

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1803 (Lowenthal)
Version: June 17, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Employment: sexual harassment training and education: anti-hate speech training

DIGEST

This bill requires employers to include, within the categories of topics addressed in biannual employee trainings on sexual harassment prevention pursuant to the California Fair Employment and Housing Act (FEHA), a component addressing anti-hate speech training.

EXECUTIVE SUMMARY

California's FEHA protects employees from discrimination based on their race, sex, gender identity, disability, or other protected characteristics. The FEHA also makes it an unlawful employment practice for an employer to harass employees based on these protected characteristics or fail to prevent others from engaging in this conduct if they knew or should have known about the conduct and failed to take immediate and appropriate corrective action. To increase awareness about conduct that may be discriminatory under the FEHA, employers with five or more employees are required to provide at least two hours of training to all supervisory employees, and at least one hour to all nonsupervisory employees, regarding sexual harassment prevention, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation.

This bill requires employers to include, as a component of their FEHA-mandated biannual employee and supervisor trainings, "anti-hate speech training." This component must include supervisors and employees with practical guidance on recognizing, reporting, and confronting workplace speech that vilifies, humiliates, or incites hatred against people based on the characteristics protected under the FEHA.

This bill is sponsored by the author and is supported by Asian Americans Advancing Justice Southern California, Chinese for Affirmative Action, Engineers and Scientists of

California Loca 20, IFPTE (ESC), and Stop AAPI Hate. This bill is opposed by the California Family Council, California Baptists for Biblical Values, California Teachers Supporting Gender Non-Conforming Youth, CAUSE, Democrats for an Informed Approach to Gender, Lesbians Advocating for a Resilient Future, and Women Are Real. The Senate Labor, Public Employment and Retirement Committee passed this bill with a vote of 4-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the FEHA, which makes it an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations, for an employer, on the basis of a person's protected characteristics, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment. (Gov. Code, § 12940.)
- 2) Provides that the protected characteristics under FEHA are: race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decisionmaking, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status. (Gov. Code, § 12940.)
- 3) Sets forth clarifying definitions for the characteristics listed in 2), including specifying that discrimination on the basis of any combination of protected characteristics is prohibited. (Gov. Code, § 12926.)
- 4) Specifically prohibits an employer, labor organization, employment agency, apprenticeship training program, or any training program leading to employment to do either of the following:
 - a) Harass an employee, applicant, intern or volunteer, or other person providing services pursuant to a contract, on the basis of a protected characteristic in 1); "harassment" includes where the employer, its agents, or its supervisors know or should know that harassment is being committed by an employee or, in specified conditions, a nonemployee, and failed to take immediate and appropriate corrective action.
 - b) Fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring. (Gov. Code, § 12940(j), (k).)
- 5) Requires every employer, in addition to its responsibilities in 4), to ensure a workplace free of sexual harassment through specified steps, including posting the

Civil Rights Department's (CRD) poster on sexual harassment and providing training on the prevention of sexual harassment. (Gov. Code, § 12950.)

- 6) Requires every employer with five or more employees to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees, and at least one hour of such training to nonsupervisory employees in California, on a biannual basis.
 - a) New employees must be provided the training within six months of hire.
 - b) New supervisory employees must be provided the training within six months of the assumption of a supervisory position.
 - c) The training may be provided in connection with other training provided to employees.
 - d) The training shall include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and be presented by educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.
 - e) The training shall include, as a component, prevention of abusive conduct.
 - f) The training shall include, as a component, training inclusive of harassment based on gender identity, gender expression, and sexual orientation, including practical examples of such forms of harassment. (Gov. Code, § 12950.1)
- 7) Provides that, if an employer violates the training required under 6), the CRD may seek an order requiring the employer to comply with those requirements. (Gov. Code, § 12950.1(d).)
- 8) Defines "hate crime" as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:
 - a) Disability.
 - b) Gender.
 - c) Nationality.
 - d) Race or ethnicity.
 - e) Religion.
 - f) Sexual orientation.
 - g) Association with a person or group with one or more of these actual or perceived characteristics. (Pen. Code, § 422.55.)
- 9) Makes it a crime, whether or not acting under color of law, to do any of the following in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in 8):
 - a) By force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or employment of a right or privilege secured under state, federal, or Constitutional law.

- b) Knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of a right secured under state, federal, or Constitutional law. (Pen. Code, § 422.66.)

This bill:

- 1) Requires an employer to include, as a component of its anti-sexual harassment, abusive conduct and harassment training, anti-hate speech training.
- 2) Requires the training in 1) to provide supervisors and employees with practical guidance on recognizing, reporting, and confronting workplace speech that vilifies, humiliates, or incites hatred against people based on the characteristics protected under the FEHA.

COMMENTS

1. Author's comment

According to the author:

California must make meaningful progress to train Californians on the danger of hate speech not only in the workplaces, but in society as a whole. Our laws have not kept pace with the hate that millions of Californians experience every single day. AB 1803 fills a critical void by ensuring that employers provide workers with the training they need to recognize, report, and confront hate speech in our society. This bill is part of a broader legislative package developed in partnership with the Select Committee on Racism, Hate, and Xenophobia and Assemblymember Corey Jackson, reflecting our shared commitment to addressing the root causes of hate in our communities.

No Californian should have to endure slurs, bigotry, or bias-motivated hostility at work, or anywhere in California. AB 1803 is a commonsense, evidence-based step toward making California more equitable for everyone, particularly the communities that have been most harmed by the rise of hate across our state.

