

SENATE THIRD READING
SB 303 (Smallwood-Cuevas)
As Amended July 2, 2025
Majority vote

SUMMARY

States that an employee's assessment or statement reflecting personal bias made during a bias mitigation training does not, by itself, constitute unlawful discrimination.

Major Provisions

- 1) States that, notwithstanding any other law, an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination.
- 2) States that it is the intent of the Legislature to encourage employers to conduct bias mitigation trainings, and affirm that conducting bias mitigation training does not, by itself, constitute unlawful discrimination.
- 3) Defines "bias mitigation training" as bias mitigation or bias elimination training, education, and activities provided by an employer for the purpose of educating employees on understanding, recognizing, or acknowledging the influence of conscious and unconscious thought processes and their associated impacts. Bias mitigation training shall include implementing specific strategies to mitigate the impact of employees' personal biases.
- 4) Defines "specific strategies" as including, but not limited to, assessing or testing for personal bias, analyzing bias assessments or tests, conducting bias training, conducting workshops, using toolkits, and tracking bias mitigation and elimination.

COMMENTS

Implicit or unconscious bias refers to preconceived notions of other individuals, often based on stereotypes rooted in racism or sexism, that result in immediate judgments of those people without conscious thought. Existing law requires employees in various industries, particularly in the medical field, to complete implicit bias trainings. Additionally, many employers, including the Legislature, have opted to contract with companies that provide implicit bias trainings and require their employees to complete them on an annual or semi-annual basis.

This bill aims to provide assurances to both employees and employers who participate in bias mitigation training that the engagement necessary to make such trainings effective will not ultimately be used against them in a discrimination claim.

This bill does not prevent any evidence arising from a bias mitigation training from being introduced in a civil or other administrative claim against either an employee or employer. So long as it is otherwise relevant to a proceeding and where appropriate, such a statement may be introduced as evidence of either an employer or employee's wrongdoing. However, neither the administration of the training itself nor any statement made in good faith during the training could, on its own, suffice for a claim of unlawful discrimination. Moreover, the bill does not

distinguish between private and public employers – the assurances the language provides extends equally to both.

The Legislature has a history of promoting bias mitigation programs, particularly in the health industry where an unaddressed implicit bias can often be a matter of a patient receiving appropriate care or not. While discrimination claims face numerous existing hurdles to success, it seems contrary to the public policy of the Legislature to open the door to litigation against either employers or employees for simply engaging in implicit bias trainings. Thus, in order to encourage both employers to engage bias mitigation trainings and employees to be open and honest in their administration, this bill would assure that no statement made in such a training, standing on its own, is sufficient to sustain a claim of discrimination under FEHA.

According to the Author

The Public Workplace Bias Mitigation and Employee Protection Act (SB 303) would protect public employees and employers by clarifying that good-faith admissions of bias are not discrimination under the Fair Employment and Housing Act. By making this clarification, SB 303 ensures that workers and employers feel safe engaging in meaningful bias-mitigation strategies to alleviate bias and discrimination in the workplace.

Arguments in Support

This bill is sponsored by Los Angeles County. It is further supported by Black Women for Wellness Action Project, the California State Association of Counties, the Los Angeles Black Worker Center, Rural County Representatives of California, Social Justice Learning Institute, and Urban Counties of California. Los Angeles County submitted the following support to the previous version of this measure:

SB 303 creates important statutory privileges and exclusions in the California Evidence Code to protect information disclosed during bias mitigation activities—such as self-assessments, admissions of bias, and strategies to address bias—from being used against public employees in civil or administrative proceedings. These protections eliminate a key barrier to honest and meaningful participation in bias training and help public employees engage in this critical work without fear of legal exposure.

By establishing these evidentiary protections, SB 303 advances a culture of learning and accountability within public institutions. It promotes a safer, more transparent path for employees to confront and correct bias, thereby strengthening public trust and improving service delivery.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES

SENATE FLOOR: 28-10-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Limón, Reyes

ASM JUDICIARY: 11-0-1

YES: Kalra, Hart, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Dixon

UPDATED

VERSION: July 2, 2025

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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