Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1803 (Lowenthal) – As Introduced February 10, 2026

As Proposed to be Amended

SUBJECT: EMPLOYMENT: SEXUAL HARASSMENT TRAINING AND EDUCATION: ANTI-HATE SPEECH TRAINING

KEY ISSUE: SHOULD AN EMPLOYER WITH FIVE OR MORE EMPLOYEES BE REQUIRED TO INCLUDE ANTI-HATE SPEECH TRAINING AS PART OF THE CURRENTLY REQUIRED ANTI-HARASSMENT TRAINING?

SYNOPSIS

Existing law requires employers with five or more employees to provide employees with classroom or other interactive training designed to prevent sexual harassment in the workplace. Supervisory employers must receive two hours of sexual harassment prevention training every two years. Nonsupervisory employees must receive one hour of training every two years. Existing law also requires the employer to include training to prevent "abusive conduct" as part of the sexual harassment training, and specifies that sexual harassment includes harassment based on gender identity, gender expression, and sexual orientation. This bill would require that "anti-hate speech training" be included as a component of the existing anti-harassment training requirement. It would not add to the existing time requirements. Apparently, most employers already include discussions of hate speech in the existing requirements to cover "abusive conduct."

This bill is part of a package of bills sponsored by the Select Committee on Racism, Hate, and Xenophobia. It is supported by the California Employment Lawyers Association and Equality California. It is opposed by several groups on First Amendment and related grounds. The bill recently passed out of the Assembly Labor Committee on a 6-0 vote, with one member not voting. The author will take clarifying amendments in this Committee. The amendments are reflected in the SUMMARY below and included in the analysis.

SUMMARY: Requires that anti-hate speech training be included as part of an employer's existing obligation to provide employees with sexual harassment prevention training. Specifies that anti-hate speech training must provide supervisors and employees with practical guidance on recognizing, reporting, and confronting workplace speech that vilifies, humiliates, or incites hatred against people based on characteristics protected under the Fair Employment and Housing Act.

EXISTING LAW:

1) Makes it an unlawful employment practice for an employer to harass, or fail to prevent certain others from harassing, an employee because of the employee's race, sex, gender identity, disability, or other protected characteristic. (Government Code Section 12940 (a)-(j).)

2) Requires an employer with five or more employees to provide, every two years, 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 classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California. (Government Code Section 12950.1.)

3) Specifies that the training required in 2) above shall include training to prevent abusive conduct and harassment based on gender identity, gender expression, and sexual orientation. (Government Code Section 12950.1 (a)(2)-(3).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: 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.
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> 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.

Background. Both state and federal law protects employees from sexual harassment. California's Fair Employment and Housing Act (FEHA) protects employees from discrimination based on various protected characteristics, including discrimination based on sex. (Government Code Section 12940 (a).) Under FEHA, sexual harassment in considered a form of sex discrimination. An employer is also responsible for the acts of other employees or nonemployees, if the employer or the employer's agents knew or should have known of the conduct and failed to take immediate and appropriate corrective action. (Government Code Section 12940 (j).) Similarly, Title VII of the federal Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin, and sexual harassment is prohibited as a form of sex discrimination. Federal law similarly requires the employer to both refrain from harassment and to prevent others in the workplace from harassing employees.

Because employers have a legal obligation to protect employees from sexual harassment, and are liable for harassment committed by fellow employees, it is in the employer's interest to ensure that all employees are aware of what constitutes harassment under the law. Consistent with this interest, existing law requires employers with five or more employees to provide employees with classroom or other interactive training designed to prevent sexual harassment in the workplace. Supervisory employers must receive two hours of sexual harassment prevention training every two years. Nonsupervisory employees must receive one hour of training every two years. Existing law specifies that sexual harassment includes harassment based on gender identity,

gender expression, and sexual orientation. Existing law also requires the employer to include training to prevent "abusive conduct" as part of the sexual harassment training.

This bill would require that "anti-hate speech training" be included as a component of the existing anti-harassment training requirement. While "hate speech" will not always constitute a form of sexual harassment, existing law already specifies that the training on sexual harassment should include training on the recognition and prevention of "abusive conduct," which is defined to include "repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets." Not surprisingly, then, many existing training programs already include discussions of hate speech as part of the discussion of abusive conduct. This bill will simply ensure that all employers include that coverage. Significantly, the bill does not add to the existing time requirements. Employers are still only required to provide two hours of training every two years for supervisory employees, and one hour every two years for nonsupervisory employees. That many employers already include discussions of hate speech in existing training, and that this bill does not require any additional time spent on training, may explain why no employer groups have registered any opposition to this bill.

Opponents appear to conflate training about hate speech with prohibition of speech and compelled speech. Several opponents of this bill claim that requiring anti-hate speech training will violate the First Amendment. The opponents are certainly correct that "hate speech" – if we mean by that offensive speech that demeans certain groups – is protected by the First Amendment, especially where that speech is uttered in the public square. [See, e.g., *R.A.V. v St. Paul* (1992) 505 U.S. 377; *Brandenburg v Ohio* (1969) 395 U.S. 444; Matel *v Tam* (2017) 582 U.S. 218]. However, to suggest that anti-hate speech *training* violates the First Amendment conflates distinct issues, in at least two ways.

