
THIRD READING

Bill No: AB 1883
Author: Bryan (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 8-1, 6/29/26
AYES: Cabaldon, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes, Umberg,
Wiener
NOES: Seyarto

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 7/1/26
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 52-12, 5/27/26 - See last page for vote

SUBJECT: Workplace surveillance tools

SOURCE: California Federation of Labor Unions

DIGEST: This bill regulates the use of specified workplace surveillance tools.

ANALYSIS:

Existing law:

- 1) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (California Constitution (Cal. Const.), art. I, § 1.)

- 2) 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 (Civ.) Code § 1798.100 et seq.)
- 3) Requires a business that collects a consumer's personal information to, at or before the point of collection, inform consumers of the categories of personal information to be collected and the purposes for which the categories of personal information are collected or used. (Civ. Code § 1798.100(a).)
- 4) Grants a consumer the right to request that a business that collects personal information about the consumer disclose to the consumer the following:
 - a) the categories of personal information it has collected about that consumer;
 - b) the categories of sources from which the personal information is collected;
 - c) the business or commercial purpose for collecting, selling, or sharing personal information;
 - d) the categories of third parties with whom the business shares personal information; and
 - e) the specific pieces of personal information it has collected about that consumer. (Civ. Code § 1798.110.)

This bill:

- 1) Prohibits an employer from using a “workplace surveillance tool” that uses AI on workers that is capable of either of the following:
 - a) Recognizing, or making inferences or predictions about, an individual's emotional state.
 - b) Collecting neural data.
- 2) Defines “workplace surveillance tool” as any system, application, instrument, or device that collects or facilitates the collection of worker data, activities, communications, actions, biometrics, or behaviors by means other than direct observation by a person, including video or audio surveillance, continuous incremental time-tracking tools, geolocation, electromagnetic tracking, photoelectronic tracking, or that utilizes a photo-optical system or other means.
- 3) Provides for civil enforcement by the Labor Commissioner and public prosecutors. Such petitioners may bring a civil action seeking civil penalties,

appropriate temporary or preliminary injunctive relief, including punitive damages, and reasonable attorney's fees and costs.

- 4) Authorizes the Labor Commissioner, in addition to the above civil action, to further enforce this part, including by 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 issuing a citation against an employer in violation, as specified.
- 5) Provides specified exemptions.

Background

Workplace surveillance technology has expanded dramatically in recent years, evolving from basic security cameras and badge access systems to sophisticated digital monitoring tools that track virtually every aspect of employee activity. These tools may provide benefits to employers in the form of increased productivity and security. However, they raise serious concerns about their impact on privacy and worker organizing; the psychological effects on workers; and when decisions are based on automated performance metrics, issues of algorithmic bias and unfairness.

This bill regulates employers use of “workplace surveillance tools,” specified tools that collect or facilitate the collection of worker data, activities, communications, actions, biometrics, or behaviors by means other than direct observation by a person. This includes video or audio surveillance, continuous incremental time-tracking tools, and geolocation. Employers are prohibited from using a workplace surveillance tool that uses AI on workers when capable of analyzing emotional state or collecting neural data.

This bill is sponsored by the California Federation of Labor Unions. It is supported by a large coalition of labor organizations and advocacy groups, including the State Building and Construction Trades Council of California. It is opposed by a coalition of governmental associations and industry groups, including the League of California Cities. For a more thorough discussion of this bill, please see the Senate Privacy, Digital Technologies, and Consumer Protection Committee analysis, which is incorporated herein by reference.

Comment

According to the author:

Workplace surveillance has evolved into highly invasive systems that track worker movements and collect massive amounts of data. Current laws fail to protect workers from these practices. 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.

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

According to the Senate Appropriations Committee:

Estimated \$2.6 million in FY 2026-27, \$2.5 million annually thereafter to the Division of Labor Standards Enforcement within the Department of Industrial Relations. The Labor Commission, as chief of the DLSE, enforces wage laws and retaliation laws whereas this bill will require regulating employer conduct. (Labor Enforcement and Compliance Fund)

Potentially significant costs to the courts to adjudicate new penalties depending on the numbers of employers charged and the factors unique to each case. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Likely minor, if any, costs to state entities found using workplace surveillance tools for prohibited purposes. (Special funds, General Fund)

SUPPORT: (Verified 8/14/26)

California Federation of Labor Unions, AFL-CIO (sponsor)

Alameda Labor Council

American Federation of Musicians, Local 7

American Federation of State, County and Municipal Employees California

California Alliance for Retired Americans

California Conference Board of the Amalgamated Transit Union

California Conference of Machinists

California Employment Lawyers Association

California Faculty Association
California Federation of Teachers AFL-CIO
California Nurses Association
California Professional Firefighters
California School Employees Association
California State Legislative Board of the Smart - Transportation Division
California State University Employees Union, SEIU Local 2579
California Teachers Association
Center on Policy Initiatives
Central Coast Labor Council
Central Labor Council, Fresno-Madera-Tulare-kings Counties, AFL-CIO
Communications Workers of America, District 9
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO
Inland Empire Labor Council, AFL-CIO
Kapor Center Advocacy
North Bay Labor Council
North Valley Labor Federation
Oakland Privacy
Omidyar Network
Orange County Labor Federation, AFL-CIO
Privacy Rights Clearinghouse
San Mateo County Central Labor Council
Service Employees International Union California
State Building and Construction Trades Council of California, AFL-CIO
Teamsters California
TechEquity Collaborative
Unite Here, AFL-CIO
Utility Workers Union of America, AFL-CIO
What We Will

