

HEALTH OVER HAZARDS

Nail Salon Workers CREATING A HEALTHIER WORKPLACE



NYCOSH

This educational booklet is dedicated to all immigrant women who come together to create safer and healthier jobs with just wages and treatment.



Nima
Nepali, 20s

Milagros
Latina, 40s

Hana
Korean, 30s

Marilú
Filipina, 30s



Written and developed by **NYCOSH**

SCENE 1

NAIL SALON WORKERS LIKE NIMA OFTEN HAVE POOR WORKING CONDITIONS

Nima works in a nail salon in New York. She likes the work, but there are many problems. Nima and some of her co-workers often talk about how their working conditions need to improve.

They talk about health problems due to all the chemicals they work with every day. Nima gets rashes and headaches often and sometimes feels dizzy from breathing in all the chemicals. One of her co-workers has very bad asthma, and her doctor told her it may be due to her working with so many chemicals.

Nima wants to talk with her boss, the salon owner, about improving conditions in the salon, but her co-workers warn her that speaking up might get her fired. She missed a day of work last week because she felt sick, and her employer did not pay her for the sick day. “You

are not my employee because you work on contract,” Nima’s boss said. Nima is afraid to complain because she needs this job.

Last night, she met up with two friends, Milagros and Hana, who also work in salons. Hana told them that she is getting paid \$80 a day for 11 hours of work and she never gets a meal break. She also has a bad rash on her hands from the chemicals. Hana asked her boss for gloves but was told that she shouldn’t wear them since many clients don’t like to see nail salon technicians wearing gloves.

“The workers in my salon had many of the same problems you are talking about,” Milagros said. “We were making even less! We started to speak up to get salon owners to make things better. The good news is that we can work together to improve our working conditions.

“My co-workers and I first went to a meeting about three months ago and we learned about our rights. First, our employers have to pay us at least minimum wage, along with overtime, and we are even entitled to some paid sick days. It’s the law that employers have to give us personal protective



equipment like nitrile gloves, N-95 masks, and protective goggles so we can protect ourselves from the chemicals,” she said. “They need to have good ventilation systems so we don’t keep breathing in all those bad chemicals all day. Opening the door and putting on a fan is not enough to protect us.”

Milagros told her friends that she even found out you don’t need a Social Security number to get a license or to take the exam. Also, undocumented workers should not

feel afraid to come forward because no one will get them in trouble for their status.

“Why don’t you come with us to the meeting next week and bring along some of your co-workers? They will talk about our rights as nail salon workers because people have rights with and without immigration documents,” Milagros said.

“Also, talk to your co-workers before you come to the meeting to find out what kinds of problems they are having,” she said.

Example of adequate local ventilation





Discussion Questions

1

Do you think Nima and Hana should go to the meeting with Milagros? If yes, why? If no, why not? Is it important to talk to other salon workers who are experiencing the same problems, and why?

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How is your health and personal life affected by your work at the nail salon?

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Activity: Look at the Not-So-Healthy Nail Salon on pages 6-7. Circle the hazards and talk with your co-workers or training group about how these hazards can harm you. What is missing in the salon? Any other observations?

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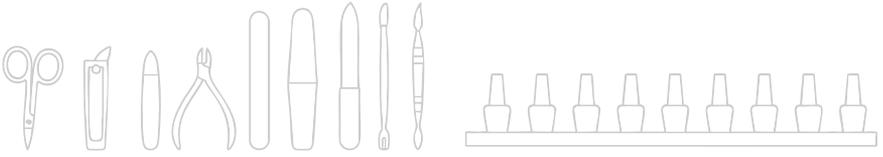
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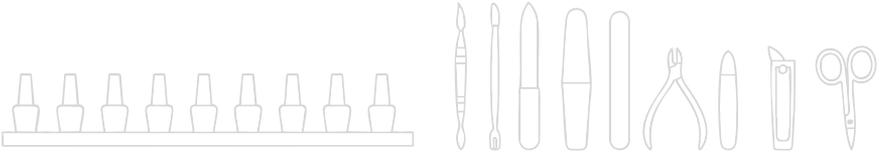
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THE NOT-SO-HEALTHY NAIL SALON



Circle all the hazards and discuss with co-workers or those in your training group. What is missing in this salon?



