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**SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**  
**Senator Lola Smallwood-Cuevas, Chair**  
**2025 - 2026 Regular**

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**Bill No:** AB 1803 **Hearing Date:** June 10, 2026  
**Author:** Lowenthal  
**Version:** April 9, 2026  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Alma Perez-Schwab

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

**KEY ISSUE**

This bill requires employers to include anti-hate speech training as a component of the currently required sexual harassment prevention training for employees.

**ANALYSIS**

**Existing law:**

- 1) Under the Fair Employment and Housing Act (FEHA), 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 §12940 (a)-(j))
- 2) Requires an employer of 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 classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California once every two years. New nonsupervisory employees are required to be provided with training within six months of hire. (Government Code §12950.1)
- 3) Authorizes an employer to provide this training in conjunction with other training provided to the employees. The training may be completed by employees individually or as part of a group presentation, and may be completed in shorter segments, as long as the applicable hourly total requirement is met. (Government Code §12950.1)
- 4) Requires the training to include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. (Government Code §12950.1)
- 5) Requires the training to also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and to be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code §12950.1)
- 6) Requires employers to also include the following as a component of the two hour training and education specified above:

- a. Prevention of abusive conduct; and
  - b. Harassment based on gender identity, gender expression, and sexual orientation. The training must include practical examples of such harassment and be presented by trainers or educators with knowledge and expertise in those areas.  
(Government Code §12950.1)
- 7) Defines “abusive conduct” to mean 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. Abusive conduct may 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. A single act shall not constitute abusive conduct, unless especially severe and egregious. (Government Code §12950.1)
- 8) Requires the Civil Rights Department (CRD) to develop or obtain two online training courses on the prevention of sexual harassment in the workplace in accordance with the provisions specified above. CRD is required to make the online training courses available on its internet website and contain an interactive feature, as specified. (Government Code §12950.1)
- 9) For purposes of providing training to employees, authorizes an employer to develop its own training module or may direct employees to view the online training course referenced above. (Government Code §12950.1)

**This bill:**

- 1) Requires an employer to include anti-hate speech training as a component of the currently required sexual harassment and abusive conduct training and education.
- 2) Requires the anti-hate speech training 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 characteristics protected under the Fair Employment and Housing Act.

**COMMENTS****1. Background:**

California’s Fair Employment and Housing Act (FEHA) protects employees from discrimination based on an employee’s race, sex, gender identity, disability, or other protected characteristic. FEHA 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.

As noted under existing law above, 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. 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. Existing law defines “abusive conduct” to mean “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. Abusive conduct may 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. A single act shall not constitute abusive conduct, unless especially severe and egregious.”

*The Civil Rights Department:* CRD is tasked with developing two online training courses, a two hour course for supervisors and a one hour for nonsupervisory employees, on the prevention of sexual harassment in the workplace for employer use. Additionally, CRD has been provided funding and authority from the Legislature to establish a non-emergency *CA vs. Hate Resource Line and Network* to support individuals and communities targeted for hate. CRD is available to assist in identifying next steps after a hate incident, connecting victims with resources, and collecting and reporting data related to hate incidents to enhance hate crimes prevention and response. For these purposes, the CRD specifies the following:

- *Hate Incidents:* A hate incident is a hostile expression or action that may be motivated by bias against another person’s actual or perceived identity(ies). Perpetrators may be motivated by different discriminatory biases, including, but not limited to, bias on the basis of race, color, disability, religion, national origin, sexual orientation, or gender, including gender identity. There are two main kinds of hate incidents – (1) acts of hate that are not crimes but violate civil rights laws, and (2) acts of hate that may not violate the law but still cause significant harm in a community.
- *Hate Crime:* Under California law, a hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation; or because of the person’s association with a person or group with one or more of these actual or perceived characteristics. (Penal Code §422.55)

*Commission on the State of Hate:* The Commission on the State of Hate, created within the CRD by AB 1126 (Bloom, Chapter 712, Statutes of 2021), was established to strengthen California’s efforts to stop hate and promote mutual respect among California’s diverse population through a comprehensive accounting of hate activity as well as the development of recommendation for reducing hate crimes. Among other things, the Commission’s 2024-2025 Annual Report<sup>1</sup> found that:

- An estimated 8% of Californians over the age of 12 (nearly 2.6 million people) experienced at least one act of hate within a one-year period between 2022 and 2023.
- Nearly half (45%) of adult victims of hate in California experienced hate on a street or sidewalk, and more than one in three (34%) experienced hate at a business within the past year.

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<sup>1</sup> Civil Rights Department, “2024-2025 Annual Report Commission On The State of Hate,” [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2026/02/CSH\\_24-25\\_AnnualReport.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2026/02/CSH_24-25_AnnualReport.pdf)

- Race or skin color was the most common bias motivation of hate. Nearly two-thirds (62%) of adults and 38% of adolescents who experienced hate were targeted due to their race or skin color.
- About one in five adult victims of hate (21%) were targeted because of their ancestry, national origin, and/or language. Other common bias motivations were gender/sex/gender identity, age, sexual orientation, and religion (15%, 15%, 13%, and 11% of adult victims of hate, respectively). Nearly 7% of adults who experienced hate were targeted due to a disability, and 6% experienced hate due to their immigration status.
- Groups who have been historically targeted by hate continue to experience hate at disproportionate rates. Within a recent one-year period in California, an estimated 14% of Black adults, 7% of Latino adults, 9% of Asian American adults, and 15% of American Indian/Alaska Native adults experienced hate.
- In recent years, reported hate crimes motivated by religious bias have increased significantly. Religious bias hate crime events recorded in the California Department of Justice (DOJ) data increased by 30% in 2023.

