

## Positive action

Positive action is where an employer does something with the aim of helping an employee or job applicant because of a protected characteristic.

### Taking positive action when recruiting

When recruiting, in some circumstances an employer can use protected characteristics to help a disadvantaged or an underrepresented group.

This can also help their organisation to be more diverse and representative, as well as widening the talent pool they recruit from.

It's important to know what is possible and what could be against the law.

[Find out more about using protected characteristics in recruitment](#)

### Taking positive action to remove discrimination at work

An employer might be able to help an employee because of a protected characteristic, if any of the following apply:

- they're at a disadvantage
- they're underrepresented in the organisation
- they have particular needs

The employer must be able to prove this action does not discriminate against others.

#### Example of taking positive action for people at a disadvantage

A construction company believes that employees with disabilities are disadvantaged in their industry.

To help overcome this disadvantage, they decide to offer a mentoring scheme for disabled employees only.

#### Example of taking positive action for underrepresented people

An employer finds that although half of all their employees are women, more than three-quarters of their managers are men. They decide to offer some 'Women into Management' courses to give women more confidence to apply for management jobs.

Their aim is that this will help correct the balance at management level and that it becomes more representative of the business as a whole.

This would be legitimate positive action because the employer can show that women are underrepresented in management.

However, when filling management vacancies the employer must treat men and women equally. Promoting someone only because they are a woman is likely to be discrimination.

## Example of taking positive action for people with particular needs

An employer is reviewing their disciplinary policy. It says that employees can be accompanied at disciplinary hearings only by someone they work with or a trade union representative.

However, in their company there are many employees from eastern Europe who have limited English language skills. They believe these employees could be at a disadvantage under this policy.

The employer decides to change their policy to add that anyone whose first language is not English can also be accompanied by a friend or family member to translate for them.