about indirect discrimination](#)