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Continuous Video Surveillance of Truck Drivers Does Not Violate California Law

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California Attorney General Kamala Harris recently issued a published opinion on whether continuous video surveillance of truck drivers during their on-the-job driving constitutes a misdemeanor under California Labor Code section 1051, where the video file is inspected by a third party and used as a basis for discipline by the driver's employer. The opinion was requested by California State Senator Jerry Hill, who represents the state's 13th District.

The Attorney General concluded that such surveillance does **not** constitute a misdemeanor if "the third party is an agent of the driver's employer who is videotaping and inspecting the file for the sole benefit of the driver's employer, and that the file is furnished only to the driver's employer." The statute originates from an anti-blacklisting law enacted in 1913 to discourage employers from providing photographs and/or fingerprints to other employers or third parties in order to interfere with an employee or applicant's future employment. According to the Attorney General, section 1051 does not apply in this situation where the third party is an agent of the employer and is inspecting the video for the employer.

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