First, the existing training modified by this bill does not target speech per se; rather, it seeks to confront forms of *conduct* that constitute sexual harassment or create a hostile work environment. To be sure, the line between protected "speech" and unprotected "conduct" is not always easy to draw, but abundant case law makes it clear that speech may be delivered and directed in such a way that it rises to the level of harassment, intimidation, and even threats. This is especially true in the workplace, where speech may constitute conduct that is sufficiently severe or pervasive to create a hostile work environment. Making racist statements in the public square, after all, is far different than making those statements in the confines of the workplace among employees who must interact daily. (*See* e.g. *Robinson v Jacksonville Shipyards* (1991) 760 F. Supp. 1486.) Addressing racist or sexually explicit comments in a work setting is no more an infringement upon free expression than requiring an employee to comply with a dress code or grooming policy, so long as the policy serves a legitimate business need and does not discriminate because of race, sex, religion, or another protected characteristic. [(*EEOC v Abercrombie & Fitch Stores* (2015) 575 U.S. 768.) (holding that while employers may enforce a neutral dress code, they cannot enforce one that discriminates, in this case against religion).]

Second – and more important – the opponents confuse *training about* hate speech with *prohibitions on* hate speech. Nothing in this bill prohibits speech; rather, the bill merely requires an existing anti-harassment training requirement to include a discussion of hate speech and ways to identify, report, and confront it. If the Legislature adopts laws or a public employer adopts a specific policy that goes too far, then the policy may be challenged on First Amendment grounds. In addition, the method of enforcing anti-harassment laws may sometimes raise First Amendment issues. But training that accurately informs employees as to the state of existing law

and policies – and of the employer's existing legal obligation to protect workers from sexual harassment and a hostile work environment – does not offend the First Amendment. This bill does not impose any restrictions on speech; rather it seeks to educate both employees and management on what constitutes unlawful harassment, how to recognize it, and how to report it.

A more plausible, but not necessarily persuasive, case could be made that requiring employers to provide training on politically contested issues is a form of "compelled speech" under First Amendment case law. However, the content of anti-harassment training – precisely because it is required by law – cannot be construed as a reflection of the employer's beliefs or opinions about contested matters. A law requiring employers to provide anti-harassment training, particularly a factual training about existing laws, does not compel speech any more than a law requiring employers to post notices informing employees of their rights and obligations under various labor laws. The aim of the anti-harassment training, like the aim of labor law notices, is to ensure that everyone – employers, managers, and employees – is aware of rights and obligations under existing law. The training is not a reflection of the employer's opinion, and no reasonable person would construe it as such.

Proposed Author Amendments. The author will take the following clarifying amendments in this Committee.

- On page 3, beginning on line 8, amend paragraph (4) as follows:

> (4) An employer shall also include anti-hate speech training as a component of the training and education specified in paragraph (1). ***Anti-hate speech training shall 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 protected characteristics listed in subdivision (a) of Section 12940.***

ARGUMENTS IN SUPPORT*:* The California Employment Lawyers Association (CELA) writes in support:

> Just last month the California Commission on the State of Hate (Commission) released its third annual report, which showed that hate activity remains at near record highs across the country. According to a recent survey sponsored by the Commission estimated, approximately 1 in 12 Californians over the age of 12 experienced at least one act of hate between 2022 and 2023. The same survey also found that roughly 1 in 7 Native American adults, 1 in 7 Black adults, and 1 in 11 Asian American adults experienced hate in California.
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> California workplaces have been increasingly affected by a surge in hate, yet existing mandatory training law does not cover hate speech targeting race, religion, ethnicity, or national origin — among the most commonly reported forms of workplace hostility.
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> AB 1803 closes this gap by confronting hate speech directly. By embedding this requirement into an existing framework, the bill moves beyond a one-time fix toward the sustained cultural shift necessary to meaningfully reduce hate in California workplaces.

***ARGUMENTS IN OPPOSITION**:* The California Family Council (CFC) opposes this bill because, it believes, the First Amendment does not permit government to compel anti-hate speech curricula. CFC writes in support of this claim: "The Supreme Court has consistently held that there is no 'hate speech' exception to the First Amendment. In Matal v. Tam (2017), the Court unanimously reaffirmed that the government may not prohibit speech simply because it is deemed offensive or hateful. By mandating employer-delivered training that categorizes certain viewpoints as 'hate," California risks compelling employers to endorse the government's preferred speech norms — a form of compelled speech that violates the First Amendment principles articulated in Wooley v. Maynard (1977)."

CFC also contends that this bill creates conflicts of conscience for employers and employees who "hold sincere beliefs about human sexuality, marriage, and gender that mainstream culture increasingly labels 'hateful.' AB 1803 provides no religious exemption or conscience protection. Employees and employers who hold traditional religious convictions could be required to sit through, or deliver, training that characterizes their sincerely held beliefs as a form of hate. This places religious organizations in direct conflict with state mandates, threatening their ability to operate according to their convictions."

Finally, CFC adds that, because the bill does not define "hate speech," the "courts will be left to resolve what training must include, and what employer conduct crosses the line into non-compliance. California's small and mid-sized businesses, already burdened by extensive compliance mandates, will face new legal uncertainty and potential litigation exposure. This regulatory ambiguity falls hardest on employers with limited legal resources and disproportionately disadvantages faith-based and minority-owned businesses whose speech norms may not align with prevailing progressive definitions of acceptable expression."

REGISTERED SUPPORT / OPPOSITION:

Support

California Employment Lawyers Association
Chinese for Affirmative Action
Engineers and Scientists of California, IFPTE, Local 20
Equality California
Stop AAPI Hate

Opposition

California Family Council
California Teachers Supporting Gender-nonconforming Youth
Cause: Californians United for Sex-based Evidence in Policy and Law
Center for American Liberty
Foundation for Individual Rights and Expression (FIRE)
Lesbians Advocating for a Resilient Future
LGB Alliance USA
Moms for Liberty Placer County
Our Duty
Pacific Justice Institute
SFV Alliance
Women are Real

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