A $10 manicure? The other side of the coin

It wasn’t strikes or even the unions that put a stop to the shameless exploitation of nail salon employees in New York State, but the power of the media coupled with a voluntary policy.

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Among the major US cities, New York is unrivalled in the prevalence of nail salons. San Francisco and Los Angeles have less than half the NY number of salons per inhabitant. Over the 2000s, the number of salons in the Big Apple shot up, making the city the US nail salon capital. With such growth totally unanticipated by the New York State Department of Labour, it failed to foresee the fatal consequences of this rapid rise.

Behind the sparkling trappings of the salons lies an odious reality, perfectly illustrated by the story of Alba Torres from Ecuador, a story echoing the lives of many immigrant manicurists. After paying traffickers $12,000, an astronomical amount, she arrived in New York at the age of twenty, leaving behind her one-and-a-half-year-old baby daughter. Twelve years later, she still has no papers. And any thoughts of a better life in the US have long dissipated into thin air. Totally exploited, she earns just $9 an hour. Asked about her boss, she says that she is handled well, even if her boss contemptuously calls her muchacha, the Spanish for "girl". Obviously, she's tired of resisting — and she's been through much worse...

But change is on its way. The ball was set rolling in May 2015 by an investigative news story in the New York Times on the terrible working conditions and generalised exploitation of nail salon employees.

The investigation shocked public opinion, revealing to an unsuspecting public the terrible fate endured by nail salon employees, whether with regard to their health, seriously impaired by breathing in solvents all day, or to their low wages, varying between three and six dollars an hour, despite a New York minimum wage of $8.75 at that time. Further deprivations included no lunch breaks, humiliations, constant video surveillance by the owners, tips being confiscated when a bottle of nail varnish got accidentally knocked over, the absence of masks or gloves, daily racism², unpaid overtime and even unpaid wages.

After publication of the New York Times story, the customers — the ones who decided not to boycott their nail salon — started asking what employees were earning and what their working conditions were like.

The political response was not long in coming, reflecting the muscle power of the US media.

A few days after the uproar caused by the New York Times article, the governor of New York State, Democrat Andrew Cuomo, rolled up his sleeves and declared: "If there is a state that is going to take a stand against worker exploitation, it is New York. New York offers a promise that our arms and hearts are open to those who come here to work and build a better future for themselves — and we

1. The current minimum wage in New York State is between $11.10 and $15 an hour. As part of the State budget 2016-2017 legislation, Governor Cuomo signed a law setting a state-wide $15 minimum wage. This is set to increase the incomes of more than 2.1 million New Yorkers across all industries.


3. A rigid system of ethnic castes exists in New York, dictating not only workers’ wages but also their treatment. Korean workers (80% of nail salons are owned by Koreans) regularly earn twice as much as their Hispanic colleagues.

4. Adhikaar, the Nepalese word for "rights", is a non-profit organisation based in New York organising current and former nail salon workers and which works with the Nepalese community to promote human rights and social justice.
Mandatory ventilation is one of the most radical changes introduced by New York to protect workers.

will not tolerate worker exploitation, period. It’s not a Democratic or a Republican issue – it’s what we believe, and together we’re going to make this a reality.”

He immediately launched a series of urgent measures intended to combat the illegal practices and to improve the working conditions of workers in nail salons, relying on not only the nail salon unions, but also setting up a multi-agency taskforce made up of the Departments of State, Labour and Health and the tax authorities – an unprecedented move!

Low wages and greedy employers

The workers in the 6,000 New York nail salons are mainly vulnerable Latino and Asian immigrants. Often without papers and speaking little English, they are easy prey for employers with no or little regard for their workers’ health and safety. The industry is characterised by long hours, with the vulnerable workers inhaling toxic fumes 10-12 hours a day, six days a week. A hermetically sealed world out of the range of health and safety policies until just a short time ago – policies which had failed at all levels.

But the New York governor was going to need a long-term strategy to achieve sustainable results. Hampered by language problems, enforcement of labour rights in an immigrant economy leaves a lot to be desired. This is the reason why Cuomo called in union organisations such as the New York Healthy Nail Salons Coalition (NYHNSC), an organisation jointly founded in 2014 by the New York Committee for Occupational Safety & Health (NYCOSH) and Adhikaar. New York State has since distributed info-sheets on the new regulations in twelve languages and has held more than thirty information sessions throughout New York with a view to informing nail salon owners of the new legislation.

Owners are now obliged to hang up a copy of the Bill of Nail Salon Workers’ Rights, informing their employees of their right to decent wages and working conditions.

Without papers, many workers are afraid of the US authorities. The Governor’s Office has therefore taken the trouble to point out that the departments involved in the taskforce will not be looking into the immigration status of the workers during their investigations.

