

emtrain[®]

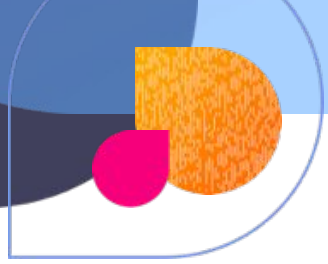
Stronger
Ethics

Deeper
Respect

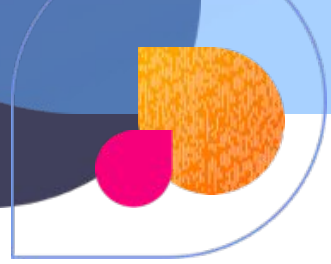
Greater
Inclusion

Q&A Re: January 2025
Executive Orders

Common Questions



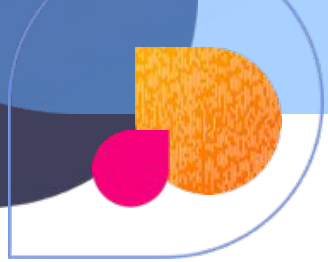
- What specific aspects of the training content may need to be adjusted or removed to ensure compliance?
- How will Emtrain ensure that the training remains compliant with both federal regulations and evolving legal interpretations?
- How many training modules will be impacted by this executive order? What are the training modules in the catalog that will be directly affected (current module titles)?
- What is the expected timeline for implementing changes to training materials in response to the executive order?
- Will Emtrain provide a roadmap or timeline for training updates to ensure organizations remain compliant during the transition period?
- Is there a plan to provide alternative training solutions that align with the new legal landscape while maintaining a commitment to equal opportunity principles?
- How does this affect the current Equal Employment Opportunity Training and Diversity & Inclusion modules?
- What are best practices for contractors to communicate and present DEI-related training changes internally while mitigating legal risks?
- How is Emtrain deciphering the difference between training requirements of EO 11246 versus Title VII of the Civil Rights Act of 1964?



**No Content Changes for Harassment, EEO, or Inclusion
Content Required To Be In Compliance With Executive
Orders....**

**But Depending On Your Business Risk... You May Want To Wait
For Updates for Emtrain's UB and D&I courses (In March)
and/or You May Want To Switch Out Gender Identity Lesson in
Harassment.**

Here's why...



January 21st Exec Order:

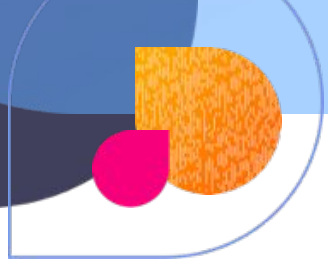
Ending Illegal Discrimination And Restoring Merit Based Opportunity

<https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>

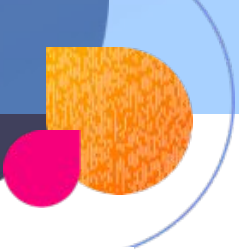


“have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called “diversity, equity, and inclusion” (DEI)”

“all executive departments and agencies (agencies) to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements. I further order all agencies to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.”



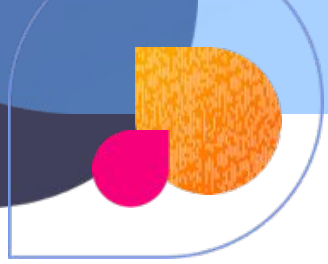
- (i) Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), is hereby revoked. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.
- (ii) The Office of Federal Contract Compliance Programs within the Department of Labor shall immediately cease:
 - (A) Promoting “diversity”;
 - (B) Holding Federal contractors and subcontractors responsible for taking “affirmative action”; and
 - (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.



Sec. 4. Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences. (a) The heads of all agencies, with the assistance of the Attorney General, shall take all appropriate action with respect to the operations of their agencies to advance in the private sector the policy of individual initiative, excellence, and hard work identified in section 2 of this order.

(b) To further inform and advise me so that my Administration may formulate appropriate and effective civil-rights policy, the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil-rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying:

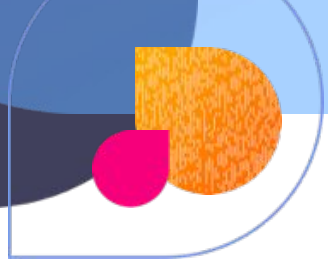
- (i) Key sectors of concern within each agency's jurisdiction;
- (ii) The most egregious and discriminatory DEI practitioners in each sector of concern;
- (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated "DEI" or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars;
- (iv) Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws;
- (v) Litigation that would be potentially appropriate for Federal lawsuits, intervention, or statements of interest; and
- (vi) Potential regulatory action and sub-regulatory guidance.



