

STATE OF NEW YORK

8917

2025-2026 Regular Sessions

IN ASSEMBLY

July 16, 2025

Introduced by M. of A. VALDEZ -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting the surveillance of workers in private, off-duty areas or a worker's residence, vehicle or property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 45 to read
2 as follows:

3 § 45. Workplace surveillance of employees; prohibition. 1. For the
4 purposes of this section:

5 a. "Authorized representative" means a person or organization
6 appointed by the worker to serve as an agent of the worker; provided,
7 however, that "authorized representative" does not mean a worker's
8 employer.

9 b. "Employer" means a person who directly or indirectly, or through an
10 agent or any other person, employs or exercises control over the wages,
11 benefits, other compensation, hours, working conditions, access to work
12 or job opportunities, or other terms or conditions of employment, of any
13 worker. "Employer" includes an employer's labor contractor.

14 c. "Worker" means a natural person or that person's authorized repre-
15 sentative acting as a job applicant to, an employee of, or an independ-
16 ent contractor providing service to, or through, a business or a state
17 or local governmental entity in a workplace.

18 d. "Worker data" means any information that identifies, relates to,
19 describes, is reasonably capable of being associated with, or could
20 reasonably be linked, directly or indirectly, with a worker, regardless
21 of how the information is collected, inferred, or obtained.

22 e. "Workplace surveillance tool" means a system, application, instru-
23 ment, or device that collects or facilitates the collection of worker
24 data, activities, communications, actions, biometrics, or behaviors, or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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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, photoelectric tracking, or utilization of a photo-optical system or other means.

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

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

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

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

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

3. a. An employer shall not deny an employee the rights under this section or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using, or attempting to use, the employee's rights under this section, filing a complaint with the department or alleging a violation of this section, cooperating in an investigation or prosecution of an alleged violation of this section, or opposing any policy or practice or act that is prohibited by this section.

b. In addition to any other remedy, an employer who violates this section shall be subject to a civil penalty of five hundred dollars per employee for each violation of this section; provided, however, that any employee who has suffered a violation by an employer who has been issued a citation pursuant to paragraph c of this subdivision may bring a civil action in a court of competent jurisdiction for damages caused by such violation, including punitive damages, and for reasonable attorney's fees as part of the costs of any such action for damages. In any civil action brought by such an employee for a violation by an employer, an employee or the employee's exclusive representative may petition the supreme court in any county wherein the violation is alleged to have occurred, or wherein the person resides or transacts business, for appropriate temporary or preliminary injunctive relief.

c. The commissioner shall be authorized to enforce this section, including 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 who violates this section and filing a civil action.

d. In addition to other remedies as may be provided by the laws of this state or its subdivisions, any public prosecutor may also institute an action for a violation of this section, including an action seeking injunctive relief.

4. This section shall not be construed or interpreted to supersede or preempt any provisions of local law, rules, or regulations.

5. If any provision of this section or its application is held invalid, such invalidity shall not affect any of the other provisions or

1 applications that can be given effect without the invalid provision or
2 application.

3 6. Nothing in this section shall be deemed to limit the authority of
4 the attorney general, a district attorney, or a municipal attorney,
5 either upon their own complaint or the complaint of any person acting
6 for themselves or the general public, to prosecute actions, either civil
7 or criminal, for violations of this section, or to enforce the
8 provisions thereof independently and without specific direction of the
9 commissioner or the division.

10 § 2. This act shall take effect immediately.