



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 3

#### EMPLOYMENT TRIBUNALS

#### **126 Remedies: occupational pension schemes**

- (1) This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1) in relation to—
  - (a) the terms on which persons become members of an occupational pension scheme, or
  - (b) the terms on which members of an occupational pension scheme are treated.
- (2) In addition to anything which may be done by the tribunal under section 124 the tribunal may also by order declare—
  - (a) if the complaint relates to the terms on which persons become members of a scheme, that the complainant has a right to be admitted to the scheme;
  - (b) if the complaint relates to the terms on which members of the scheme are treated, that the complainant has a right to membership of the scheme without discrimination.
- (3) The tribunal may not make an order under subsection (2)(b) of section 124 unless—
  - (a) the compensation is for injured feelings, or
  - (b) the order is made by virtue of subsection (7) of that section.
- (4) An order under subsection (2)—
  - (a) may make provision as to the terms on which or the capacity in which the claimant is to enjoy the admission or membership;
  - (b) may have effect in relation to a period before the order is made.