

BEHIND THE POLISH

Experiences of Nepali-Speaking Nail Salon Workers
in New York City

Adhikaar for Human Rights and Social Justice
2015

Acknowledgement

This participatory action research project was made successful by collaborative efforts of many individuals and organizations.

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About the Project

Since 2005, Adhikaar for Human Rights and Social Justice has worked with nail salon workers in New York City¹ who face grueling working conditions within this burgeoning industry¹. Extensive conversations with our members and prior fieldwork in the nail salon industry revealed long hours, low pay, and abuse of basic labor standards. Nail salon workers are often misclassified as “independent contractors,” and left responsible for paying for on-the-job equipment, while employers tightly control wages, work schedules, and overtime. Workers routinely handle cosmetic products containing carcinogens without proper ventilation or protective gear. Extended exposure can lead to chronic health problems. Despite studies that point to the detrimental health impacts within the industry, little progress has been made on enforcement of air quality and toxic chemical regulations. Adding to these conditions, language and immigration challenges make it difficult for workers to acquire proper licensing. The seasonal nature of the work also leads to unsteady cash flows.

Adhikaar seeks to create a healthier nail salon industry in New York. There is currently very little data on nail salon workers in New York. As the newest group of workers in this rapidly-growing industry, Nepali-speaking nail salon workers are not represented in Census data, official statistics, or media, and their concerns and experiences remain invisible. Therefore, in 2011, Adhikaar set out to document working conditions for Nepali-speaking nail salon workers in New York, from the perspective of those on the front line.

In addition to the research project, Adhikaar co-leads the New York Healthy Nail Salons Coalition with New York Committee on Occupational Safety and Health (NYCOSH). We have conducted health and safety training in Nepali, translated OSHA manual for nail salon workers into Nepali, and created an educational poster² in five languages targeting nail salon workers and customers.

Methodology

Our participatory action research project collected and analyzed primary and secondary data about Nepali-speaking nail salon workers. Primary data collection is at the core of this project. We trained nail salon workers in a series of popular education workshops on developing and fielding a survey. Adhikaar reached over 200 Nepali-speaking nail salon workers. We collected 189 surveys, and conducted four focus groups to collect qualitative data and to capture worker experience and perspectives on challenges and solutions to create a healthier nail salon industry. DataCenter, our collaborating partner, developed workshops, conducted preliminary data analysis, and worked with Adhikaar to develop findings from the data.

¹ According to NAILS magazine, consumers spent \$8.54 billion on their nails in 2014. <http://files.nailsmag.com/Market-Research/NABB2014-2015-Stats-2-1.pdf>.

² The poster, *Healthy Salons for All*, is available for free download at <http://welcometocup.org/Projects/MakingPolicyPublic/HealthySalonsForAll>.

About Adhikaar

Adhikaar, meaning “rights,” is a women-led non-profit organization working with the Nepali-speaking communities to promote human rights and social justice for all. Adhikaar was established in 2005 by four young immigrant women of color to address the growing inequalities faced by this emerging community. Adhikaar is the only organization mobilizing the Nepali-speaking community to raise our voices and take collective action against injustices through organizing, community education, grassroots advocacy, leadership development, and civic engagement. Adhikaar has become a leading voice for workers’ rights and new immigrant communities in New York City and beyond.

Adhikaar has extensive experience using participatory action research. In 2010, Adhikaar published the report, ***Snapshots of the Nepali-Speaking Community in New York City***, based on the first comprehensive demographic and needs assessments of our community. Adhikaar was one of the lead organizations, anchoring the national survey of domestic workers in the USA (***Home Economics: The Invisible and Unregulated World of Domestic Work***). We have also conducted participatory action research on a range of topics affecting our communities, including the childcare challenges faced our members, documented in ***Listening to Workers: Child Care Challenges in Low-Wage Jobs***.

