
THIRD READING

Bill No: AB 1331
Author: Elhawary (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 6/25/25
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE JUDICIARY COMMITTEE: 9-2, 7/15/25
AYES: Umberg, Arreguín, Ashby, Caballero, Durazo, Laird, Wahab, Weber
Pierson, Wiener
NOES: Niello, Valladares
NO VOTE RECORDED: Allen, Stern

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 55-15, 6/5/25 - See last page for vote

SUBJECT: Workplace surveillance

SOURCE: California Federation of Labor Unions

DIGEST: This bill regulates and limits the use of workplace surveillance tools, by both public and private employers, as specified.

ANALYSIS:

Existing law:

- 1) States that the “right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States

Constitution and that all individuals have a right of privacy in information pertaining to them.” Further states these findings of the Legislature:

- a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.
 - b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.
 - c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civil Code §1798.1)
- 2) States that advances in science and technology have led to the development of new devices and techniques for the purpose of eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties that cannot be tolerated in a free and civilized society. (Penal Code §630)
 - 3) Prohibits a person from intentionally, and without the consent of all parties to a confidential communication, using an electronic amplifying or recording device to eavesdrop upon or record the confidential communication. For purposes of these provisions, defines a “person” to mean an individual, business association, partnership, corporation, limited liability company, or other legal entity. (Penal Code §632)
 - 4) Establishes the California Consumer Privacy Act (CCPA), which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civil Code §1798.100 et seq.)
 - 5) Establishes the Consumer Privacy Rights Act (CPRA), which amends the CCPA and creates the California Privacy Protection Agency (PPA), which is charged with implementing these privacy laws, promulgating regulations, and carrying out enforcement actions. (Civil Code §1798.100 et seq.; Proposition 24 (2020))

- 6) Establishes within the Department of Industrial Relations (DIR), various entities including the Division of Labor Standards Enforcement (DLSE) under the direction of the Labor Commissioner (LC), and empowers the LC with ensuring a just day's pay in every workplace and promotes economic justice through robust enforcement of labor laws. (Labor Code §79-107)
- 7) Prohibits an employer from causing an audio or video recording to be made of an employee in a restroom, locker room, or room designated by an employer for changing clothes, unless authorized by court order. No recording made in violation of this prohibition may be used by an employer for any purpose. A violation of this section constitutes an infraction. (Labor Code §435)
- 8) Authorizes, until January 1, 2029, a public prosecutor to prosecute an action, either civil or criminal, for a violation of certain provisions of the labor code or to enforce those provisions independently. (Labor Code §181)

This bill:

- 1) Defines, among other terms, the following:
 - a) "Employer" means a person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, benefits, other compensation, hours, working conditions, access to work or job opportunities, or other terms or conditions of employment, of any worker.
 - i) "Employer" includes an employer's labor contractor.
 - ii) "Employer" includes private entities and public entities, including, but not limited to, all branches of state government, or the several counties, cities and counties, and municipalities thereof, or any other political subdivision of the state, or a school district, or any special district, or any authority, commission, or board or any other agency or instrumentality thereof.
 - b) "Worker" means an employee of, or an independent contractor providing service to, or through, a business or a state or local governmental entity in a workplace.
 - c) "Workplace surveillance tool" means a system, application, instrument, or device that collects or facilitates the collection of worker activities, communications, actions, biometrics, or behaviors, or those of the public that are capable of passively surveilling workers, by means other than direct

observation by a person, including, but not limited to, video or audio surveillance, electronic workplace tracking, geolocation, electromagnetic tracking, photoelectronic tracking, or utilization of a photo-optical system or other means.

