





September 3, 2026

The Honorable Governor Gavin Newsom
 Governor, State of California
 1021 O Street, Suite 9000
 Sacramento, CA 95814

**SUBJECT: AB 1331 (ELHAWARY) EMPLOYMENT: WORKPLACE SURVEILLANCE
 REQUEST FOR VETO**

Dear Governor Newsom:

The California Chamber of Commerce, and the organizations listed below, respectfully urge you to **VETO AB 1331 (Elhawary)**. **AB 1331** is written so broadly that it sweeps in everyday workplace tools that have nothing to do with surveillance, duplicate privacy protections that

already exist under Labor Code Section 435, and impose compliance burdens that are difficult, and in some cases infeasible, for employers to operationalize.

AB 1331's Workplace Surveillance and Artificial Intelligence Definitions are Broad

AB 1331 would codify a definition that we have consistently argued is far too broad. The bill defines a "workplace surveillance tool" to include any "instrument" or "device" that collects any "employee data." This definition is broad enough to sweep in routine workplace tools such as employer-issued cell phones, biometric door locks that use fingerprints for access, and pin pad or keypad entry systems, all of which may be used to access bathrooms. Compounding the problem, **AB 1331** layers a separate, equally sweeping prohibition on tools that incorporate "artificial intelligence" on top of this definition. This creates serious restrictions and access concerns that are difficult for employers to operationalize, as discussed further below.

AB 1331 Would Be Difficult for Employers to Operationalize with Respect to Bathrooms

Beyond definitional problems, **AB 1331** is exceedingly difficult for employers to operationalize as a practical matter. Most worksites do not run separate access systems for restrooms; a single badge, fob, or keypad system typically secures an entire floor or building, including exterior doors, supply rooms, and single-user restrooms that require controlled access for legitimate safety and security reasons unrelated to monitoring employee conduct. **AB 1331** gives employers no workable way to distinguish a badge swipe at a restroom door from the identical swipe at any other secured door on that same system. Complying with the bill would require employers to identify every access point that leads to or through a bathroom, including shared hallways, multi-use restrooms, and ADA-accessible facilities, and then reconfigure or replace existing security infrastructure so that restroom-adjacent data is captured differently than data from the rest of the system. That undertaking is costly and, for many employers, technologically infeasible. **AB 1331** would force employers to choose between disabling legitimate building security measures altogether or accepting open-ended liability under the bill's broad definitions.

Existing Law Already Prohibits Employers from "audio" or "video" recordings in Restrooms

The stated intent behind **AB 1331** is to prohibit employers from monitoring or surveilling employees in a bathroom located in the workplace. Existing law already accomplishes this intent. Labor Code Section 435 prohibits an employer from making an "audio" or "video" recording in a "restroom." **AB 1331's** separate prohibition on devices with "audio" or "video" capability is therefore duplicative and creates a confusing, overlapping compliance framework for employers.

AB 1331 Creates a Vague Venue Standard

Proposed Section 1563(e) describes where a civil action under the bill may be brought. It includes a provision that states the civil action may be filed "wherein the person resides or transacts business." This subdivision appears to be broader than existing California Code of Civil Procedure Section 395 regarding proper venue. We want to ensure that this provision does not broaden the scope of where civil actions can be filed beyond existing venue rules so as not to encourage forum shopping.

For these reasons, we urge you to **VETO AB 1331 (Elhawary)**.

Sincerely,



Andrea Lynch
Policy Advocate- Labor, Employment, and Workers Compensation
California Chamber of Commerce
And the Organizations Following

Acclamation Insurance Management Services (AIMS)
Agricultural Council of California
Allied Managed Care (AMC)
American Petroleum and Convenience Store Association
American Property Casualty Insurance Association
Anaheim Chamber of Commerce
Associated General Contractors California
Associated General Contractors San Diego
Association of California Healthcare Districts
Brea Chamber of Commerce
CalBroadband
Calforests
California Alliance of Family Owned Businesses (CAFOB)
California Apartment Association
California Association of Health Facilities (CAHF)
California Association of Joint Powers Authorities (CAJPA)
California Association of Licensed Security Agencies, Guards & Associates
California Association of Sheet Metal and Air Conditioning Contractors National Association
California Association of Winegrape Growers
California Attractions and Parks Association
California Automatic Vendors Council
California Bankers Association
California Beer & Beverage Distributors
California Card Room Alliance
California Construction and Industrial Materials Association
California Credit Union League
California Fitness Alliance
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 Pest Management Association
California Restaurant Association
California Retailers Association
California Travel Association
Carlsbad Chamber of Commerce

Chino Valley Chamber of Commerce
Coalition of Small and Disabled Veteran Businesses
Colusa County Chamber of Commerce
Construction Employers' Association
Corona Chamber of Commerce
Dairy Institute of California
Dana Point Chamber of Commerce
Flasher Barricade Association (FBA)
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 Cañada Flintridge Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Livermore Valley Chamber of Commerce
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Morgan Hill Chamber of Commerce
Murrieta/Wildomar Chamber of Commerce
National Association of Theater Owners of California
National Electrical Contractors Association
National Health and Fitness Association
Oceanside Chamber of Commerce
Orange County Business Council
Pacific Association of Building Contractors
Paso Robles and Templeton Chamber of Commerce
Rancho Cordova Area Chamber of Commerce
Rancho Cucamonga Chamber of Commerce
Redondo Beach Chamber of Commerce
Resource Recovery Coalition
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
South Bay Association of Chambers of Commerce
Southwest California Legislative Council
TechNet, Robert Boykin
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
United Contractors, Gus Flores
Walnut Creek Chamber & Visitors Bureau
Western Carwash Association
Western Electrical Contractors Association
Western Growers Association
Wilmington Chamber of Commerce
Wine Institute

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