2. Background on the FEHA and required employee trainings

The FEHA protects employees from discrimination based on their race, sex, gender identity, disability, or other protected characteristics.¹ The FEHA also makes it an unlawful employment practice for an employer to harass employees based on these protected characteristics or fail to prevent others from engaging in this conduct if they

¹ Gov. Code, § 12940.

knew or should have known about the conduct and failed to take immediate and appropriate corrective action.²

Employers with five or more employees are required to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment prevention to all supervisory employees and at least one hour to all nonsupervisory employees once every two years.³ Existing law also requires the employer to include, as a component of the training and education, prevention of abusive conduct and harassment based on gender identity, gender expression, and sexual orientation.⁴ “Abusive conduct,” for purposes of the training, means “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests,” and can include “repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person’s work performance.”⁵ A single act generally does not constitute abusive conduct, but it can if the conduct is especially severe and egregious.⁶

3. This bill requires mandated biannual FEHA trainings to include anti-hate speech training as a component of the training

This bill requires employers to include, as a component of their FEHA-mandated biannual employee and supervisor trainings, “anti-hate speech training.” This component must include supervisors and employees with practical guidance on recognizing, reporting, and confronting workplace speech that vilifies, humiliates, or incites hatred against people based on the characteristics protected under the FEHA.

Given that the supervisor trainings already require practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and that all trainings already require training on the prevention of abusive conduct, it does not appear that employers will have to significantly change their existing course programming. According to the Assembly Judiciary Committee’s analysis of this bill, many existing programs already include discussions of hate speech as part of the discussion of abusive conduct. Additionally, the bill does not add time to the training requirements – the anti-hate speech training need only be incorporated into the existing one- and two-hour courses. At the time this analysis was released, no employer group has submitted opposition to, or even expressed concerns about, this bill.

² *Id.* § 12940(j), (k).

³ *Id.*, § 12950.1.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*; see, e.g., *Hughes v. Pair* (2009) 46 Cal.4th 1035, 1043.

The bill's opponents argue that this bill violates the First Amendment to the United States Constitution and the California Constitutions protections for speech. These objections confuse the difference between the law on whether the state can prohibit or criminalize speech (for the most part, it cannot) and whether speech can constitute harassing or abusive conduct that constitutes discrimination under the FEHA (of course it can).⁷ That's why the CRD's sexual harassment prevention training programs already address the kinds of comments that are, or are not, appropriate for the office.⁸ Moreover, this bill does not prohibit speech at all; it simply requires an added component to be discussed in the existing trainings.

4. Arguments in support

According to Stop AAPI Hate:

Current law requires employers to train workers on sexual harassment, abusive conduct, and harassment based on gender identity and sexual orientation, but it contains no requirement to train on hate speech targeting race, religion, ethnicity, or national origin. This gap leaves employees exposed to hostile work environments rooted in bias and discriminatory language, and leaves employers without clear guidance on how to prevent and address it. Hate speech that is severe or pervasive enough to alter the conditions of employment can itself constitute illegal harassment, yet current law creates a blind spot that puts California workers at risk every day.

5. Arguments in opposition

According to CAUSE:

AB 1803's Author says this training is needed because of a rise in hate crimes. It is important to note this rise refers to hate crime *reporting*, not convictions. California has spent years building an administrative structure around hate crime reporting which alone would account for a large increase in reporting. But regardless, there is no proven connection between hate crimes and speech. Decades of hate crime research identify the actual drivers are economic stress, triggering events like terror attacks, individual psychology, and organized extremist recruitment...

⁷ See, e.g., *Rehmani v. Superior Court* (2012) 204 Cal.App.4th 945, 953-954 (discussing comments made to employee on the basis of his nationality that gave rise to a triable question of fact on his FEHA claim); *Turman v. Turning Point of Central California, Inc.* (2010) 191 Cal.App.4th 53, 56 (plaintiff established claim for hostile work environment under the FEHA where she was subjected to sexual harassment "in the form of lewd and sexually offensive name-calling and reference to sexual acts").

⁸ E.g., CRD, Sexual Harassment Prevention Training, Slides 20-22, 26, 28, 34, 36-37, available at <https://sexual-harassment-prevention-training.calcivilrights.ca.gov/SupervisoryEnglish/story.html> (link current as of June 25, 2026).

SUPPORT

Asian Americans Advancing Justice Southern California
Chinese for Affirmative Action
Engineers and Scientists of California Loca 20, IFPTE (ESC)
Stop AAPI Hate

OPPOSITION

California Family Council
California Baptists for Biblical Values
California Teachers Supporting Gender Non-Conforming Youth
CAUSE
Democrats for an Informed Approach to Gender
Lesbians Advocating for a Resilient Future
Women Are Real

RELATED LEGISLATION

Pending legislation: AB 1578 (Jackson, 2026) requires, beginning January 1, 2028, an employer that is a state agency or local agency to include, as part of its FEHA-mandated anti-sexual harassment, harassment, discrimination, and abuse training, anti-hate speech training, as specified. AB 1578 is pending before the Senate Appropriations Committee.

Prior legislation: None known.

PRIOR VOTES

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 0)
Assembly Floor (Ayes 57, Noes 10)
Assembly Appropriations Committee (Ayes 9, Noes 2)
Assembly Judiciary Committee (Ayes 9, Noes 2)
Assembly Labor and Employment Committee (Ayes 6, Noes 0)