- i) “Workplace surveillance tool” does not include smoke or carbon monoxide detectors or weapon detection systems that automatically screen a person’s body.
 - d) “Public prosecutor” means the Attorney General, a district attorney, a city attorney, a county counsel, or any other city or county prosecutor.
- 2) Prohibits an employer, unless directed by a court order, from using a workplace surveillance tool to monitor or surveil workers, including data collection on the frequency of a worker’s use of those areas, in the following employee-only, employer-designated areas:
- a) Bathrooms.
 - b) Locker rooms.
 - c) Changing areas.
 - d) Lactation spaces.
- 3) Authorizes a worker to leave behind workplace surveillance tools that are on their person or in their possession in both of the following circumstances, unless a worker is required to remain available during meal or rest periods pursuant to federal law or existing state law.
- a) When entering an area listed in (2) above, employee-only breakrooms and cafeterias, and public bathrooms.
 - b) During off-duty hours, excluding rest periods.
- 4) Prohibits an employer from requiring a worker to physically implant a device that collects or transmits data, including a device that is installed subcutaneously in the body.
- 5) Prohibits an employer from using audio surveillance to record employee-only breakrooms or cafeterias.
- 6) If an employer uses a workplace surveillance tool in an employee-only breakroom or cafeteria, requires the employer to post signage in the area

notifying workers that they are subject to surveillance that does not record audio.

- a) Prohibits the workplace surveillance tool in an employee-only breakroom or cafeteria from using artificial intelligence monitoring capacity.
- 7) Authorizes a worker or their authorized representative to request video surveillance that the worker is in.
 - 8) Authorizes an employer to use workplace surveillance tools that passively surveil workers in an area not listed in (2) above and employee-only breakrooms and cafeterias, even if an off-duty worker may be present, as long as the worker is made aware in advance that a workplace surveillance tool is in use.
 - 9) Notwithstanding the prohibitions specified, authorizes an employer to check workplace surveillance tools for the one-time entry and exit in the areas listed in (2) above and employee-only breakrooms and cafeterias for health and safety purposes, as long as it is not used to monitor the frequency of a worker's use of those areas.
 - 10) On a multiemployer jobsite, requires the controlling employer to post a notice at the jobsite providing a general description of the types of activities that may be monitored or surveilled and for what purposes. Specifies that such a notice satisfy the requirement for any employer whose employees perform work on that jobsite.
 - 11) Specifies that an employer is not in violation of this bill's provisions in any of the following circumstances:
 - a) A worker brings a workplace surveillance tool into an area listed in (2) above or employee-only breakrooms or cafeterias because it is required to access a locked or secured area.
 - b) A worker uses a workplace surveillance tool to access a locked or secured area during off-duty hours.
 - c) A worker voluntarily chooses to bring a workplace surveillance tool into an area listed in (2) above or employee-only breakrooms or cafeterias.
 - d) A worker voluntarily keeps a workplace surveillance tool on their person during off-duty hours.

- e) A worker brings, or keeps on their person during off-duty hours, a workplace surveillance tool, including a badge or personal alarm system, into an area listed in (2) above or employee-only breakrooms or cafeterias because the employer has a policy that requires that workplace surveillance tool to be in the worker's possession while on work premises for identification or safety purposes, if the workplace surveillance tool meets both of the following conditions:
 - i) Does not detect or record audio.
 - ii) Is not artificial intelligence enabled.
- 12) Prohibits a worker from removing or physically tampering with any component of a workplace surveillance tool that is part of or embedded in employer equipment or vehicles.
- 13) Prohibits an employer from discharging, threatening to discharge, demoting, suspending, or in any manner discriminating against an employee for using, or attempting to use, the employee's rights under this part, including the filing of a complaint, as specified.
- 14) Specifies that in addition to any other remedy, an employer who violates these provisions shall be subject to a civil penalty of \$500 per violation.
- 15) In addition to any other remedy, authorizes the Labor Commissioner to enforce these provisions, including investigating an alleged violation, and ordering appropriate temporary relief to mitigate a violation or maintain the status quo pending the completion of a full investigation or hearing including by issuing a citation and filing a civil action, as specified.
- 16) Authorizes these provisions to also be enforced by a public prosecutor, as specified.
- 17) Provides that the above provisions do not preempt any local law that provides equal or greater protection to workers.
- 18) Specifies that the above provisions are severable and if any provision is held invalid, that invalidity shall not affect other provisions or applications that can be given effect.

