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California's New Workplace AI Laws: What Employers Need to Know

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California employers using artificial intelligence (AI) to help manage their workforce have new compliance deadlines ahead. Governor Gavin Newsom signed four laws addressing workplace AI and employee surveillance on September 30, 2026:

- **SB 947** (known as the "No Robo Bosses Act") bars sole reliance on automated decision systems for employee discipline or termination and requires safeguards when employers primarily rely on those systems.
- **AB 1883** restricts AI-powered surveillance involving emotional-state analysis or neural-data collection.
- **AB 1331** limits surveillance in workplace bathrooms, including through tools that do not use AI.
- **SB 951** adds technology-displacement disclosures to certain Cal-WARN notices.

AB 1883, AB 1331, and SB 951 take effect January 1, 2027. SB 947 becomes effective then as well, but its workplace automated-decision requirements do not become operative until July 1, 2027.

For HR professionals, the first challenge is identifying where these rules apply to technology already in use. A performance management tool may

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raise different compliance questions from an employee tracking device. The relevant requirements depend on what each tool does and how it is used.

SB 947: New Rules for AI-Assisted Discipline and Termination

SB 947 prohibits employers from relying solely on an automated decision system (ADS) when deciding whether to discipline or terminate an employee. A threshold question is whether a particular data-analytics tool meets the ADS definition, even if it is not marketed as AI. The inquiry includes whether its simplified output assists or replaces human discretionary decision-making and materially affects people. The statute excludes databases and calculators.

When an employer "primarily relies" on ADS output for discipline or termination, additional requirements apply:

- A human must corroborate the decision using data collected or used to produce the output, or other relevant supporting information. The employer cannot use output that cannot be corroborated or that the reviewer finds inaccurate, incomplete, or misleading.
- The employee must receive a separate written notice when informed of the decision. It must disclose primary reliance on the ADS and confirm human review and corroboration. It must also provide contact information for a human who can address questions about the decision and the employee's right to a description of their own data used by the system. The notice must explain that retaliation for exercising these rights is prohibited.
- On request, the employer must provide a meaningful, objective description of the employee's own data used by the ADS, with others' personal information anonymized.

- The notice must use plain language and the language used for routine employee communications. It must also be delivered through a simple, easy-to-use method, such as email.

The statute does not define "primarily relies upon." Having a manager approve the decision may not answer how much the employer relied on the ADS.

SB 947 also shifts the burden of proof in certain civil or administrative proceedings. For alleged violations of the sole-reliance or corroboration restrictions: once ADS use to make a disciplinary or termination decision is shown, the employer must demonstrate either that it did not primarily rely on the ADS or that it complied with the applicable ADS-use and notice requirements. Records of the review and notice may help establish compliance.

The law also prohibits using an ADS to prevent compliance with or violate applicable labor, occupational health and safety, employment, or civil-rights laws or regulations. Separate prohibitions address inferring an employee's protected status and predicting and taking adverse action against a worker for exercising legal rights.

An earlier deadline applies to businesses covered by the California Consumer Privacy Act (CCPA). The CCPA's automated decision-making technology rules require compliance beginning January 1, 2027, for covered uses involving significant decisions, including certain employment decisions. SB 947 expressly preserves those privacy rules. Its July operative date does not extend the CCPA deadline.

AB 1883: Limits on AI-Powered Workplace Surveillance

AB 1883 prohibits using AI-powered workplace surveillance tools on employees to recognize or make inferences or predictions about an individual's emotional state. It also prohibits using those tools to

collect “neural data.” Neural data means information generated by measuring activity in an employee’s central or peripheral nervous system. It does not include information inferred from nonneural information. That distinction matters when assessing a tool’s capabilities.

The statute separately states that it does not prohibit using workplace surveillance tools to ensure safety. For a product described as a safety tool, the question is whether its actual use falls within that provision.

For HR, another question is whether the technology uses AI for either prohibited purpose. A general product description may not reveal what conclusions the tool draws from employee information or whether it collects neural data.

