



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 3

EMPLOYMENT TRIBUNALS

120 Jurisdiction

- (1) An employment tribunal has, subject to section 121, jurisdiction to determine a complaint relating to—
 - (a) a contravention of Part 5 (work);
 - (b) a contravention of section 108, 111 or 112 that relates to Part 5.
- (2) An employment tribunal has jurisdiction to determine an application by a responsible person (as defined by section 61) for a declaration as to the rights of that person and a worker in relation to a dispute about the effect of a non-discrimination rule.
- (3) An employment tribunal also has jurisdiction to determine an application by the trustees or managers of an occupational pension scheme for a declaration as to their rights and those of a member in relation to a dispute about the effect of a non-discrimination rule.
- (4) An employment tribunal also has jurisdiction to determine a question that—
 - (a) relates to a non-discrimination rule, and
 - (b) is referred to the tribunal by virtue of section 122.
- (5) In proceedings before an employment tribunal on a complaint relating to a breach of a non-discrimination rule, the employer—
 - (a) is to be treated as a party, and
 - (b) is accordingly entitled to appear and be heard.

Changes to legislation: Equality Act 2010, Section 120 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Nothing in this section affects such jurisdiction as the High Court, [^{F1}the county court], the Court of Session or the sheriff has in relation to a non-discrimination rule.
- (7) Subsection (1)(a) does not apply to a contravention of section 53 in so far as the act complained of may, by virtue of an enactment, be subject to an appeal or proceedings in the nature of an appeal.
- (8) In subsection (1), the references to Part 5 do not include a reference to section 60(1) [^{F2}or 60A(1)].

Textual Amendments

- F1** Words in s. 120(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F2** Words in s. 120(8) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\), regs. 1\(2\), 4\(5\)](#)
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Commencement Information

- I1** S. 120 wholly in force; s. 120 not in force at Royal Assent see s. 216; s. 120 in force at 1.10.2010 by [S.I. 2010/2317, art. 2\(1\)\(9\)\(f\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

Changes to legislation:

Equality Act 2010, Section 120 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 120(8) words substituted by [2023 c. 51 s. 2\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)