- 19) Provides that these provisions do not limit the authority of the Attorney General, a district attorney, or a city attorney, either upon their own complaint or the complaint of any person acting for themselves or the general public, to prosecute actions, either civil or criminal, for violations of these provisions, or to enforce the provisions independently and without specific direction of the LC or the Division of Labor Standards Enforcement.
- 20) Specifies that these provisions do not prohibit any employer from using workplace surveillance tools as required by federal law or existing state law.
- 21) Specifies that these provisions do not authorize any employer to use workplace surveillance tools as prohibited by federal law or existing state law.
- 22) Exempts from all these provisions, an employer that does either of the following:
 - a) Develops products for national security, military, space, or defense purposes.
 - b) Develops aircraft for operation in national airspace.
- 23) Specifies that this bill's provisions do not apply to a law enforcement agency that includes any employee who is a peace officer, as specified, when it acts as a law enforcement agency or as the employer of its own employees.
 - a) For purposes of this provision, specifies that a law enforcement agency is not to be deemed the employer of any employees who are not directly employed by the law enforcement agency.

Background

Need for this bill? According to the author: "As technology's capabilities have increased, employer surveillance of workers has increased. Recent reports from ExpressVPN found that close to 80% of employers use monitoring software to track employee performance. With employer surveillance on the rise, workers have limited access to spaces in their workplace, that are not under constant surveillance. Employers use workplace surveillance to track, monitor, manage, and prevent workers from advocating for their rights. The new surveillance state at the workplace has proven to increase psychological distress, stress, and lower job satisfaction among workers."

Related/Prior Legislation

SB 7 (McNerney, 2025) would regulate the use of automated decision systems (ADS) in the employment setting. *SB 7 is pending on the Assembly Floor.*

AB 1018 (Bauer-Kahan, 2025) would, among other things, regulate the development and deployment of an ADS used to make consequential decisions, as defined. *AB 1018 is pending on the Senate Floor.*

[NOTE: Please see the Senate Labor, Public Employment and Retirement Committee analysis on this bill for more background information and information on additional prior and related legislation.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- This bill would result in costs to the State as a direct employer to revise policies and ensure the use of any existing tools comply with its requirements (General Fund or special fund). The magnitude of such costs is unknown, and would be driven by the use of workplace surveillance tools across the State's roughly 200 departments and agencies.
- The Department of Industrial Relations (DIR) indicates that it would incur first-year costs of \$1.23 million, and \$1.67 million annually thereafter, to enforce the provisions of the bill. (Labor Enforcement and Compliance Fund).
- By authorizing public prosecution to enforce worker privacy rights, this bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 to operate a courtroom for an eight-hour day. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2025-26 budget includes \$38 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.
- This bill could result in increased penalty revenue to the State; the magnitude is unknown, but probably minor.

SUPPORT: (Verified 8/29/25)

California Federation of Labor Unions (Source)
Air Line Pilots Association, International
AFSCME California
Association of Flight Attendants - CWA
California Alliance for Retired Americans
California Civil Liberties Advocacy
California Coalition for Worker Power
California Conference Board of the Amalgamated Transit Union
California Conference of Machinists
California Employment Lawyers Association
California Federation of Teachers AFL-CIO
California Immigrant Policy Center
California Nurses Association
California Professional Firefighters
California School Employees Association
California State Legislative Board of the SMART - Transportation Division
California State University Employees Union
California Teamsters Public Affairs Council
Center for Democracy and Technology
Center for Inclusive Change
Center on Policy Initiatives
Church State Council
Coalition for Humane Immigrant Rights
Coalition of Black Trade Unionists, San Diego County Chapter
Communications Workers of America, District 9
Community Agency for Resources, Advocacy and Services
Consumer Attorneys of California
Consumer Federation of California
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO
Inland Empire Labor Council
International Cinematographers Guild, Local 600, IATSE
International Lawyers Assisting Workers Network
Los Angeles Alliance for a New Economy
Los Angeles County Democratic Party
National Employment Law Project
National Union of Healthcare Workers
Northern CA District Council of the Int. Longshore and Warehouse Union
Oakland Privacy
Omidyar Network
Pillars of the Community

