



## NAIL SALON WORKERS WAGE AND HOUR RIGHTS

The Wage and Hour Division helps all workers in the United States, regardless of immigration status.

As a nail salon worker you have the right to be paid full and fair wages for all hours you work. Know your rights!

### **HOURS WORKED:**

- You must be paid for all work performed whether or not the employer approves the work in advance.
- This includes time spent in training, traveling from site to site during the day, and any work performed “off the clock.”

### **MINIMUM WAGE AND DEDUCTIONS:**

- You must be paid at least the federal minimum wage of \$7.25 per hour.
- Even if you are paid by the day or at a piece rate, your total wages must amount to at least the federal minimum wage for each hour worked.
- Your employer may make deductions for job-related expenses such as uniforms, equipment rentals, or tools but such deductions cannot reduce your pay below the federal minimum hourly wage.
- Some state laws require higher minimum wages and greater employee protections; employers must comply with those laws as well as the federal rules described here.

### **OVERTIME PAY:**

- Generally, you must be paid 1-½ times your regular rate of pay after 40 hours of work in a seven-day workweek.

### **RECORDKEEPING:**

- Employers are required to keep accurate records of all their employees’ daily and weekly hours worked and wages paid.
- You should keep your own records of your work hours and wages, and your employer’s name, address, and phone number.

*It is illegal for your employer to fire you or retaliate against you in any way for contacting us or exercising your rights.*

If you believe your rights have been violated or you have any questions, call us at **1-866-487-9243**.

We can assist you in ***your language***.

Our services are ***free*** and ***confidential***.

### **ARE YOU AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE?**

Some salons incorrectly call workers “independent contractors” when they are actually employees.

It is important for you to know the difference between the two because employees are legally entitled to greater health and safety protections, wages and benefits.

A salon owner may call you an independent contractor, or give you an IRS form 1099 instead of a W-2, but this does not automatically make you an independent contractor.

We look at several factors to determine whether you are truly an independent contractor.

#### **Do you:**

- *Rent a booth or station at a salon?*
- *Purchase your own supplies and tools?*
- *Set your own schedule and pay rates?*
- *Have your own customers who pay you directly?*
- *Have your own business license?*

If you answer “No,” to some or all of these questions, you might be an employee.

Please contact us if you are not sure whether you are an employee or an independent contractor. We will look at your job duties and other factors to determine your workplace rights.



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## UNITED STATES DEPARTMENT OF LABOR



1-800-321-OSHA (6742)



[www.osha.gov](http://www.osha.gov)



## Stay Healthy and Safe While Giving Manicures and Pedicures

Products used in nail salons can contain harmful chemicals. Over time, repeated use or exposure to high concentrations of these chemicals could damage your body or cause serious health effects. You have the right to working conditions that do not put you at risk of serious harm.

### *Hazardous Chemicals in Nail Salon Products*

Some potentially hazardous chemicals and their health effects are below (for a more comprehensive list go to [www.osha.gov/SLTC/nailsalons](http://www.osha.gov/SLTC/nailsalons))

- Acetone (nail polish remover): headaches, dizziness, irritated eyes, skin and throat.
- Dibutyl phthalate (DBP) (nail polish): nausea, irritated eyes, skin, nose, mouth and throat.
- Ethyl methacrylate (EMA) (artificial nail liquid): asthma, irritated eyes, skin, nose and mouth; difficulty

concentrating. Exposures while pregnant may affect your child. (Methyl methacrylate is banned in many states.)

- Formaldehyde (nail polish, nail hardener): can cause cancer; difficulty breathing; asthma like attacks; allergic reactions; irritated eyes, skin and throat.
- Toluene (nail polish, fingernail glue): dry or cracked skin; headaches, dizziness, and numbness; irritated eyes, nose, throat, and lungs; damage to liver and kidneys; and harm to unborn children during pregnancy.

### *Getting Information about Chemicals in Salon Products*

- Professional nail salon products that contain hazardous chemicals must provide warning and precautionary statements;
- Salons must provide you with safety data sheets (SDSs) for the products that contain hazardous chemicals. SDSs list hazardous ingredients, how you can be exposed, health and safety risks, and steps for safe use and storage. You have the right to ask for and receive a copy of the SDS.

### *Protecting Worker Health*

- Whenever possible, use less hazardous products. Some products claim to be made without the toxic trio (toluene, formaldehyde, and dibutyl phthalate).
- Ventilate salons and let in fresh air. Open doors and windows, always keep exhaust, heating and air conditions system, and ventilation tables on; and use portable ventilation machines.
- Keep products off skin and out of eyes. Wear gloves and goggles when transferring product; wear long sleeve shirts; wash hands frequently and keep food away from chemicals.
- Safely store chemicals.

## THE RIGHT TO A SAFE WORKPLACE

Employees have the right to a safe workplace. Employers have the responsibility to provide working conditions that do not put workers at risk of serious harm. You have the right to receive training and information on job hazards and methods to prevent harm. Workers can call OSHA to ask questions, receive information or file a complaint requesting an OSHA inspection if they believe there is a serious hazard. It's illegal for employers to retaliate against you for raising safety concerns, or calling OSHA.

To ask questions or get more information, go to [www.osha.gov](http://www.osha.gov) or call 1-800-321-OSHA (6742). It's confidential. We are here to help.

Scan this code with your smartphone to view a comprehensive list of potentially hazardous chemicals and their health effects.