SCENE 1 — SUMMARY

NAIL SALON WORK CAN BE DANGEROUS AND UNHEALTHY

A **WORKPLACE HAZARD** is anything on the job that can hurt you or make you sick or the lack of necessary equipment that protects health.

If you want to make your workplace safer, start off by gathering information from co-workers on the hazardous conditions in your salon. You can do this by drawing a hazard map of your salon, surveying your co-workers, or by just talking with them informally and taking notes about their experiences. Once you have named the hazards, you can work with your co-workers to find ways to eliminate or reduce those hazards.

Healthy workplaces are possible but they must be free of hazards.



4 categories of hazards that nail salon workers face on the job

CHEMICAL



Nail salon products have chemicals in them that could harm your health. Chemicals get into your body by breathing in vapor, dust, or mists from the products; getting the product on your skin or in your eyes; or swallowing the chemical if you ingest it. Frequent exposure to chemicals increases the risk of serious health issues such as respiratory issues, skin and eye burns, miscarriages, cancer, asthma, and more.

Nail salon workers can be exposed to biological hazards like bacteria, fungi, and viruses. Hepatitis B, Hepatitis C, and HIV are concerns if you come into contact with infected blood. You can also be exposed to infectious diseases from touching a client's infected nails, hands, or feet, or by using equipment that is not adequately decontaminated.

BIOLOGICAL



POOR ERGONOMICS



Ergonomic design is intended to provide optimum comfort and to avoid stress or injury. Poor ergonomics in a salon can cause aches and pains from performing repetitive actions, such as filing, buffing, and doing designs, for a long time and leaning over in an awkward position for extended periods of time. If posture is not corrected or if periodic breaks are not taken, it can affect workers both physically and mentally.

Things that can cause psychological harm include retaliation, negative environment between peers and/or employees, workplace violence (harassment, intimidation, threats, aggression), workload, long or inflexible working hours, lack of professional development, and discrimination.

PSYCHOLOGICAL



SCENE 2

MAKING OUR SALONS SAFER FOR WORKERS AND CUSTOMERS



It is two weeks later. Nima and Hana are at a nail salon worker meeting with Milagros, and they have brought several of their co-workers. There are also workers from many other salons, and Marilú, a nail salon worker leader, is facilitating the discussion. They are reviewing the “hazard map” that the meeting participants have just completed.

“So we can see from this map that there are several safety and health hazards in nail salons,” Marilú said. “We are exposed to many chemicals as well as infectious diseases, and many of us have aches and pains from bending over all day and sitting in the same position for long periods of time. There are many things that our employers can do, so let’s work together now to name the things that should be done to make our salons safer and healthier.”



Discussion Questions

Read pages 12-15 and work in small groups to discuss what your employer can do to:



Reduce exposure to chemical hazards.

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Reduce exposure to biological hazards including infectious diseases like fungi, Hepatitis B, and other germs.

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Prevent aches and pains due to poor ergonomics.

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Avoid psychological or mental problems among workers.

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SCENE 2 — SUMMARY

There are ways to prevent workers from getting sick and injured in nail salons. Employers should take steps to control hazardous conditions by eliminating all the hazards. To reduce workplace injuries and illnesses, employers should:

- Improve the air quality with adequate ventilation (general and local ventilation)
- Redesign workstations so workers don't have to sit in awkward positions
- Provide adequate training on hazards
- Comply with New York State Department of State regulations on mandatory and prohibited workplace practices and objects
- Provide adequate personal protective equipment when needed

What is the hazard?



