



ISSUE BRIEF:

STATES ARE ACTING TO PROTECT WORKERS

Across the country, states are working to create guardrails that will protect workers and the public from the harms that AI can present in the workplace. These bills and laws create commonsense rules for data privacy and transparency, automated decision systems, surveillance pricing and wages, whistleblower and anti-retaliation protections, preventing and tracking potential displacement, intellectual property protections, and public sector guardrails.

Data Privacy and Transparency

*Transparency: 85% of voters agree that workers must know if they are being monitored by AI.*¹

Employers increasingly monitor workers electronically and collect sensitive personal data that is used for algorithmic management. Unchecked collection of employee data implicates a wide variety of serious concerns, ranging from the privacy of workers' health information to surveillance of union organizing activity. Many state bills limit the intrusive collection of workers' data, including provisions requiring transparency, advance notice, data retention limits, cybersecurity requirements, surveillance limits, and robust enforcement mechanisms.

Automated Decision Systems

*Human Oversight: 79% of voters insist AI shouldn't be used without meaningful human oversight.*²

State bills aim to regulate employers' use of algorithms to influence employment-related decisions including hiring, firing, scheduling, task allocation, performance evaluation, and wage-setting. Without meaningful human oversight, these systems prioritize speed at all costs, subjecting workers to harms including work intensification, unrealistic quotas, injury, and wrongful discipline and termination. They can also turbocharge discrimination based on race, sex or other protected characteristics. Meaningful human oversight, pre-deployment testing, advance notice and disclosure, the right to appeal adverse decisions, and collective bargaining rights are essential to protecting workers from these automated decision systems.

Surveillance Pricing and Wages

*Surveillance: 76% of Americans said they support efforts to end algorithmic pricing.*³

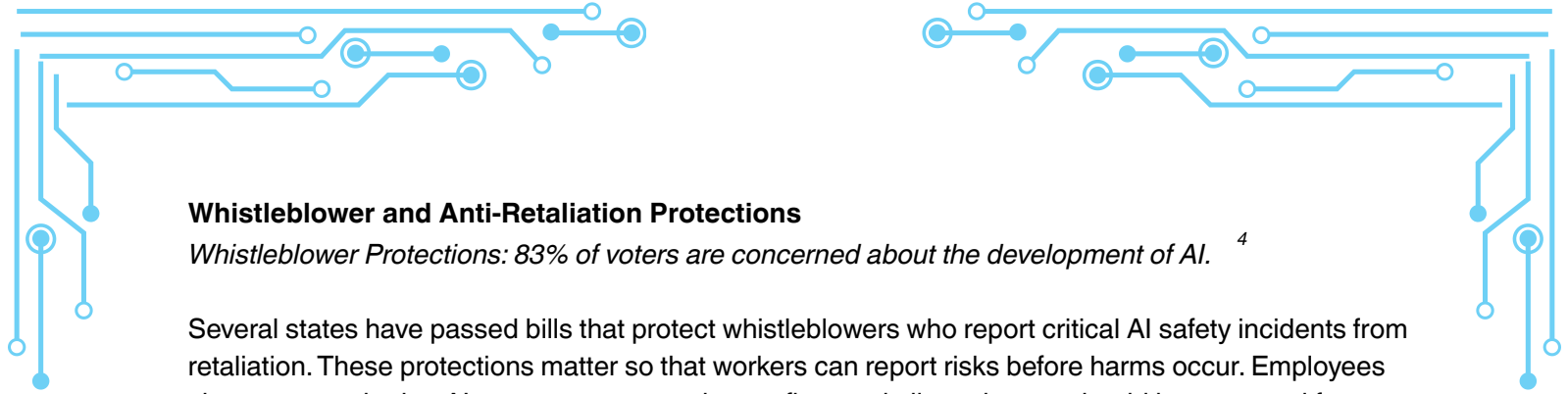
It is increasingly common for companies to use individuals' personal data – often without consent – to set prices and wages. Many states are considering bills that would prohibit using surveillance data to set individualized prices and wages. Labor unions also support banning electronic shelf labels that replace workers and have the capability to make it easier for retailers to implement dynamic pricing in stores. These tools can unfairly drive up prices for consumers, while driving pay, hours, and benefits down for workers. Such practices can be biased and discriminatory, preying on the most vulnerable.

¹ AFL-CIO April 2026 Polling

² AFL-CIO April 2026 Polling

³ Groundwork Collaborative May 2026 Polling





Whistleblower and Anti-Retaliation Protections

Whistleblower Protections: 83% of voters are concerned about the development of AI. ⁴

Several states have passed bills that protect whistleblowers who report critical AI safety incidents from retaliation. These protections matter so that workers can report risks before harms occur. Employees closest to monitoring AI systems can spot danger first, and all employees should be protected from retaliation.

Job Displacement Prevention and Tracking

Guardrails: 78% of workers say it is important to protect workers' jobs from the potential harms of AI. ⁵

States are taking action to prevent job loss by passing protections for workers by sector, ensuring that certain sensitive professions, including mental health professionals and nurses, remain human. Additionally, states have introduced bills updating their Worker Adjustment and Retraining Notification (WARN) Acts to require companies to disclose if reported job losses are technology or AI-related. That data can help track job displacement and inform policy solutions, while providing workers with advance notice of layoffs and earlier access to transition support.

Intellectual Property Protections

Name, Image, & Likeness Protections: 84% of Americans agree that individuals should be protected from the unauthorized use of their voice and visual likeness in digital replicas. ⁶

Workers in the entertainment and media industries see their works, and often also their voices and likenesses, being stolen by generative AI that threatens to replace them. In response, states are passing bills protecting artists' name image and likeness from unauthorized AI-generated deepfakes. Other bills require disclosure when AI is used in newsrooms or when synthetic performers appear in advertising.

Public Sector Guardrails

Humans First: More than 70% of Americans want the right to interact with a human rather than an AI in medical, legal, educational, and government settings. ⁷

States have introduced bills to regulate public sector use of AI affecting both workers and constituents. These bills address job displacement, adverse employment decisions, and distribution of public benefits. States can require responsible procurement to ensure that AI systems are safe for the public, work as intended, and protect data privacy and civil rights.

⁴ Alliance for a Better Future Polling March 2026 Polling

⁵ AFL-CIO April 2026 Polling

⁶ Boston University August 2025 Polling

⁷ Johns Hopkins June 2026 Survey

