



## KNOW YOUR RIGHTS

### Health and Safety in New York Nail Salons: Chemicals and the Law

**Q:** *Where are dangerous chemicals found in nail salons?*

**A:** Dangerous chemicals are found in many products, including nail polish, nail polish remover, and acrylic nail products. Chemicals can cause irritation of the eyes and nose, coughing and asthma, skin rashes, headaches, dizziness, fatigue, and even cancer and reproductive problems such as miscarriages, birth defects, and learning disabilities in babies.

**Q:** *What rights do state and federal health and safety laws and regulations provide for nail salon employees in New York?*

**A:** Nail salon employees have the right to work in a space with adequate air ventilation, to receive training from their salon on the use of hazardous chemicals, to take (unpaid) meal breaks for lunch and dinner (depending on the hours worked), to take reasonable bathroom breaks, and to prepare and keep food away from their workstation. Also, nail salon employees have the right to refuse to use liquid methyl methacrylate (MMA) on acrylic nails.

**Q:** *If an employee speaks up about unsafe conditions or refuses to do unsafe work, is it legal for her salon to fire her?*

**A:** In many situations, the New York State Whistleblower Act makes it illegal to fire an employee or change her job to punish her for this. A lawyer can provide more information.

**Q:** *What if an employee becomes injured at work or gets sick because of her work?*

**A:** If this happens, employees have the right to free medical care and may have the right to monetary compensation through Workers' Compensation insurance.

**Q:** *Can a salon fire a worker because she is pregnant?*

**A:** Pregnant employees have the right under federal, state, and city civil rights laws to work and may not be treated differently than other employees.

**Q:** *Does it matter whether a worker is an "independent contractor" or an "employee"?*

**A:** Independent contractors are entitled to more control over how they perform their work. However, employees are entitled to more health and safety protections. Many salons call workers "independent contractors" when they are really "employees." Contact a community group or an attorney if you are not sure whether you are an employee.

**Q:** *Do health and safety laws and regulations protect workers regardless of immigration status?*

**A:** Yes, all workers have the right to protect their health and safety. Contact an attorney if you have questions about enforcing your legal rights.

*For more information:*

- The **ACLU Women's Rights Project** can provide information about workers' legal rights: 212-549-2644
- The **New York State Workers' Compensation Board** can provide information about Workers' Compensation insurance: 877-632-4996
- The **Equal Employment Opportunity Commission (EEOC)** can provide information about workplace discrimination: 800-669-4000