OPPOSITION: (Verified 8/14/26)

American Petroleum and Convenience Store Association
Associated General Contractors of California
Associated General Contractors San Diego
Association of California Healthcare Districts
Association of California School Administrators
Building Owners and Managers Association of California
California Airports Council
California Apartment Association
California Assisted Living Association

California Association of Joint Powers Authorities
California Association of Recreation & Park Districts
California Association of School Business Officials
California Association of Sheet Metal & Air Conditioning Contractors National Association
California Association of Winegrape Growers
California Attractions and Parks Association
California Automatic Vendors Council
California Business Properties Association
California Chamber of Commerce
California Craft Brewers Association
California Distributors Association
California Grocers Association
California Hospital Association
California Landscape Contractors Association
California League of Food Producers
California Manufacturers and Technology Association
California Moving and Storage Association
California Restaurant Association
California Retailers Association
California Special Districts Association
California State Association of Counties
California Transit Association
California's Credit Unions
Civil Justice Association of California
County Health Executives Association of California
County of Kern
County of Riverside
Family Business Association of California
Insights Association
League of California Cities
Los Angeles Area Chamber of Commerce
National Association of Independent Property Owners
National Automatic Merchandising Association
Public Risk Innovation, Solutions, and Management
Resource Recovery Coalition of California
Rural County Representatives of California
Security Industry Association
Self Storage Association
Shrm California

Southwest California Legislative Council
Technet
The Greater Coachella Valley Chamber of Commerce
Tri County Chamber Alliance
Urban Counties of California
Western Growers Association
Wine Institute

ARGUMENTS IN SUPPORT: A large coalition of labor organizations and advocacy groups, including the California Teachers Association, writes:

Employers have used surveillance to monitor, manage, and control workers for decades. However, today’s employers now have access to a plethora of AI enabled surveillance tools capable of analyzing a worker’s gait, neural activity, emotional state, and face. AI enabled surveillance differs from traditional video and audio monitoring in several ways. For one, these tools strip workers of their biometric data, essentially committing a full-scale invasion of workers’ physical, mental, and emotional space at all hours of the day. Rather than requiring a human to monitor live surveillance feeds, today’s tools utilize active AI monitoring that are capable of monitoring workers with zero interruptions. Heart rate, perspiration, facial expressions, and eye movements are tracked and used as data points to target “unproductive” workers and to “minimize risk” in the workplace.

AI tools rely on black-box algorithms to surveil workers. Data from emotion recognition, neural sensors, and facial and gait sensors are not just observations, but analysis of the data collected. Not only is that data potentially unreliable, but it can have bias built in, further exacerbating discrimination and inequities. For example, tools that utilize emotion recognition technology may very well fail to understand cultural nuances of expression and may be trained on biased information that inaccurately tags certain forms of speech as “aggressive” or “inappropriate.” Similarly, facial recognition has a long history of failing to accurately recognize people of color, thus automating discrimination on a massive scale.

In order to protect workers from unregulated forms of military grade surveillance technology, AB 1883 prohibits employers from deploying gait, emotional, and neural recognition technologies in the workplace. AB 1883 also sets guardrails on the use of facial recognition technology by prohibiting employers from using the technology to make inferences to fire, discipline, or deactivate a worker. AB 1883 also prohibits employers from using any surveillance tool to infer personal and sensitive information of a worker such as their immigration status, gender identity,

or sexual orientation and if a worker is exercising their protected rights. Lastly, this bill prohibits the use of any AI tool that prevents compliance with or violates any federal, state, or local labor, occupational health and safety, employment, or civil rights laws or regulations.

ARGUMENTS IN OPPOSITION: A large coalition of associations representing public employers, including the California State Association of Counties, writes:

We have fundamental concerns with this and other bills that aim to restrict how public agencies can use the tools defined as “workplace surveillance tools,” which we believe are essential and, in many cases, routine tools used for security.

- We oppose any legislation that will compromise health, safety, and security for our employees, the public we serve, and our officials.
- We oppose any legislation that compromises our ability to conduct investigations into fraud, waste, or abuse.
- We do not believe it is appropriate to regulate tools used for security and basic operations in response to private sector labor concerns. State law has protected the right of public employees to bargain and most public employees have a property interest in their position that is protected by due process.

AB 1883 would impose several rules on how public agencies may use surveillance tools – a term that is vast in its application, including video cameras, ID badge or key fob access, digital workplace messaging collaboration platforms (e.g. Microsoft Teams or Slack), and a wide array of tools used to keep workplaces safe, conduct essential government services, and protect against abuse, fraud, and waste of public resources.

We understand the reasonable concerns one could have about the rapid integration of surveillance tools into every aspect of daily life, particularly as new technologies emerge. However, we are concerned that this bill and others aimed at limiting workplace technology are too broad, too expensive, and too dangerous for public agencies and those we serve.

ASSEMBLY FLOOR: 52-12, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen,

Ortega, Papan, Patel, Pellerin, Petrie-Norris, Ramos, Ransom, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Ávila Farías, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Johnson, Macedo, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Alanis, Carrillo, Castillo, Chen, Flora, Gipson, Hoover, Lackey, Pacheco, Patterson, Quirk-Silva, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Ta, Valencia

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