

**ASSEMBLY BILL**

**No. 1331**

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**Introduced by Assembly Member Elhawary**  
**(Coauthors: Assembly Members Bryan and Mark González)**  
(Coauthors: Senators Cortese and McNerney)

February 21, 2025

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An act to add Part 5.8 (commencing with Section 1560) to Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1331, as introduced, Elhawary. Workplace surveillance.

Existing law establishes the Division of Labor Standards Enforcement within the Department of Industrial Relations. Existing law authorizes the division, which is headed by the Labor Commissioner, to enforce the Labor Code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board or commission.

This bill would limit the use of workplace surveillance tools, as defined, by employers, including by prohibiting an employer from monitoring or surveilling workers in private, off-duty areas, as specified, and requiring workplace surveillance tools to be disabled during off-duty hours, as specified.

This bill would subject an employer who violates the bill to a civil penalty of \$500 per employee for each violation and would authorize an employee and a public prosecutor to bring specified enforcement actions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Part 5.8 (commencing with Section 1560) is added to Division 2 of the Labor Code, to read:

PART 5.8. WORKPLACE SURVEILLANCE OF EMPLOYEES

1560. As used in this part:

(a) (1) “Authorized representative” means a person or organization appointed by the worker to serve as an agent of the worker.

(2) “Authorized representative” does not mean a worker’s employer.

(b) (1) “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.

(2) “Employer” includes an employer’s labor contractor.

(c) “Public prosecutor” has the same meaning as defined in Section 180.

(d) “Worker” means a natural person or that person’s authorized representative acting as a job applicant to, an employee of, or an independent contractor providing service to, or through, a business or a state or local governmental entity in a workplace.

(e) “Worker data” means any information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a covered worker, regardless of how the information is collected, inferred, or obtained.

(f) “Workplace surveillance tool” means a system, application, instrument, or device that collects or facilitates the collection of worker data, activities, communications, actions, biometrics, or behaviors, or those of the public, by means other than direct observation by a person, including, but not limited to, video or audio surveillance, electronic work pace tracking, geolocation, electromagnetic tracking, photoelectronic tracking, or utilization of a photo-optical system or other means.

1561. (a) An employer shall not use a workplace surveillance tool to do either of the following:

1 (1) Monitor or surveil workers in private, off-duty areas,  
2 including, but not limited to, bathrooms, locker rooms, changing  
3 areas, breakrooms, smoking areas, lactation spaces, employee  
4 cafeterias, and lounges, including data collection on the frequency  
5 of use of those private areas.

6 (2) Monitor or surveil a worker's residence, a worker's personal  
7 vehicle, or property owned, leased, or used by a worker, unless  
8 that surveillance is strictly necessary.

9 (b) Workplace surveillance tools shall be disabled during  
10 off-duty hours, including rest and break periods, including in a  
11 worker's residence, personal vehicle, or property owned, leased,  
12 or used by a worker.

13 (c) An employer shall not require a worker to physically implant  
14 a device that collects or transmits data, including a device that is  
15 installed subcutaneously in the body.

16 1562. (a) An employer shall not deny an employee the rights  
17 under this part or discharge, threaten to discharge, demote, suspend,  
18 or in any manner discriminate against an employee for using, or  
19 attempting to use, the employee's rights under this part, filing a  
20 complaint with the department or alleging a violation of this part,  
21 cooperating in an investigation or prosecution of an alleged  
22 violation of this part, or opposing any policy or practice or act that  
23 is prohibited by this part.

24 (b) In addition to any other remedy, an employer who violates  
25 this part shall be subject to a civil penalty of five hundred dollars  
26 (\$500) per employee for each violation.

27 (c) The Labor Commissioner shall enforce this section, including  
28 investigating an alleged violation, and ordering appropriate  
29 temporary relief to mitigate a violation or maintain the status quo  
30 pending the completion of a full investigation or hearing through  
31 the procedures set forth in Section 98.3, 98.7, 98.74, or 1197.1,  
32 including issuing a citation against an employer who violates this  
33 section and filing a civil action. If a citation is issued, the  
34 procedures for issuing, contesting, and enforcing judgments for  
35 citations and civil penalties issued by the Labor Commissioner  
36 shall be the same as those set out in Section 98.74 or 1197.1, as  
37 applicable.

38 (d) (1) Alternatively to subdivision (b), any employee who has  
39 suffered a violation of subdivision (c) may bring a civil action in  
40 a court of competent jurisdiction for damages caused by that

1 adverse action, including punitive damages, and for reasonable  
2 attorney's fees as part of the costs of any such action for damages.

3 (2) In any civil action brought pursuant to paragraph (1), an  
4 employee or the employee's exclusive representative may petition  
5 the superior court in any county wherein the violation in question  
6 is alleged to have occurred, or wherein the person resides or  
7 transacts business, for appropriate temporary or preliminary  
8 injunctive relief.

9 (e) In addition to other remedies as may be provided by the laws  
10 of this state or its subdivisions, any public prosecutor may also  
11 institute an action for a violation of this part, including an action  
12 seeking injunctive relief.

13 1563. (a) This part does not preempt any local law that  
14 provides equal or greater protection to workers.

15 (b) The provisions of this part are severable. If any provision  
16 of this part or its application is held invalid, that invalidity shall  
17 not affect other provisions or applications that can be given effect  
18 without the invalid provision or application.

19 (c) This part does not limit the authority of the Attorney General,  
20 a district attorney, or a city attorney, either upon their own  
21 complaint or the complaint of any person acting for themselves or  
22 the general public, to prosecute actions, either civil or criminal,  
23 for violations of this part, or to enforce the provisions thereof  
24 independently and without specific direction of the commissioner  
25 or the division.