PowerSwitch Action
Rise Economy
San Diego Black Workers Center
Secure Justice
Service Employees International Union, California State Council
Surveillance Resistance Lab
Teamsters California
TechEquity Action
The Center for AI and Digital Policy
The Workers Lab
Transport Workers Union of America, AFL-CIO
UNITE HERE! International Union, AFL-CIO
UNITE HERE! Local 11
United Food and Commercial Workers, Western States Council
Utility Workers Union of America
Warehouse Worker Resource Center
Workers' Algorithm Observatory
Working Partnerships USA
Worksafe

OPPOSITION: (Verified 8/29/25)

Acclamation Insurance Management Services
ADT Security Services
Aerospace and Defense Alliance of California
Agricultural Council of California
Allied Managed Care
American Petroleum and Convenience Store Association
American Property Casualty Insurance Association
Anaheim Chamber of Commerce
Associated General Contractors of California
Associated General Contractors – San Diego Chapter
Association of California Healthcare Districts
Association of California School Administrators
Association of Orange County Deputy Sheriff's
Brea Chamber of Commerce
CalBroadband
Calforests
California Alarm Association
California Alliance of Family Owned Businesses
California Apartment Association

California Association of Health Facilities
California Association of Joint Powers Authorities
California Association of Licensed Security Agencies, Guards & Associates
California Association of Recreation and Park Districts
California Association of School Business Officials
California Association of Sheet Metal & Air Conditioning Contractors National
California Association of Winegrape Growers
California Attractions and Parks Association
California Automatic Vendors Council
California Bankers Association
California Beer and Beverage Distributors
California Cardroom Alliance
California Chamber of Commerce
California Cities for Self-reliance Joint Powers Authority
California Construction and Industrial Materials Association
California Credit Union League
California Farm Bureau
California Fitness Alliance
California Fraternal Order of Police
California Fuels and Convenience Alliance
California Gaming Association
California Grocers Association
California Hospital Association
California Hotel & Lodging Association
California Landscape Contractors Association
California League of Food Producers
California Manufacturers and Technology Association
California Moving and Storage Association
California Municipal Utilities Association
California Pawnbrokers Association
California Pest Management Association
California Restaurant Association
California Retailers Association
California School Boards Association
California Special Districts Association
California State Association of Counties
California State Council of SHRM
California Statewide Law Enforcement Association
California Travel Association

Carlsbad Chamber of Commerce
Chino Valley Chamber of Commerce
City of Concord
City of Orinda
Coalition of Small and Disabled Veteran Businesses
Colusa County Chamber of Commerce
Communities 4 California Cardrooms
Construction Employers' Association
Corona Chamber of Commerce
County of Fresno
County of Humboldt
County of Kern
County of Los Angeles Board of Supervisors
County of Mendocino
Dairy Institute of California
Dana Point Chamber of Commerce
El Dorado County Chamber of Commerce
El Dorado Hills Chamber of Commerce
Elk Grove Chamber of Commerce
Flasher Barricade Association
Folsom Chamber of Commerce
Garden Grove Chamber of Commerce
Greater Coachella Valley Chamber of Commerce
Greater Conejo Valley Chamber of Commerce
Greater High Desert Chamber of Commerce
Greater Riverside Chambers of Commerce
Housing Contractors of California
Insights Association
LA Canada Flintridge Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
League of California Cities
Lincoln Area Chamber of Commerce
Livermore Valley Chamber of Commerce
Long Beach Area Chamber of Commerce
Long Beach Police Officers Association
Los Angeles Area Chamber of Commerce
Morgan Hill Chamber of Commerce
Murrieta Wildomar Chamber of Commerce
National Association of Theatre Owners of California

