



# Your Guide to positive action

## What Is Positive Action?

### A 2026 Guide for Employers

Positive Action remains one of the most misunderstood areas of equality, diversity and inclusion.

Even in 2026, many businesses still confuse Positive Action with Positive Discrimination – despite the two being very different legally, ethically and practically.

And with growing scrutiny around workplace fairness, hiring practices and DEI initiatives, it is more important than ever for organisations to understand the difference properly.

Because getting it wrong can damage:

- trust
- recruitment
- workplace culture
- employee confidence
- brand reputation
- and potentially leave employers open to legal challenge

So let's break it down clearly.

## What Is Positive Action?

Positive Action is a lawful measure under the Equality Act 2010 that allows employers to take proportionate steps to support people from underrepresented or disadvantaged groups.

The aim is not to give an unfair advantage.

The aim is to reduce barriers.

Positive Action recognises that some groups may face:

- systemic disadvantage
- underrepresentation
- Reduced access to opportunities
- workplace bias
- unequal progression opportunities

It allows employers to take reasonable action to improve fairness and representation where evidence supports the need for it.

## What Is a Protected Characteristic?

Under the Equality Act 2010, it is unlawful to discriminate against someone because of a protected characteristic.

The protected characteristics are:

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

Positive Action is specifically linked to supporting groups who share protected characteristics and may be disadvantaged or underrepresented.

## Positive Action vs Positive Discrimination

This is where many businesses become nervous.

# Positive Discrimination

Positive Discrimination is unlawful in most employment situations in the UK.

This means:

- hiring someone *because* of their protected characteristic over a clearly more qualified candidate
- promoting somebody solely because of identity
- applying blanket quotas without lawful justification

For example:

If Candidate A is clearly more qualified than Candidate B, an employer cannot legally choose Candidate B solely because they belong to an underrepresented group.

That would likely amount to unlawful discrimination.

# Positive Action

Positive Action is different.

Positive Action allows employers to:

- encourage applications from underrepresented groups
- provide mentoring or development programmes
- improve accessibility
- remove barriers in recruitment
- provide targeted support where disadvantage exists
- Use tie-break provisions where candidates are genuinely equally qualified

The keyword is proportionate.

Positive Action is about creating fairer access to opportunity – not unfair advantage.

# Why Positive Action Matters in 2026

Many industries still face major representation gaps.

Across the UK, organisations continue to experience:

- leadership diversity gaps

- disability employment barriers
- ethnicity pay gaps
- gender imbalance in senior roles
- underrepresentation in technical industries
- barriers linked to class and social mobility

At the same time, businesses are struggling with:

- skills shortages
- retention challenges
- disengagement
- lack of innovation
- poor employee trust

Positive Action can help organisations widen talent pipelines and remove unnecessary barriers that may prevent skilled people from progressing.

Because the reality is:

Talent is everywhere.

Opportunity often is not.

## The Financial Impact of Poor Representation

Businesses that fail to address barriers to progression and inclusion often experience:

- higher turnover
- recruitment challenges
- reduced innovation
- lower employee engagement
- reputational damage
- increased grievance and tribunal risk

And in 2026, employees are paying closer attention to workplace culture than ever before.

People increasingly want to know:

- Who gets promoted?
- Who gets listened to?
- Who leaves the business first?

- Who feels psychologically safe?
- Who has access to opportunity?

Poor representation can damage trust internally and externally.

Meanwhile, diverse and inclusive organisations are consistently linked to:

- stronger innovation
- broader market understanding
- improved problem-solving
- higher engagement
- stronger employer reputation

Positive Action is not about lowering standards.

It is about widening access to opportunity and removing barriers that should not exist in the first place.

## The Most Important Part Businesses Forget

This is where many organisations get it wrong.

They focus heavily on recruitment...

...but forget inclusion.

Because hiring more diverse talent means very little if:

- Workplace culture remains toxic
- Managers are not equipped to support people properly
- accessibility is poor
- Progression opportunities remain unequal
- harmful behaviour goes unchallenged
- Employees do not feel safe speaking up

You cannot recruit your way out of poor culture.

And many organisations discover this the hard way when retention drops or employees disengage quickly after joining.

Positive Action without inclusion simply creates churn.

# Examples of Positive Action in Practice

Lawful Positive Action could include:

- mentoring schemes for underrepresented groups
- leadership development programmes
- accessible recruitment processes
- targeted outreach campaigns
- Internships aimed at disadvantaged communities
- networking opportunities
- disability confidence initiatives
- flexible working support
- interview adjustments
- encouraging applications from underrepresented groups

Employers may also use tie-break provisions where two candidates are genuinely equally qualified.

However, employers should always ensure decisions are evidence-based, proportionate and carefully considered.

## AI, Bias & Modern Recruitment

In 2026, Positive Action conversations are also becoming more connected to technology.

Businesses are increasingly reviewing:

- Bias in AI recruitment systems
- inaccessible application platforms
- automated screening tools
- Inclusive language in job adverts
- algorithmic discrimination risks

Because bias is not always intentional.

Sometimes barriers are built directly into systems and processes without organisations realising it.

That is why modern inclusion work must go beyond policies and focus on how workplace systems actually operate in practice.

# Questions Employers Should Ask Before Taking Positive Action

Before implementing Positive Action initiatives, businesses should ask:

- Do we have evidence of underrepresentation or disadvantage?
- Are our processes genuinely inclusive?
- Are managers trained properly?
- Do employees feel psychologically safe?
- Are disabled employees supported appropriately?
- Are progression opportunities fair?
- Is our onboarding inclusive?
- Are we prepared to support retention – not just recruitment?

Because inclusion is not just about getting people through the door.

It is about what happens once they arrive.

## Final Thoughts

Positive Action is not about unfair advantage.

It is about fairness, access and removing barriers.

Done properly, it can help organisations:

- widen talent pipelines
- improve representation
- strengthen culture
- increase trust
- improve retention
- create fairer workplaces

But Positive Action should never be treated as a quick fix or PR exercise.

Because sustainable inclusion happens when businesses focus not only on representation, but on culture, behaviour, accountability and opportunity too.

That is where real progress happens.



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