

## When an employer may make a decision based on age, race or another protected characteristic

According to the law, discrimination is when someone is treated unfairly because of sex, race, age or any other 'protected characteristic'.

Protected characteristics are covered by the Equality Act 2010. [Find out more about protected characteristics and discrimination law.](#)

In some cases it might be legal for an employer to make a decision that's based on a protected characteristic, if at least one of these points apply:

- a decision they take helps a disadvantaged or under-represented group ('[positive action](#)')
- they have a good business reason to discriminate ('[objective justification](#)')
- the protected characteristic is essential for the job (an '[occupational requirement](#)')
- they're asking if they need to make their workplace more accessible ('[reasonable adjustments](#)') – they must remember [not to ask about disability except in limited circumstances](#) (PDF, 618KB, 49 pages)
- they want to [find out about the diversity of their workforce](#) to help make it as inclusive as possible – they should still follow specific rules, including making sure the information is provided voluntarily and anonymously

It's a good idea to [get legal advice](#) before making a decision based on a protected characteristic.