



May 19, 2025

The Honorable Assemblymember Elhawary
1021 O Street, Suite 6320
Sacramento, CA 95814

**Subject: AB 1331 (Elhawary) – Workplace Surveillance
OPPOSE**

Dear Assemblymember Elhawary,

The California Coalition on Workers' Compensation (CCWC) is an association of California's public and private sector employers that advocates for a balanced workers' compensation system that provides injured workers with fair benefits, while keeping costs low for employers. Our members include not only businesses of every size, but also cities, counties, schools and other public entities.

CCWC is respectfully opposed to your AB 1331, which would impose strict rules on the use of various "workplace surveillance" tools in the workplace. While we understand that there are myriad objections to this legislation, we are concerned specifically with issues related to workplace safety and fraud in the workers' compensation system.

Compromises Workplace Safety

AB 1331 would severely restrict the use of tools in the workplace that prevent injuries and improve the safety of workplaces and surrounding areas. In fact, AB 1331 prohibits the very mechanisms which employers are being *encouraged* to use to protect their employees under the new workplace violence standard, including any video or audio surveillance. This legislation would make it harder for employers to monitor their premises, protect employees and customers, and collect valuable evidence related to workplace accidents and incidents. The frequency of workplace accidents has fallen dramatically over the past three decades, and much of that improvement has been the result of technology that allows for real-time hazard detection, monitoring of safety practices, behavioral deterrence, and post-incident analysis and training opportunities.

Prohibits Fraud Detection

When employers believe that an employee is committing workers' compensation fraud, they have the choice of hiring a private investigator to conduct surveillance of the employee in public spaces where there is no expectation of privacy. This is typically done when there is information that an employee is embellishing symptoms to a medical provider or working while receiving temporary total disability benefits. In these situations, surveillance may be conducted as an employee leaves their home and travels to a doctor's appointment to see, for example, if the employee uses crutches when walking in the doctor's office but not leaving their home. Or, in the case of an employee on temporary total disability benefits who is working, surveillance may be conducted as the employee comes and goes from that place of employment. That surveillance can then be used in medical and court proceedings depending on the nature of the evidence.

Employers and insurance companies conducting this type of surveillance are required to adhere to applicable rules and conduct surveillance only in public places. AB 1331 would prohibit this type of surveillance and make it nearly impossible for employers to prove fraudulent conduct. We reached out to your office early to discuss this specific issue and were assured that the intent was not to prevent this type of conduct, but that no exemption would be provided. Unfortunately, that leaves us in a position where we must oppose the bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Jason Schmelzer". The signature is fluid and cursive, with the first name "Jason" written in a larger, more prominent script than the last name "Schmelzer".

Jason Schmelzer
California Coalition on Workers' Compensation

cc: Office of Governor Gavin Newsom
Labor and Workforce Development Agency
Division of Workers' Compensation