

Date of Hearing: April 29, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1883 (Bryan) – As Amended April 13, 2026

Policy Committee:	Labor and Employment	Vote:	5 - 0
	Privacy and Consumer Protection		11 - 2

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill prohibits an employer from using workplace surveillance tools for certain purposes.

Specifically, this bill:

- 1) Prohibits an employer from using a workplace surveillance tool on a worker for various purposes, including inferring information about a worker’s engagement in protected activity, making inferences about an individual based on their gait, and collecting neural data.
- 2) Prohibits an employer from using facial recognition technology, unless the technology is used strictly to open a locked device or grant access to locked or secure areas.
- 3) Prohibits an employer from using a workplace surveillance tool to infer a worker’s protected status under the Fair Employment and Housing Act (FEHA).
- 4) Provides that these prohibitions do not prohibit an employer from using a workplace surveillance tool to ensure safety if the tool does not incorporate artificial intelligence (AI) that makes inferences or predictions based on a worker’s emotional, facial, gait, or neural data; FEHA protected status; or protected activity.
- 5) Requires the Labor Commissioner (LC) to enforce these prohibitions, including issuing a citation and filing a civil action, and authorizes enforcement by a public prosecutor, worker, or worker’s representative through a civil action.
- 6) Allows the petitioner in a civil action to seek temporary or preliminary injunctive relief, including punitive damages and attorney’s fees and costs, and allows an employer in violation to be subject to a penalty of up to \$500 per violation.

**FISCAL EFFECT:**

- 1) Costs of an unknown, but likely significant amount, in excess of \$150,000, to the state as an employer to ensure an existing or future workplace surveillance tool is not used for a prohibited purpose, which may necessitate disposing of existing tools and procuring alternate tools, among other implementation measures (General Fund (GF) or special fund). The magnitude of costs depends on the prevalence of workplace surveillance tools across the state, with some agencies, such as the Department of Corrections and Rehabilitation, likely to incur significantly higher costs than others, given the agency’s scope of work.

Similarly, likely significant costs to local government employers, which the state would not need to reimburse because this bill's new requirements for local agencies equally apply to the private sector.

- 2) The Department of Justice (DOJ) reports no significant impact from this bill, indicating DOJ is unlikely to experience an increase in litigation representing state agencies for alleged violations of this bill's prohibitions or pursue civil actions to enforce this bill's provisions as a public prosecutor.
- 3) Annual cost pressures of an unknown amount to the courts in additional workload by authorizing a new civil action against an employer that violates this bill's prohibitions (GF or Trial Court Trust Fund). It is unclear how many civil actions may be filed statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.
- 4) Costs of an unknown, but likely significant amount, potentially in the millions of dollars, to the LC to enforce this bill's prohibitions (Labor Enforcement and Compliance Fund). The LC's primary mission is enforcement of the state's wage and hour laws and protecting employees from related retaliation, whereas this bill regulates employer conduct that is generally outside the usual scope of enforcement for the LC. For example, an employer that uses a security camera with AI technology that can detect an individual's unease may be subject to LC enforcement.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

#### COMMENTS:

- 1) **Purpose.** According to the author:

AB 1883 will prohibit the use of invasive surveillance systems in the workplace, systems that pose profound risks not just to employee privacy but also to unaccountable discrimination. It also prohibits the use of surveillance tools to infer protected and personal information about workers, including immigration and health status, and the likelihood of unionizing or speaking up against workplace violations.

- 2) **Workplace Surveillance Tools.** While employers surveilling their workers, both during and after work hours, is far from a new phenomenon, advances in affordable surveillance and AI technology has made that surveillance much more intrusive. Many workers, while generally aware they are being monitored, are not aware of the extent of the surveillance or what is being done with the information. Technology such as motion scanners, Bluetooth beacons, and keystroke logging track every movement of workers in the office to gauge productivity, with some workplaces even using biometric data, such as eye movements, body shifts, and facial expressions captured via webcam, to evaluate whether workers are attentive in their duties. An employer may then use data gathered from workplace AI tools to make a wide

range of decisions affecting a worker's wages and benefits, work schedule, performance evaluation, discipline, promotion, and other workplace conditions. While the appropriate use of certain tools may enhance working conditions, documented harms associated with the use of such tools generally include discrimination from biased training data, physical injuries caused by productivity systems that push workers to unsafe speeds, lower wages set by algorithm, erosion of privacy, and suppression of workers' right to organize.

This bill prohibits an employer from using workplace surveillance tools for certain invasive purposes, such as inferring information about a worker's engagement in protected activity. However, this bill allows, with limitations, the use of certain tools for safety-related purposes, such as granting access to a secure area.

- 3) **Support and Opposition.** This bill is sponsored by the California Federation of Labor Unions, which argues this bill "will prohibit employers from using potentially biased, invasive, and exploitative forms of AI powered surveillance tools to collect data and surveil workers." This bill is also supported by a large coalition of labor organizations, as well as privacy rights groups.

This bill is opposed by a large coalition of business groups, led by the California Chamber of Commerce, which argues this bill "creates various bans on the use of certain technologies in the workplace" but the "breadth of the bill's definitions and prohibitions captures various legitimate use cases." This bill is also opposed by a coalition of local government associations.

- 4) **Related Legislation.** AB 1221 (Bryan) regulates an employer's use of workplace surveillance tools and worker data. AB 1221 was held on this committee's suspense file.

AB 1331 (Elhawary) prohibits an employer from using a workplace surveillance tool to monitor workers in employee-only areas and during off-duty hours. AB 1331 was ordered to the Senate Inactive File.

AB 1898 (Schultz) requires an employer to notify a worker of the employer's use of a workplace AI tool. AB 1898 is pending hearing by this committee.

SB 7 (McNerney) would have required an employer to provide a written notice to workers regarding the use of certain automated decision systems (ADS) making employment-related decisions. SB 7 was vetoed by Governor Newsom, who stated, "rather than addressing the specific ways employers misuse this technology, the bill imposes unfocused notification requirements on any business using even the most innocuous tools. This proposed solution fails to directly address incidents of misuse."

SB 238 (Smallwood-Cuevas) requires an employer to annually provide a notice of all the workplace surveillance tools used in the workplace to the Department of Industrial Relations. SB 238 is pending hearing by the Assembly Privacy and Consumer Protection Committee.

SB 947 (McNerney) prohibits an employer from using an ADS to perform certain functions and regulates allowable ADS uses. SB 947 is pending hearing by the Senate Appropriations Committee.

SB 951 (Reyes) requires an employer to provide a 90-day written notice to workers and certain entities before a technological displacement affecting 25 or more workers or 25% of the workforce, whichever is less. SB 951 is pending hearing by the Senate Appropriations Committee.

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