About Data Center

DataCenter strengthens the power of grassroots organizing by strategically integrating community-driven research as a critical component of social justice campaigns. DataCenter elevates community expertise, and supports self-determination through the strategic use of research and documentation tools to advance the objectives of organizations led by and working in marginalized communities. DataCenter builds the capacity of communities to develop their own expertise and leadership by lifting up the perspective of the community to define priorities and propose meaningful solutions.

Current Context for Nail Salon Workers in New York City

The nail salon sector is one of the fastest growing industries in the U.S., employing mostly newly-arrived immigrant women. According to Nails magazine, in 2014 there were more than 53,000 nail salons in the U.S. employing upwards of 375,000 licensed nail technicians. Nail salons are a hugely profitable \$8 billion industry and a major employer of immigrant and undocumented women. Nail technicians are also predominantly women of color (59 percent). Nepali-speaking immigrant women are the newest and fastest growing group of workers entering the nail salon industry in New York. The average age of nail technicians is 38, and the average length of time spent in the nail industry is 8.6 years. Customers at nail salons are also predominantly women, comprising 94 percent of all customers. The nail salon industry has experienced tremendous growth in the last 10 years, with an increase of 374 percent in the number of salons and an increase of 327 percent in the number of nail technicians. A May 2014 study by the U.S. Bureau of Labor Statistics found 15,710 manicurists and pedicurists working in New York State, the highest concentrations in the country. Yet New York State also has one of the lowest mean wages for these workers.³

³ Bureau of Labor Statistics. *Occupational Employment and Wages, Manicurists and Pedicurists, May 2014*. <http://www.bls.gov/oes/current/oes395092.htm>

Nail salon workers are exposed daily to chemicals that cause a host of problems, including rashes, cancer, miscarriage, and birth defects. In fact, the Environmental Working Group, which conducts research and advocacy on human and environmental health found the intensity of exposure for salon workers is 1,200 times what it would be for the average American.⁴ While there are strong recommendations from a number of public health and safety regulatory agencies, including OSHA, ensuring that every salon meets standard regulations is difficult. There are 5,000 nail salons in New York State, of which 2,000 are in New York City alone. But there are fewer than one inspector per 150 salons in New York State.⁵

Additionally, Nepali-speaking workers experience significant language barriers which affect their ability to get licensed, receive higher pay, and improved working conditions.

Survey Respondents: Nepali-speaking New Immigrant Workers

Of the 189 workers we surveyed, the overwhelming majority, at 97 percent, was female. Eight out of ten were between the ages of 26 years and 49 years, and only 6 percent were 50 years or older. Fourteen percent between the ages of 18 years and 25 years, who are likely to be students working in nail salons to pay for their education.

Most of the workers surveyed had some level of formal schooling. However, one out of two had not completed high school and many had not attended past elementary school. Only eighteen percent had completed college or graduate school.

All of the surveys were conducted in Nepali and all the respondents were able to communicate in Nepali language. More than three-fourth identified their primary language as Nepali and 18 percent said Tibetan was their primary language. Among the respondents, 84 percent are literate in their native language. But, 58 percent have some or severe difficulties expressing themselves in English.

Majority of the Nepali-speaking nail salon workers (84 percent of the respondents) emigrated from Nepal, thirteen percent came from Tibet, and two percent from India. More than 8 out of ten respondents had lived in the United States for less than 10 years; 42 percent had lived in the US for three years or less, and about 12 percent came to this country less than one year earlier.

Before coming to the United States, many of those surveyed were homemakers, with others identifying various professions including business owners, farmers, teachers, and students.

Employment Conditions for Nepali-speaking Nail Salon Workers

The survey sought to explore specific questions of employment, training and licensing to identify what kinds of salons Nepali workers are most often employed by, and whether or not their level of training as well as whether or not they have a license influences pay, safety and other working conditions.

