

**Beauty consultant who provided services through a chain of companies was not able to bring a discrimination claim**

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**Beauty consultant who provided services through a chain of companies was not able to bring a**

# discrimination claim

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The Court of Appeal has held that a beauty consultant who provided her services via a chain of companies was not 'in employment' under the Equality Act 2010 and therefore could not claim discrimination.

Mrs Halawi sold Shiseido cosmetics at a counter in the World Duty Free shop at Heathrow airport. She had set up her own limited company, Nohad Ltd; through this and a management company, CSA, Mrs Halawi provided Shiseido her services in selling its products in WDF's space at the airport. Mrs Halawi was able to provide a substitute and had done so before; she was also able to refuse work offered. Mrs Halawi was paid only for time she spent working; she had no sick pay or holiday pay entitlement.

WDF revoked Mrs Halawi's airside pass with the effect that she could no longer enter the airport. Mrs Halawi brought claims against CSA and WDF for discrimination. To bring her discrimination claim, she had to show that she was 'in employment' according to the Equality Act 2010.

The Court of Appeal held that Mrs Halawi was not employed by either CSA or WDF and she was unable to bring a discrimination claim. The Court found that Mrs Halawi's right to send a substitute and the lack of any control over her work were incompatible with an employment relationship.

This case highlights that, where services are being provided through a structure of companies as part of a genuine business arrangement, protection from discrimination is unlikely.

*Halawi v WDFG UK Ltd (t/a World Duty Free)* [2014] EWCA Civ 1387

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