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January 30, 2025

January Tip of the Month: Executive Orders Challenge DEI Programs



On January 21, 2025, an Executive Order entitled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (EO) takes aim at employment diversity, equity, and inclusion (DEI) initiatives.

As highlighted in our [recent blog post](#), the EO directs federal agencies, including the Equal Employment Opportunity Commission, to “combat illegal private sector DEI preferences, mandates, policies, programs, and activities.” The EO additionally directs the U.S. attorney general to submit a report containing recommendations for “taking . . . appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI.” While the EO does not change existing law with respect to employment DEI initiatives, it does signal that such initiatives may experience increased investigation and scrutiny from federal agencies. Employers who maintain DEI programs or policies should promptly take steps to examine such initiatives and ensure that they comply with applicable law.

Authors

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