Most of the respondents are working in small to mid-size salons (4 to 9 manicure/pedicure chairs). The salons are low- to mid-cost with manicures often costing less than \$20. Most workers had been employed between 1 and 6 years with 70 percent working in the current salon for less than 3 years, indicating a high turnover rate. When asked why they chose to work in the nail salon industry 51 percent identified that nail salon jobs are easy to find, and 27 percent said that they could hold a nail salon jobs with limited English skills. Sixteen percent felt they had no other options for employment. Some respondents mentioned that their degrees were not valued in the U.S. and they had to choose this profession.

Nearly 100 percent of those surveyed perform manicures and pedicures, with some also identifying massage and waxing as essential job duties. More than 80 percent are also responsible for some level of salon maintenance such as cleaning the bathroom and doing laundry.

Nearly 60 percent of the workers were employed at salons in Manhattan even though 78 percent live in Queens, meaning that an average worker might commute more than an hour from home to salon, making their days even longer.

Long Hours for Low Pay

More than three-fourth of those surveyed work full time. 97 percent of the workers are paid a flat rate that is as low as \$30 per day, with most workers making between \$40 and \$70 per day. Nearly all workers said they receive tips, with most ranging from \$50 to \$200 per week. The workers in salons with cheaper prices are likely to get smaller amounts in tips as well. Only seven percent of the workers surveyed said they received overtime pay when they worked more than 40 hours per week.

While studies have shown that nail salon work is largely seasonal, especially in areas with cold winters, this survey shows that workers are not compensated more during the busiest months of June through September. Rather, on average they made the same or less in wages than during other times of the year. Tips, however, do increase during the summer months, suggesting a higher volume of customers. On average, workers made \$58 more in tips per week during June through September than they did the rest of the year. Fluctuations in the amount of money workers are bringing home means that their ability to pay for things like rent, bills or food may vary month to month.

Workers consistently reported working 9 to 12 hours per day. Roughly 39% get one day off per week and 41% get 2 days off per week. This means that workers are on the job between 45 and up to 84 hours a week which means long hours without over time compensation as well as greater time handling and inhaling hazardous chemicals and fumes.

Most workers responded that their break time was not fixed or regular, but rather taken when and if customer inflow was lower, usually 20 to 30 minutes when they could find the time. While 63 percent reported that they could eat meals in a kitchen or break room, 23 percent reported that they ate in the basement. Nine percent reported eating at their workstation or another part of the active salon, greatly increasing their chances of chemical exposure through ingestion.

Health and Safety Risks

Occupational Safety and Health Administration (OSHA) recommends that nail technicians wear gloves and face masks when working in nail salons. The agency also recommends that salons be well ventilated with a central ventilation system or ventilated nail tables. The results of this survey show that nail salons in New York City are not complying with these recommendations and are putting nail salon workers at risk for serious illness or injury.

Only 8 percent of respondents always wore gloves and 7 percent always wore masks. Additional 68 percent sometimes wore gloves and 41 percent sometimes work masks. Workers cited both customer preference and perception or employer mandate as reasons that they did not wear gloves or masks. Of those who used gloves and masks at least sometimes, 25 percent had to buy their own gloves and 70 percent had to buy their own masks.

Only 6 percent of workers responded that the salon they are employed in has vented nail tables, and only 20 percent said that the salon had a shop ventilation system as opposed to simply a ceiling fan or windows that open. Additionally 34 percent of workers reported that they worked at least some of the time in a basement or that their salon is in a basement where ventilation is likely to be poor.

More than half of the workers surveyed reported that they began experiencing health problems after starting to work at a nail salon. The most common symptoms are eye irritation (37 percent), allergies (33 percent), and headache (33 percent). Eleven percent have worked at a salon while they were pregnant, potentially jeopardizing the likelihood that their pregnancy would be healthy. A significant percentage of workers (30 percent) are not afforded sick days, and of those who did get sick days off, no one was paid for that time.⁶ More than one in ten workers had to work while they were sick, and four out of ten workers worked with clients who were sick with a cold, flu, cough or other similar symptoms.