CHEMICAL HAZARD

Chemicals include the “Toxic Trio” (toluene, dibutyl phalates (DBP), and formaldehyde), as well as ethyl methacrylate (EMA), acetone, sodium chlorine or hypochlorite, phenol, quaternary ammonium compounds, alcohols, primer, resin, glues, powders, antiseptics, nail polishes

How chemicals affect your health

- Toluene is often in nail polish and fingernail glue and can cause headaches, irritation, kidney and liver damage, and harm to unborn children.
- Dibutyl phalates (DBP) cause nausea, and eye, nose, throat, mouth, and skin irritations
- Formaldehyde causes breathing difficulties, coughing, wheezing, and irritation, and can cause cancer.
- EMA (artificial nail liquid) causes asthma, irritation, difficulty concentrating, and can affect unborn children.
- Acetone (nail polish remover) causes headaches, dizziness, and eye, nose, and throat irritation.
- Sodium hypochlorite can cause damage or irritation to the skin, eyes, respiratory tract, and gastrointestinal tract. It is corrosive and fatal.

How can you protect yourself from hazards to have a safer and healthier workplace?

- Choose products when possible that don't contain the toxic trio; avoid using nail polish thinners; use removers that don't contain acetates.
- Have mechanical ventilation to bring in fresh air and exhaust or push out contaminated air; use ventilation tables and other local filtering equipment (source capture) to reduce exposures in the workers' breathing/working zone.
- Train and provide information to all workers on how to safely use the products; read labels and close bottles when not in use; put trash soaked with chemicals in a sealed bag; keep trash covered.
- Use nitrile gloves and long-sleeved shirts; wash hands before eating or drinking.
- Use N-95 dust respirators when buffing nails or using acrylic powders and use a half-face respirator with chemical cartridges when transferring chemicals from large to smaller bottles. Your employer should have you fitted and train you on how to wear it properly. (Use PPE when providing services).





What is the hazard?



BIOLOGICAL HAZARD

Biological hazards, such as viruses, fungi, and bacteria

How can it affect your health?

Viral infections like a cold, hepatitis B/C, and HIV, influenza, or COVID; bacterial infections like strep or staph (boils); fungal infections such as Onychomycosis, athlete's foot, ringworm, and mold from touching infected skin or unclean equipment.

How can you protect yourself from hazards to have a safer and healthier workplace?

- Avoid touching blood or other bodily fluids.
- Wear gloves and don't service clients with cuts, open sores, or blisters on their hands or feet.
- Wash hands with soap and water.
- Put a bandage on all your cuts and broken skin.
- If a client bleeds, give her/him a cotton ball to put pressure on the cut. Throw cotton away as soon as bleeding stops.
- Wash tools with soap and rinse in clear water; dry with a clean cloth.
- Follow the rules on decontaminating all equipment and tools, including food basins.



What is the hazard?



ERGONOMIC HAZARD

Aches and pains from sitting with bad posture and bending incorrectly while you work.

How can it affect your health?

Pain in neck, shoulders and upper back arms and shoulders, fingers and hands, lower back and hips from working in awkward positions for long periods of time, knees, feet (swollen).

How can you protect yourself from hazards to have a safer and healthier workplace?

- Raise the client's hand or foot so you don't have to bend over so far.
- Use an adjustable chair.
- Put a towel or foam pad on the table edge to soften it and put soft pads on tools to make them easier to hold.
- Take breaks and slow down when possible.
- Do stretching exercises between clients to help, but you may need to check with your doctor first.

SCENE 3

ALL WORKERS HAVE RIGHTS

Nima

“I want to share this information with my co-workers. I think that we can start to get more nail salon technicians to stand up for their rights if they understand that there is a lot we can do to improve working conditions.”

Marilú

“People need to know that it is the employer’s responsibility to make the workplace safe. Employers need to follow all the labor laws. We need to get paid at least minimum wage and overtime, most of us are entitled to some paid sick days, and we need to get our regular meal breaks. If we get sick or injured on the job, we can file for Workers’ Compensation to collect lost wages and pay for medical treatment. We can join a union if we want; that’s our right under the law, and if we vote for a union, the employer is required to bargain with us so we can get a fair contract. We also have protections against all kinds of workplace discrimination.”

Hana

“We need to know more about these rights so we can educate our co-workers. Let’s talk more about this so we can share this information.”

