

Policy Guidance: Nondiscrimination, Inclusivity, and Merit-Based Employment Practices

Effective Date: [Insert Date]

Issued by: [Company Name] – Human Resources & Compliance Division

In accordance with **Executive Order 14173** (“Ending Illegal Discrimination and Restoring Merit-Based Opportunity”) and recent guidance from the **Equal Employment Opportunity Commission (EEOC)** and the **Department of Justice (DOJ)**, [Company Name] is updating its internal employment practices to ensure full compliance with federal law.

We remain committed to fostering a respectful, inclusive workplace—but we must do so in ways that do not violate nondiscrimination laws or improperly consider protected characteristics.

Policy Overview

- 1. No Preferential Treatment Based on Protected Characteristics**
Explicit preferences based on race, sex, religion, national origin, or other protected characteristics have always been illegal. EO 14173 reinforces that **no employment decision—hiring, promotion, compensation, or otherwise—may be influenced by a protected trait**, even as a “plus factor” or “tiebreaker.”
- 2. DEI Programs Must Be Inclusive and Lawful**
Employers are not required to eliminate DEI programs altogether, but **DEI initiatives must focus on overall inclusivity**, not identity-based advantages. The goal should be ensuring all employees are respected and given equitable opportunities to succeed—**without considering race, sex, or other protected categories** in any employment terms or conditions.
- 3. Review of Handbooks, Goals, and Metrics**
Company handbooks, internal policies, and performance measures must be reviewed to eliminate:
 - Diversity goals, quotas, or demographic targets that may constitute unlawful “balancing” efforts
 - Financial or performance incentives tied to such demographic metrics
- 4. Open Participation in Employee Groups**
Leadership programs, mentorship tracks, and employee resource or affinity groups **must be open to all employees**, regardless of background. Any exclusion based on protected characteristics is likely to be considered unlawful.
- 5. Neutral Hiring & Promotion Practices**
Companies must avoid policies like “diverse slate” requirements that mandate or exclude candidates based on race, sex, or other protected traits. Employment decisions should be made **only on merit, qualifications, and job-related criteria**.
- 6. Unlawful Training Practices to Avoid**
The company prohibits:
 - Segregated training sessions, even if the content is the same
 - DEI or sensitivity trainings that include controversial rhetoric, compel affirmations of belief, or target any group in a way that may create discomfort, shame, or hostility based on race, ethnicity, or sexThese practices may violate federal harassment standards or create a hostile work environment.
- 7. Use DEI Language Thoughtfully**
While terms like “diversity,” “equity,” and “inclusion” are not illegal, they must be used with caution. **Programs and decisions must not suggest or imply race- or sex-based consideration.**
- 8. Respect for Employee Views and Participation**
Employees must not face retaliation for opting out of DEI training, questioning policies, or respectfully expressing different views. Respectful dissent is protected under federal law.
- 9. Oversight of DEI Personnel**
The roles and responsibilities of Chief Diversity Officers and similar positions should be carefully aligned with lawful compliance and inclusive workplace support—not the enforcement of demographic-based goals.

10. **Internal Policy Review Required**

All departments are expected to conduct a **comprehensive audit** of internal employment policies, handbooks, training materials, and incentive programs. Legal counsel should be consulted to address specific questions or uncertainties.

Summary Statement

[Company Name] remains committed to fostering an inclusive, respectful, and fair workplace—while fully complying with federal employment laws. This includes adhering strictly to merit-based employment principles and avoiding any policies or actions that might be interpreted as discriminatory or preferential based on protected characteristics.

For further questions or support, please contact [HR/Legal Contact Information].