The nail salon union organisations have also taken on the task of informing workers of their right to be fully compensated, irrespective of their immigration status, and is encouraging them to speak up about any mistreatment.

In 2015 and 2016, the NYHNSC provided more than one thousand workers with health and safety training in the nail salons and helped them apply for work permits. Moreover, some 5,000 employees – for the most part immigrant women – have managed to gain a nailcare diploma as a result of a new training programme offered by the State of New York. With the state pushing through significant improvements in terms of wages and health, the union is now just an empty shell.

New safety norms

July 2016 turned out to be a turning point for nail salon employees in New York, with state governor Cuomo issuing the order that all nail salons would have to install ventilation systems within the next five years to protect their employees from the potentially harmful effects of the chemical products used in the nail salons. Miscarriages, persistent coughs and various forms of cancer are frequent in the nail salon industry.
In May 2016, 143 salons were forced to pay two million dollars in unpaid wages to 652 employees.

"Immigrants take some of the most dangerous jobs and are exposed to conditions that can literally kill them, if not destroy their health," declared governor Andrew Cuomo, not waiting for the link between the chemical products and the workers' health problems to be scientifically established. Instead, priority has been given to the precautionary principle – there was no scientific research proving that dangerous chemical products were responsible for health problems to be scientifically established. Instead, priority has been given to the precautionary principle – there was no scientific research proving that dangerous chemical products were responsible for health problems.

Mandatory ventilation is one of the most radical changes introduced by New York to protect workers and make the industry safer and fairer. Salons not complying with the new legislation are now at risk of being fined and possibly even losing their operating licence.

Owners must also provide their employees with suitable personal protection equipment, such as masks and goggles. "Many salon owners billed us for manicures to pay for these basic supplies", explained Clara Yoon, a manicurist with fifteen years' experience, "it was common practice." Out on the street, employees who have spent years working in salons can easily pick out others working in the same trade: "We've all got those same coffee-coloured blots on our cheeks", Clara went on to say, "and I am well aware that recent research has proved that certain colourants in bright red nail varnish cause such skin discoloring."

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**Tougher controls**

State labour investigators have cracked down on nail salons since the publication of the New York Times article. Lambasted by the daily paper for only having carried out twenty-five investigations in nail salons in the past year, the New York State Department of Labor is now working flat out, with investigations of almost 450 nail salons ongoing. The governor has since warned nail salons not paying their employees the minimum wage that they will be shut down. In a letter to nail salon owners stating that it was commonplace for nail salon workers to get paid twenty to thirty dollars a day – for a 10-12-hour working day. Under the new law, operating a nail salon without a licence will become an offence subject to up to six months' imprisonment and a maximum $2,500 fine. The New York Department of Labor is now entitled to close salons operating without a licence.

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Under the new standards, all nail salons must now take out insurance covering the non-payment of wages. "This new provision is obliging companies to have adequate reserves to meet their statutory obligations. Owners can no longer quickly sell up and then claim they are unable to pay – a tactic frequently used in such cases", said Charlene Obernauer, NYCOSH executive director.

With the cost of the insurance amounting to somewhere between $25,000 and $250,000, nail salon owners were quick to react, launching protest movements in the social media and coming out on strike. As for the employees, they found themselves locked out while their employers protested on the steps of the New York City Hall or in front of the New York Times offices in protest against the new regulations. The shopfronts of a number of salons sported posters accusing politicians of using these protective laws to bleed them with fines. The governor's office stood firm, and by April 2016 4,000 nail salons across the state were already complying with the new regulations.

The majority of the nail technicians had to pay their employers for their nailcare training – generally between one and two hundred dollars, but sometimes a lot more. Training was followed by weeks or months of unpaid work, allegedly as an 'apprentice'.

A further measure taken by the governor's office has put a stop to this practice: nail salon employees can now take English courses free of charge and receive training while working, thereby escaping any abuse on the part of their employers. In the first week after the introduction of the new programme, the State received more than 2,000 applications for training.

Two years later, changes in the industry are patchy. While workers acknowledge that their working hours have been reduced, one of their main grievances is that employers do not want to pay them for any overtime. But there have also been changes for the better. For instance, 60% of the nail salons now have a Bill of Workers' Rights.

Nail salon workers are increasingly using gloves when working with cotton wool drenched with solvent and protective glasses when working with acetone or other chemical products. Breathing masks are available to workers when filing nails or fashioning acrylic nails. Wages have increased and are now up to $9 an hour. And employees in several salons are also enjoying another unexpected luxury: a lunch break. Strangely enough, prices of manicures and pedicures have remained virtually unchanged. In other words, it would seem that owners have not hiked their prices to pay their employees more. Be that as it may, one must always bear in mind that there is no such thing as cheap luxury – unless someone is being exploited."