AB 1883 also expressly permits an employee to recover a statutory penalty. It bars recovery of both a statutory and a civil penalty for the same violation. The enforcement subsections separately authorize civil actions by the Labor Commissioner and public prosecutors, leaving the procedure for a standalone employee action less clear.

AB 1331: Limits on Surveillance in Workplace Bathrooms

AB 1331 is not limited to AI. It generally prohibits employers from using workplace surveillance tools to monitor employees in workplace bathrooms and gives employees the right to leave carried or worn surveillance tools behind, subject to exceptions. The right to leave a tool behind does not apply when federal or existing state law requires the employee to remain available during meal or rest periods.

The statute allows employers to “check workplace surveillance tools for the one-time entry and exit” of workplace bathrooms. It also provides that an employee’s voluntary decision to bring a tool inside does not itself create an employer violation.

An exception also applies to certain tools employees must keep in their possession on work premises under an identification or safety policy, or need to access a locked or secured bathroom. Those tools must not detect or record audio or video and must not have physically embedded or attached AI. Other workplace privacy protections still apply.

The practical reach extends beyond restroom cameras. An employee badge or wearable may fall within the law depending on its functions and the applicable exceptions. An identification or safety policy may not resolve that inquiry on its own.

SB 951: New Cal-WARN Disclosures for AI-Related Layoffs

SB 951 changes the content of certain notices under California's WARN Act, known as Cal-WARN. It does not change the existing coverage thresholds or 60-day notice period.

Additional disclosures apply when an otherwise covered mass layoff, relocation, or termination is caused "in whole or in substantial part" by AI or other automated technology replacing or automating employment positions. Here, "termination" refers to the cessation or substantial cessation of operations at a covered establishment, not an individual discharge.

The notice must state how many layoffs are substantially due to AI or automation and identify the affected job classifications or occupations and work locations. It must also describe the affected workers' job functions that will be automated and identify the specific category or type of technology that substantially resulted in the displacement. The statement "This notice is for a technology displacement" must appear at the top.

AI need not be the sole cause of the workforce action, and the statute does not define "substantial part." For a planned restructuring, the question is

whether the notice accurately describes automation's role.

SB 951 directs the Employment Development Department (EDD) to publish summaries of technology-displacement notices on its website, along with quarterly statewide summaries. Because the required disclosures tie identified layoffs to specified technology, they communicate the employer's position on causation, not just the fact that it uses AI. That explanation may reach an audience beyond the affected workforce.

Separately, EDD must report to the Legislature by January 1, 2028, on AI's effects on business hiring practices, including impacts on industries and occupations at the state and regional levels. The report may recommend public notice requirements when AI or automation permanently ends hiring or contracting for a particular occupation or position, even without layoffs. The findings could inform future legislation. This reporting provision does not itself impose those additional notice requirements on employers.

Practical Considerations for Employers

SB 947 and both surveillance laws authorize enforcement by the Labor Commissioner and public prosecutors. SB 947 provides for a $500 civil penalty per violation. AB 1883 and AB 1331 provide for penalties of up to $500 per violation. Specified public-enforcement actions may also seek injunctive relief and punitive damages, along with attorney's fees and costs.

Questions employers may wish to consider include:

- Which tools are used to evaluate or monitor employees, and how much do decision-makers rely on their outputs?
- Where SB 947 applies, how will human corroboration and notices be handled, and what records could demonstrate compliance?

- Do surveillance or access-control systems have functions covered by AB 1883 or AB 1331, and does an exception apply?
- Can vendors explain how their tools use employee data and provide information needed to respond to requests for data descriptions?
- For a covered Cal-WARN action, does automation trigger the new disclosures, and what information supports the notice's explanation?

The same questions may arise when evaluating new workplace technology before deployment.

Looking Ahead

Governor Newsom has asked lawmakers to refine both surveillance measures, citing uncertainty about covered tools and possible interference with systems used to access locked facilities. That request does not postpone the laws' effective dates. Further legislation or agency guidance may clarify the questions that remain.

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