National Electrical Contractors Association
National Health and Fitness Association
Northern California Power Agency
Oceanside Chamber of Commerce
Orange County Business Council
Pacific Association of Building Service Contractors
Paso Robles and Templeton Chamber of Commerce
Public Risk Innovation, Solutions, and Management
Rancho Cordova Area Chamber of Commerce
Rancho Cucamonga Chamber of Commerce
Redondo Beach Chamber of Commerce
Resource Recovery Coalition of California
Rocklin Area Chamber of Commerce
Roseville Area Chamber of Commerce
Rural County Representatives of California
Sacramento County Deputy Sheriff's Association
San Diego Regional Chamber of Commerce
San Jose Chamber of Commerce
Santa Barbara South Coast Chamber of Commerce
Santa Clarita Valley Chamber of Commerce
Security Industry Association
Sheriff's Employee Benefits Association
Shingle Springs/Cameron Park Chamber of Commerce
SHRM
South Bay Association of Chambers of Commerce
Southwest California Legislative Council
TechNet
Torrance Area Chamber of Commerce
Tri County Chamber Alliance
Tulare Chamber of Commerce
United Chamber Advocacy Network
United Contractors
Urban Counties of California
Valley Industry and Commerce Association
Walnut Creek Chamber of Commerce & Visitors Bureau
Western Car Wash Association
Western Electrical Contractors Association
Western Growers Association
Wilmington Chamber of Commerce
Wine Institute

Yuba Sutter Chamber of Commerce

ARGUMENTS IN SUPPORT:

According to a coalition of proponents: “Workplace surveillance is not a new phenomenon; employers have surveilled workers for decades with traditional cameras and microphones. However, today’s workplace surveillance capabilities differ in scale, speed, and invasiveness. Employers now have access to a plethora of military grade tools, such as wearable devices, to monitor worker biometrics, speech, and location, as well as heat and retina tracking technology. With the use of these powerful surveillance tools, workers have limited access to spaces in their workplace that are not under constant surveillance. A 2024 study found two-thirds (68%) of U.S. workers report at least one form of electronic monitoring. The study also found 88% of large companies (1000 or more workers) have some form of monitoring, compared to 43% in smaller organizations. Areas such as restrooms, lactation spaces, and worker lounges are not protected from being surveilled with advanced technology that does not rely solely on traditional audio or visual recordings. The new surveillance state at the workplace has proven to increase the likelihood of discrimination, harassment, and psychological distress of workers.

To protect worker privacy in sensitive areas and from developing implantable technology, AB 1331 will update and expand existing workplace privacy laws to address new powerful forms of surveillance technology.”

ARGUMENTS IN OPPOSITION:

A coalition of private employer organizations, including the California Chamber of Commerce, are opposed to the measure and write:

“AB 1331 jeopardizes safety and security in every workplace:

- AB 1331 applies to both public and private employers, including schools, hospitals, gambling establishments, cities, counties, correctional facilities, small businesses, and more.
- AB 1331 permanently bans any use of AI in security systems used in a break room or cafeteria. This means banning the following:
 - Technology that pinpoints where there is an ongoing emergency, including gunshot detection or detection of sounds over a specific decibel
 - Technology that can detect in video footage when and where violence or theft occurred
 - Technology used to help find lost children in theme parks

- AB 1331 permanently bans any recording of audio in break rooms or cafeterias, including during an ongoing emergency
- AB 1331 allows workers (including any contractor who ever sets foot on premises) to request copies of video footage they are in, regardless of who else or what else is in that footage.
- AB 1331 functionally prohibits even simple use of AI”

ASSEMBLY FLOOR: 55-15, 6/5/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Ávila Farías, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Macedo, Patterson, Ramos, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Alanis, Castillo, Chen, Davies, Flora, Lackey, Nguyen, Ortega, Pacheco

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**** END ****