



**NATIONAL  
WOMEN'S  
LAW CENTER**

Justice for Her. Justice for All.

**JANUARY 2025 | FACT SHEET**

# Trump Executive Order Attacks Workplace Equal Opportunity

On January 21, 2025, President Trump issued an Executive Order, "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)." This EO revokes a series of other executive orders, including long-standing civil rights protections for workers employed by federal contractors, and threatens private entities that promote equal opportunity—including businesses, nonprofits, philanthropic foundations, professional associations, and higher education institutions—with civil investigations and potential litigation.

The Trump EO rescinds a 60-year-old executive order signed by President Johnson and expanded by later presidents, Executive Order 11246. EO 11246 provided core civil rights protections for workers employed by federal contractors—approximately one-fifth of the entire U.S. labor force—by prohibiting federal contractors from discriminating on the basis of race, national origin, religion, sex, sexual orientation, or gender identity. The EO also helped open the doors of opportunity and promote fairness in pay and promotions by requiring contractors to undertake affirmative efforts to promote equal opportunity and prevent discrimination. EO 11246 was fundamental in ensuring that businesses who receive the privilege of contracting with the federal government did not use taxpayer dollars to unlawfully discriminate against working people.

To ensure that taxpayer dollars were not misused for discrimination, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) had unique powers to identify and address patterns of discrimination that individual employees may not have sufficient information to challenge. Pursuant to the Trump EO, however, the Department of Labor must stop all investigative and enforcement activity under EO 11246, including efforts to affirmatively evaluate federal contractors' compliance with EEO laws.

## The Trump EO purports to eliminate federal contractors' legal obligation to proactively reduce barriers to equal opportunity in the workplace based on race, national origin, religion, sex, sexual orientation, or gender identity.

- The Trump EO revokes EO 11246 and directs OFCCP to immediately stop promoting diversity and enforcing affirmative action requirements.
- As the result of the rescission of EO 11246, OFCCP no longer has the tools to ensure federal contractors face legal consequences when they fail to take basic steps like assessing the fairness of their pay practices or making a meaningful effort to recruit qualified applicants from all backgrounds.
- OFCCP's enforcement efforts have secured millions of dollars for workers impacted by discrimination and required employers to remedy discriminatory practices. The Trump EO eliminates this critical mechanism for combatting workplace discrimination and reducing barriers to equal opportunity.
- Federal contractors must still comply with all federal and state anti-discrimination laws, including Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex (including sexual orientation and gender identity), race, national origin, or religion. The Trump EO cannot alter these obligations.

## This EO seeks to intimidate businesses and other organizations into ending efforts to advance equal employment opportunity.

- The Trump EO directs the U.S. Attorney General to coordinate with federal agencies to report on diversity, equity, and inclusion practices by private entities, such as publicly traded corporations, large nonprofits, large philanthropic foundations, professional associations, and higher education institutions, including identifying the "most egregious and discriminatory DEI practitioners in each sector" for potential investigation and litigation.

- Although the Trump EO purports to target "illegal DEI," the EO fails to define what activities would be permissible. The EO's vague wording creates confusion and appears intended to shut down all attempts to remove barriers to equal opportunity.
- By targeting businesses and other organizations for abusive enforcement of civil rights laws and requiring federal agencies to point fingers at private entities, this EO weaponizes the federal government to create a chilling effect and deter efforts to ensure equal opportunity for all workers.

## This EO intentionally misrepresents efforts to reduce barriers to equal opportunity.

- The EO falsely asserts that efforts to reduce barriers to equal opportunity "violate the text and spirit of our longstanding Federal civil-rights laws."
- Diversity, equity, and inclusion efforts remove artificial barriers to open the doors of opportunity so that everyone has the chance to compete and succeed. People who feel valued and respected are more engaged and more likely to contribute their best to their workplace and their colleagues. Diversity, equity and inclusion initiatives create a sense of belonging that allow people to reach their potential.
- These efforts include things as simple as antidiscrimination trainings; efforts to eliminate workplace harassment; leadership development opportunities; workplace culture and teambuilding initiatives; and efforts to assess workplace diversity and pay equity to ensure both fairness and compliance with anti-discrimination law.
- The efforts also help companies meet their nondiscrimination obligations under federal civil rights laws.
- This EO is just part of this Administration's broader strategy to roll back and weaponize civil rights protections. When the Trump administration claims to attack 'DEI,' it actually seeks to undo core civil rights laws and protections, exposing all working people to the threat of discrimination based on who they are.

## Background on the Office of Federal Contract Compliance Programs

The Office of Federal Contract Compliance Programs (OFCCP) is an agency within the Department of Labor. OFCCP oversees enforcement of Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974, and it assists federal contractors with compliance with these laws.

In addition to remedying individual instances of discrimination, through its enforcement of EO 11246, OFCCP could undertake review of contractors' employment practices, allowing it to identify and address patterns of discrimination that individual employees may not have had sufficient information to challenge or may have been frightened to come forward about. For example, OFCCP could conduct compliance evaluations to ensure contractors were not engaged in discriminatory pay practices or provide assistance to help contractors attract and find a diverse pool of applicants. OFCCP has produced important resources to combat discrimination, including several industry-specific technical assistance guides such as its recent Guide to Combatting Harassment in the Construction Industry.

Over the past 10 years, OFCCP has obtained over \$260 million for over 250,900 employees and job seekers who were discriminated against by federal contractors. For example:

- In 2024, State Street Corp., a global financial services company, agreed to set aside \$4.2 million to make pay adjustments after OFCCP found that the company had discriminated against female managing directors in violation of EO 11246. State Street also agreed to conduct a pay equity analysis to evaluate base pay and compensation for all employees.
- In 2023, Pitney Bowes, which "provides technology, logistics, and financial services to more than 90 percent of the Fortune 500," agreed to pay over \$1.5 million to 468 job applicants and extend job offers to over 100 applicants, after a compliance review by OFCCP found that the company violated EO 11246 by engaging in racial discrimination in the hiring process.
- In 2022, an OFCCP compliance evaluation found that LinkedIn had engaged in gender-based pay discrimination. LinkedIn agreed to pay over \$1.8 million in back wages and interest, evaluate its compensation to ensure it is not discriminatory, revise its compensation policies, and commit to monitoring and reporting requirements.