Most of the surveyed workers received on the job training, learned from either family or friends and/or were self-taught. Only 18 percent received training through a school or training program. More than 63 percent said that they had not completed training in the safe handling of chemicals. Only 29 percent of workers said that they have knowledge of Safety Data Sheets, which are intended to provide workers with procedures for handling or working with substances in a safe manner. More than one out of four workers said that they did not have access to the salon's first aid kit. Between ten and twenty percent of respondents also indicated that they found gloves and masks uncomfortable, suggesting that they were not able to access proper training from employers or through a training program on standard health and safety practices for nail salon workers.

Barriers to Licensing

To obtain a license in cosmetology, esthetics or nail technology in the state of New York, workers must complete the requirements of the New York State Board of Cosmetology. To obtain a New York cosmetology license or other beauty practitioner certification, individuals must attend a licensed school and complete the state of New York's minimum required training hours (250 hours for a nail specialty license) and then take the state's cosmetology board exams. After finishing training, individuals are required to pass a licensing exam issued by the New York State Board of Cosmetology. New York only offers the cosmetology board exams in the English and a few other languages, but Nepali and Tibetan are not among the available languages. At present, New York State law does not technically permit individuals who are not licensed to be nail technicians.

Only seventeen percent of those surveyed said they were able to obtain a permanent nail license. Forty-eight percent said their limited English proficiency was the reason they did not seek a license. Fourteen percent said that they did not seek a license due to immigration status and eleven percent said they didn't know how to procure a license.

The fact that the license exam is not given in Nepali is a significant barrier for Nepali-speaking workers who report little to no English proficiency. Those with a high degree of English fluency were more than twice as likely to have a nail salon license as a worker who identified as being only somewhat fluent. Workers with no English fluency were not licensed, regardless of their immigration status.

⁶ The surveys were conducted before the New York City Earned Paid Sick Leave law went into effect.

Conclusions and Recommendations

As this report reveals, low pay, substandard and sometimes dangerous conditions are pervasive for Nepali-speaking nail salon workers. These conditions are shaped by the distinct characteristics of workers' relationships to both employers and customers as well as a failure by government entities to prioritize oversight in this industry. They also reflect the structural disadvantages of particular segments of the labor force, specifically for immigrant women of color with little or no English proficiency.

Transforming the conditions outlined in this report requires action on multiple fronts. We must enact and enforce policies that offer protections and opportunities for nail salon workers; hold employers accountable to fair labor as well as health and safety standards; and educate customers so that they can be advocates for workers' rights by understanding what a good working environment looks like.

Policy makers, employers, workers' rights organizations, customers and nail salon workers themselves have essential roles to play in ensuring that nail salon workers enjoy a full range of labor and employment rights and protections. Below are recommendations generated by Adhikaar to improve the well-being of workers and create a healthier nail salon industry.

Strengthen regulations to prohibit the use of toxic chemicals and regulate the handling of potentially hazardous products to minimize the impact of such products, including but not limited to ventilation, safety gear, and banned-product lists.

- ☑ Ensure proper implementation of existing laws and regulations including minimum wage, overtime pay, lunch break, and paid sick leave.
- ☑ Create a language-accessible tip line for workers to report health, safety or labor violations in salons. Increase the number of agents available to inspect salons and require annual inspections, particularly those fluent in second languages commonly spoken by nail salon workers.
- ☑ Require that health and safety and labor rights posters be posted visibly for workers in all salons.
- ☑ Require employers to undergo training on health and safety and workers' rights when they open a salon and require follow-up training every five years.
- ☑ Launch a public campaign to educate nail salon customers that prioritizes respect for workers.
- ☑ Launch a health and safety awareness campaign to educate nail salon workers.
- ☑ Provide all workers the opportunity to earn a permanent nails license regardless of immigration status.
- ☑ Expand the languages available for the licensing exam to include Nepali and Tibetan.
- ☑ Allow illiterate workers to take the exam with the aid of an interpreter.