

# Navigating DEI in 2025

How to stay legal and what you need to know to ensure inclusive, merit-based hiring in response to federal mandates.



# The Mandate

- Private companies must review their inclusion & diversity policies
- Ensure compliance with long-standing anti-discrimination laws
- Driven by President Trump's executive order on ending illegal discrimination



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# You are not alone:

**“SHRM is mobilizing to empower HR professionals, CEOs, and business leaders to ensure inclusion and diversity remain a priority and that initiatives are lawful.”**

*— Anuradha Hebbar, President, CEO Action for Inclusion & Diversity*



# What is Inclusion?

- Providing every employee with the support and tools to excel
- Helping employees bring their whole selves to work

“Leading with inclusion... is beneficial and supports a merit-based system.”

– Anthony Haller, Attorney





A hand holding a trophy in front of a glass door with text.

# OFFICE OF DIVERSITY, EQUITY

## Executive Order

Key Provisions of the Order you should be aware of:

1. U.S. attorney general to report in 120 days on deterring “illegal” DEI practices
2. Agencies must identify up to nine potential civil compliance investigations



# Agency Directives

1. Identify the most “egregious” DEI practices
2. Develop concrete steps to deter “illegal” DEI measures
3. Establish strategies (including litigation) for private sector compliance



# What is now “Illegal” DEI?

- Quotas/set-asides (e.g., reserving positions exclusively for non-white applicants)
- Unlawful pay adjustments and recruiter bonuses tied solely to diversity targets
- Small and large companies must ensure compliance





# Conduct an Internal Review:

- Audit your current DEI initiatives under attorney-client privilege
- Consider rebranding “DEI” to “Inclusion” if it better reflects your values
- Ensure clear messaging to avoid perceptions of reverse discrimination





# Balancing Merit & Inclusion:

- Clearly state that hiring decisions are based on skills and performance
- Broaden diversity definitions (e.g., first-generation graduates, veterans, persons with disabilities)
- Train managers to reinforce merit-based decision making
- Continue to identify and reduce the impact of biases in JD's and selection







# HR, TA & EB at the Helm:

- HR is central to understanding and adapting to these regulatory changes
- Employer Branders must identify and adapt their EB's to address new policies
- TA leaders need to become adept at walking the line between inclusivity and compliance
- Data-driven audits and continuous training are critical in maintain compliance





# Ready to convert your employer brand into a strategic advantage?

At Flint & Steel, we craft future-proof EVPs and ROI-driven employer brand strategies by combining data-driven insights, psychometric analysis, and cutting-edge HR technology. Our approach delivers employer brands that engage top talent, drive measurable impact, and build high-performance cultures.

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