In terms of recommendations relevant to businesses, the Commission notes that over one in three adult victims of hate in California experienced hate at a business. Though hate in businesses could be addressed through anti-hate efforts broadly, the Commission encourages researching novel business-specific initiatives, such as the Welcome In program piloted in 2024 by CRD.<sup>2</sup>

*This bill* would require that anti-hate speech training be included as a component of the existing sexual harassment prevention training requirements. Training on hate speech may already be included as part of the training on “abusive conduct” prevention which, as noted above, already includes the infliction of verbal abuse. The bill does not increase the hours required for the training nor does it impose restrictions on freedom of speech but rather, the bill would ensure that anti-hate speech is specifically included as part of the existing anti-discrimination training mandates.

## 2. Need for this bill?

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

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<sup>2</sup> Ibid. and additional information about the Welcome In program is available at <https://calcivilrights.ca.gov/welcome-in/>

California more equitable for everyone, particularly the communities that have been most harmed by the rise of hate across our state.”

### 3. Proponent Arguments:

According to the Asian Americans Advancing Justice Southern California:

“California is facing a hate crisis that is increasingly spilling into the workplace. Reported hate crimes in the state have risen by nearly 160% over the last decade, with particularly sharp increases targeting Black, Latino, and Asian communities between 2019 and 2022. More than one in three adult hate victims in California report experiencing hate at a business location, making workplaces one of the most prevalent settings for hate in the state. These are not isolated incidents; they reflect a sustained and worsening pattern of hostility that California's existing training laws are not currently addressing.

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.

AB 1803 addresses this directly. By embedding anti-hate speech training into the existing mandatory framework, the bill does not impose new burdens on employers — it does not add training hours or create a separate compliance obligation. Instead, it ensures that the training employers are already required to provide reflects the full landscape of workplace hostility that their employees are facing. When workers can recognize hate speech, report it, and intervene as bystanders, hate loses the silent tolerance it depends on to persist.”

### 4. Opponent Arguments:

According to the Foundation for Individual Rights and Expression (FIRE):

“The state may regulate workplace behavior and forbid conduct, like sexual harassment. It may also require trainings on employees’ obligations under those laws. But the state may not ban or regulate “hate speech,” which is not a category of unprotected speech under the First Amendment and has no legal definition. Efforts to regulate “hate speech” risk granting governments broad authority to suppress disfavored or unpopular viewpoints. Indeed, around the world, such laws have often been used to silence political dissent. California must not go down this path.

The government cannot compel private employers to adopt or promote particular viewpoints about lawful speech others may consider hateful or offensive. Many prominent and contested public issues, such as the war in Ukraine or the Israeli–Palestinian conflict, give rise to strongly held but opposing views about what slogans or opinions are offensive, or even hateful. Mandating training that goes beyond preventing unlawful conduct and instead promotes or restricts viewpoints about controversial issues would violate the First Amendment rights of both employers and employees.

As the Assembly Labor and Employment Committee bill analysis acknowledges, “hate speech itself is not illegal but can violate employment law if it rises to an actionable level of workplace harassment or discrimination.” The bill is not limited to speech that meets the legal standards for harassment. It fails to define what “anti-hate speech training” would entail, leaving employers without clear guidance on compliance. While some speech or conduct that is commonly described as “hateful” may fall into unprotected categories — such as harassment, true threats, or discriminatory conduct — the bill does not distinguish between protected and unprotected speech. As a result, the bill encompasses protected speech, and employers are likely to discourage such speech in an attempt to comply with this legislation.

Importantly, even a more precise definition of “hate speech” would not necessarily cure these defects unless it’s clearly restricted to unprotected speech. Common definitions of “hate speech” often sweep in substantial amounts of protected expression... Finally, the bill would expose the state to significant litigation risk. Such lawsuits would impose financial and administrative burdens on the state, entangling it in prolonged and costly litigation— after which the state is likely to lose.

#### **5. Double Referral and Staff Comment:**

This bill has been double referred and if approved by this Committee today, will be sent to Senate Judiciary Committee for a hearing. Senate Judiciary Committee will be able to provide a more in-depth analysis on the opposition arguments regarding the First Amendment.

#### **6. Prior/Related Legislation:**

AB 1578 (Jackson, 2026) would require an employer that is a state agency or local agency to include anti-hate speech training as a component of the training and education required for sexual harassment prevention for all elected state or local officials. *AB 1578 has been referred to the Senate Local Government and Governmental Organization Committees.*

SB 778 (Committee on Labor, Public Employment and Retirement, Chapter 215, Statutes of 2019) extended the deadline for specified employers to provide sexual harassment prevention training and education, clarifies when such training and education must be provided to new employees, and outlines when refresher training must be provided.

SB 1343 (Mitchell, Chapter 956, Statutes of 2018) reduced the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees, included non-supervisory employees in the training, and requires that the Civil Rights Department develop an online training course and make it available on the Department’s website.

AB 2053 (Gonzalez, Chapter 306, Statutes of 2014) expanded on existing sexual harassment training for supervisory employees to also include training on the prevention of abusive conduct.

**SUPPORT**

Asian Americans Advancing Justice Southern California  
California Employment Lawyers Association  
CFT – A Union of Educators & Classified Professionals  
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  
Concerned Women for America  
Democrats for an Informed Approach to Gender  
Foundation for Individual Rights and Expression  
Lesbians Advocating for a Resilient Future  
LGB Alliance USA  
Moms for Liberty Placer County  
Our Duty  
Pacific Justice Institute  
SFV Alliance  
Women are Real

**-- END --**