

The Future of DEI? What Employers Need to Know Regarding Diversity, Equity and Inclusion Policies in the Trump Era

President Trump issued Executive Order 14173 titled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (the “Order”) on January 21, 2025. The stated purpose of the Order is, among other things, “to enforce [America’s] long-standing civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.” While the Order is specifically directed at federal government agencies, its policy directives are designed to impact federal contractors as well as private employers. The Order is written broadly and anticipates further information and guidance from federal agencies regarding specifics of its implementation. For that reason, our understanding and interpretation of the effects of the Order will change and evolve over time, particularly in the short term.

It is important to note that, as stated in the Order, federal and state civil rights laws that prohibit discrimination remain in effect and are not impacted by this Order. Employers are still required to comply with those laws. What the Order could be said to do is to broaden the federal government’s interpretation of what constitutes discriminatory practices. Where previous administrations have encouraged or permitted company policies with the goal of specifically attaining a diverse workforce to counter the enduring impact of historical discrimination, it is the current administration’s interpretation that such policies themselves involve discriminatory practices.

A review of company policies, including policies spelled out in Employee Handbooks and any other policy documents, is recommended to ensure such policies are in line with the Administration’s current statement on such policies while also remaining compliant with applicable laws and providing protection in case of employee claims of discrimination. In light of the administration’s stated intent to take strong action, we advise revision of company policies to avoid any question of noncompliance.

The labor and employment attorneys at Bochner PLLC stand ready to assist you in reviewing your equal employment opportunity and non-discrimination policies to maintain compliance. Partner/Employment Chair Jeffrey Douglas (jdouglas@bochner.law), Eric Dawson (edawson@bochner.law), and Chloë Brownstein (cbrownstein@bochner.law).