Nima

“So much is happening around nail salons and at least everyone now knows that there are problems in the nail salon

industry and changes are needed. But that doesn’t solve all our problems. We need to talk with our employer about these issues; how do we do that? How do we get things to change in our salons? Everyone is afraid to talk because no one wants to get fired.”

Hana

“You’re right. Here is what we need to do. We need to gather information from our co-workers about our problems and then talk to people from NYCOSH to attend their Nail Salon Worker Committee meetings. They offer training sessions for workers, and they help groups address problems in the workplace. They will help us to bring these issues to our employers’ attention, and they will help us to stand up for our rights if our employers just want to go back to the same way of doing things. If we work together, we can have more power to make changes in our salons and even throughout the industry.”

Nima

“I agree. There are thousands of nail salons workers in New York. If more of us join together to make nail salons better places to work, we should be able to make some changes. When is the next meeting?”

Maya

“Next week. Plan to bring a couple more of your co-workers. It’s time to change our workplaces, and we all need to be part of it!”



Discussion Questions

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What can you say to your co-workers to convince them to come to a training or event? Do a role play to practice what you could say in those conversations. What concerns of theirs will you have to answer to make them feel confident about coming with you?

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What actions/strategies could you and fellow nail salon workers use to get nail salon owners to improve conditions in nail salons?

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YOUR RIGHTS ON THE JOB

READ THROUGH THE LIST OF RIGHTS BELOW.

- Discuss the importance of each of these rights.
- If your employer is not complying with one (or several) of these rights, what can you and your co-workers do?

AS NAIL SALON WORKERS:

- 1** You have the right to a safe and healthy workplace. OSHA is the federal agency that requires employers to train you about the chemicals you work with, and provide you with information about those products and how you can work with them safely. Your employer must provide you with gloves and you should have goggles when you are pouring and mixing chemicals. According to New York State law, owners and operators of nail salons must make nitrile gloves (or similarly non-permeable gloves) and N-95 and N-100 respirators available for use for licensed nail salon workers and trainees.
- 2** You have the right to file a Workers' Compensation claim if you are injured on the job, regardless of your immigration status. If you are injured at work, or you become sick from the chemicals you work with, and you miss work for more than one week and/or have to receive medical treatment for these injuries or illnesses, you have a right to file a Workers' Compensation claim. Employers are required by law to have Workers' Compensation insurance for all their employees. Employers should pay for an employee's medical expenses with Workers' Compensation funds and should not discourage you if you want to file a claim.
- 3** You have the right to be paid minimum wage. You also have the right to be paid overtime whenever you work more than 40 hours a week. The minimum wage in New York State for tipped workers is \$_____ per hour for the first 40 hours per week. They must also pay you a minimum of \$_____ per hour for all hours after 40 in that week. For tipped employees, your hourly rate and tip credit combined must be at least equal to the minimum hourly wage. If you do not earn tips, you must be paid at least \$_____ per hour, and at least \$_____ per hour for all hours after the first 40 hours in a given week. (Ask your trainer, fellow colleagues, or organizers about the current minimum wage and fill it out in the empty spaces or look it up online).

- 4 You have the right to take a half-hour meal break when you work a shift of more than six hours. Employees whose shifts begin before 11 a.m. and end after 7 p.m. also must be given a 20-minute break between 5 p.m. and 7 p.m.
- 5 You have the right to organize with other employees in your nail salon. An employer may not interrogate employees about their union activities, and they cannot threaten employees with the loss of their job if they attempt to organize.
- 6 You have protection against discrimination under the law. In New York State, it is illegal for an employer to discriminate based on race, creed, color, national origin, sex, age (over 18), marital status, disability, sexual orientation, or prior arrest or conviction record. In New York City, it is illegal for an employer to discriminate based on actual or perceived race, creed, color, age, national origin, alienage or citizenship status, gender (including sexual harassment), sexual orientation, gender identity and expression, disability (including HIV/AIDS), status as victim of domestic violence, arrest or conviction record, marital status, and retaliation. Harassment and retaliation for taking actions against discrimination is also illegal.
- 7 In summary, employers should NEVER:
 - Take your tips or wages
 - Pay you less than minimum wage
 - Make you pay for a job or training or for using the business license number for a trainee license application
 - Deny you a meal break
 - Deny your right to wear gloves or other personal protective equipment
 - Punish you in ANY WAY or fire you for getting sick, pregnancy, complaining about your wages, working conditions, or other bodily conditions (disability or injury)

