

COMMISSION OFFICERS

Mary Lee A. Kiernan, *Chair*
Catherine Ernsky, *Vice Chair*
Lucia A. Aschettino, *Secretary*
Hilda C. Nieves, *Treasurer*

EXECUTIVE DIRECTOR

Carolyn M. Treiss

Connecticut General Assembly



COMMISSIONERS

Maritza Bond
JoAnn Calnen
April Capone
Susan Eastwood
April Guilbault
Karen Jarmoc
Kristin A. LaFleur
Antonia Moran
Melanie O'Brien
Helene Shay
Susan Toliver
Patricia E.M. Whitcombe

HONORARY MEMBERS

Barbara DeBaptiste
Connie Dice
Patricia T. Hendel
Patricia Russo

**Testimony of
Jillian Gilchrest, Senior Policy Analyst
Permanent Commission on the Status of Women
Before the
Public Health Committee
February 16, 2016**

Re: H.B. 5131, AN ACT ESTABLISHING A TASK FORCE ON NAIL SALONS AND NAIL TECHNICIANS

Senators Gerratana and Crisco, Representatives Ritter and Riley, and distinguished members of the Public Health Committee, my name is Jillian Gilchrest and I am the Senior Policy Analyst for the Permanent Commission on the Status of Women (PCSW) and I serve as Chair of the Trafficking in Persons Council, as mandated by CGS Sec. 46a-170. Thank you for this opportunity to provide testimony on behalf of the PCSW in support of H.B. 5131, An Act Establishing a Task Force on Nail Salons and Nail Technicians.

The PCSW would like to thank the Committee for your consideration of this issue, which disproportionately impacts the health and safety of women, who make up not only the majority of nail salon customers, but even more importantly, the vast majority of nail salon workers.

As some of you may be aware, this is not the first time the Connecticut General Assembly (CGA) has considered the oversight and licensing of nail salons. In 1999, the CGA passed a law reestablishing a licensure program for nail technicians, which was never implemented by the Department of Public Health and was repealed in 2001. Connecticut remains the only state in the country that does not license nail technicians, an unusual position for us to be in and a likely reason for both major labor violations and unsafe working conditions that have been documented across Connecticut.

After an expose on nail salons was featured in the New York Times in May of 2015¹, Connecticut's Department of Labor (DOL) conducted a one-day inspection tour of twenty-five nail salons in early August, finding wage and hour violations at all but two – a 92 percent failure rate. As Chair of the Trafficking in Persons (TIP) Council, the PCSW invited DOL, the Asian Pacific American Affairs Commission, and the Center for Youth Leadership, which has been doing outreach to nail salon workers and customers in Norwalk, to present to the TIP Council.

During that presentation, we learned of massive health and labor violations taking place at nail salons throughout Connecticut. Not only are customers' health and safety potentially at risk due to a lack of worker training and oversight, but the health and safety of workers is in very real jeopardy. Connecticut does not have any regulations requiring ventilation or the wearing of protective equipment by nail salon workers who are

¹ Nir, Sarah Maslin. The Price of Nice Nails. The New York Times, May 7, 2015. <http://www.nytimes.com/2015/05/10/nyregion/at-nail-salons-in-nyc-manicurists-are-underpaid-and-unprotected.html>

subjected day after day, week after week, to the harmful fumes and chemicals used in nail and beauty products. There is a growing body of medical research showing a link between these chemicals and serious health issues, including cancer and reproductive problems.

In terms of labor violations, DOL described conditions in which nail salon workers are bussed from New York City at 8:00 am to work in Connecticut nail salons from 10:00 in the morning to 8:00 at night, and then bussed back to New York in the evening, working 10 hour days for as little as \$40 a day. DOL also described a nail salon where employees were forced to live in housing provided by their employer and have their pay and tips rationed to cover the cost of rent. Since that presentation, I have had conversations with some of your colleagues in the Legislature who have received complaints from constituents claiming that nail salons in their communities may be involved the illegal sale of sex.

Furthermore, after analyzing tax and unemployment data, the PCSW believes that there are a large number of nail salons in Connecticut that are misclassifying their employees as sub-contractors (non-employer) and not properly filing Connecticut taxes. According to 2013 data obtained from the U.S. Census Bureau, there were 1,459 non-employer nail salons in Connecticut. That same year only 925 nail salons registered with the Connecticut Department of Revenue Services, a discrepancy of 534 nail salons. By filing as non-employer, nail salons can avoid paying workers compensation and unemployment insurance. In 2014, only 472 nail salons in Connecticut were covered under the unemployment insurance system, according to data obtained from DOL.

The PCSW raises this discrepancy in how nail salons are filing with state and federal agencies to illustrate that the issues with nail salons in Connecticut goes much deeper than protecting the health and safety of customers and establishing standards by which nail technicians are licensed. The PCSW urges that the Committee broaden the scope of the proposed Task Force to include at the very least, health effects on workers, labor issues, and licensure of salons, salon owners, and nail technicians. Finally, as Chair of the Trafficking in Persons Council, which has a direct interest in this issue due to the possible link to labor and sex trafficking, the PCSW requests to be added as a Task Force member. Should the committee choose to expand the charge of the Task Force, we could encourage the further addition of experts in those areas.

Thank you for the opportunity to testify today and for your thoughtful consideration of this important issue to so many of Connecticut's women.