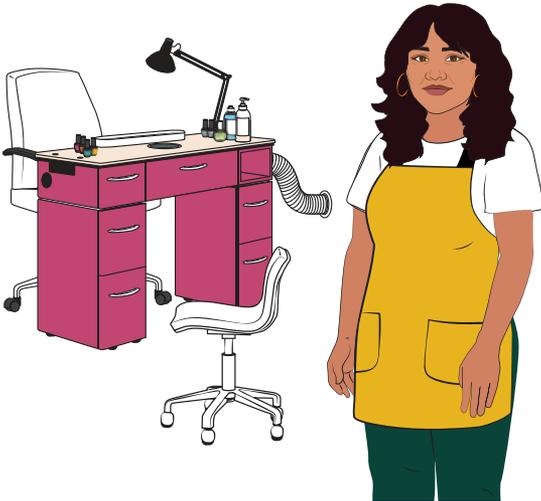


To file a complaint about any of these issues, see the resources page in the back of this booklet.

EMPLOYEES ARE NOT INDEPENDENT CONTRACTORS

Some nail salon workers are not being treated as “employees”; their employers say they are “independent contractors”. Employers do this so they don’t have to pay minimum wage and overtime, Social Security benefits, unemployment, Workers’ Compensation insurance, and other benefits to workers.

If you file a complaint, the agency that takes the case will work with you to clarify if you have been misclassified.



It is likely you are an employee if:

Your employer sets your work schedule

You do not rent your workspace

The owner sets the rates paid by customers

You use the owner’s tools and equipment

ABOUT PAID SICK DAYS

If you are an employee in New York City, you have the right to be paid for sick days. If you work more than 80 hours in a calendar year, and there are five or more employees in your workplace, you are entitled to receive up to 40 hours of paid sick leave at your regular rate of pay.

You accrue one hour of sick leave for every 30 hours you work up to 40 hours.

Taking Action

List three actions you will take to improve conditions in your salon.

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**Your
Workplace.
Your
Rights.**



RESOURCES

NYCOSH

New York Committee for
Occupational Safety & Health

nycosh.org

212.227.6440

NYCOSH advocates for safe workplaces, and provides health and safety training to workers and those who support every worker's right to a safe and healthy workplace.

ADHIKAAR

adhikaar.org

718.937.1117

Adhikaar, meaning "rights" in Nepali, is a New York-based nonprofit organization working with the Nepali-speaking community to promote human rights and social justice for all.

NEW YORK STATE DEPARTMENT OF LABOR

dol.ny.gov

888.4.NYSDOL
(888.469.7365)

This state agency can help when you have questions or problems regarding your pay, tips, or meal breaks.

PAID SICK LEAVE

dol.ny.gov

212.NEW.YORK
(212.639.9675)

Contact them if you are entitled to paid sick days and you have been denied this benefit by your employer.

NEW YORK STATE WORKERS' COMPENSATION BOARD

wcb.ny.gov

877.632.4996

If you are injured or made sick on the job, have missed at least a week's work, and/or need medical care for a work-related injury or illness, you have the right to file a claim.

DIVISION OF HUMAN RIGHTS

dhr.ny.gov

888.392.3644

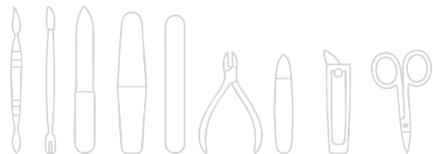
Contact them if you are being discriminated against on the job and need help.

OSHA

osha.gov

800.321.OSHA
(800.321.6742)

OSHA is the federal agency that protects the rights of workers to a safe and healthy workplace.





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