January 20th Exec Order:

Defending Women From Gender Ideology Extremism And Restoring Biological Truth

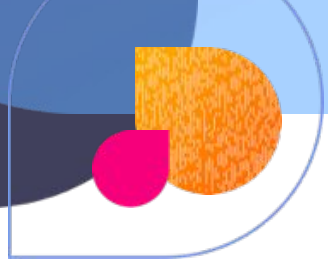
<https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>



- (a) “Sex” shall refer to an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.”
- (d) “Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.
- (e) “Male” means a person belonging, at conception, to the sex that produces the small reproductive cell.
- (g) “Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sec. 3. Recognizing Women Are Biologically Distinct From Men. (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

(b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give the terms “sex”, “male”, “female”, “men”, “women”, “boys” and “girls” the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.



Bostock v. Clayton County, Georgia (06/15/2020) - US Supreme Court.

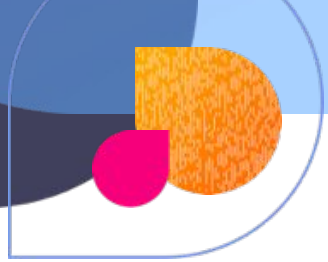
Homosexual or transgender is related to the protected characteristic of sex. Cannot take an employment action “because of” sex (referencing biological physiology)

“The statute’s message for our cases is equally simple and momentous: An individual’s homosexuality or transgender status is not relevant to employment decisions. That’s because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”

https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf

Justice Neil Gorsuch wrote the majority opinion, and Justices Roberts, Ginsburg, Breyer, Sotomayor, and Kagan joined him. Justices Alito, Thomas, and Kavanaugh dissented.

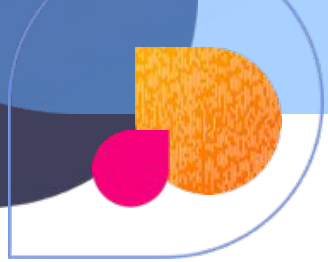
Roberts, Alito, Thomas, Kavanaugh, Coney Barrett v. Gorsuch, Sotomayor, Kagan, Brown Jackson



EEOC- Incoming Chair Andrea Lucas

1-28-25 - Removing Gender Ideology and Restoring the EEOC's Role of Protecting Women in the Workplace

<https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>

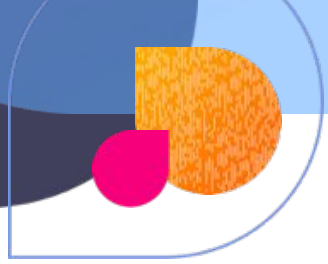


Although Acting Chair Lucas currently cannot rescind portions of the agency’s harassment guidance that are inconsistent with Executive Order 14166, Acting Chair Lucas remains opposed to those portions of the guidance.

“Biology is not bigotry. Biological sex is real, and it matters,” Lucas said. “Sex is binary (male and female) and immutable. It is not harassment to acknowledge these truths—or to use language like pronouns that flow from these realities, even repeatedly.”

Lucas emphasized, “Because of biological realities, each sex has its own, unique privacy interests, and women have additional safety interests, that warrant certain single-sex facilities at work and other spaces outside the home. It is neither harassment nor discrimination for a business to draw distinctions between the sexes in providing single-sex bathrooms or other similar facilities which implicate these significant privacy and safety interests. And the Supreme Court’s decision in *Bostock v. Clayton County* does not demand otherwise: the Court explicitly stated that it did ‘not purport to address bathrooms, locker rooms, or anything else of the kind.’”

Potential State v. Federal Conflict

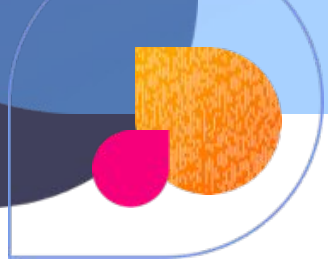


Anti-Harassment programs are addressing state mandates - CA, IL, NY, DE - where gender identity and gender expression are explicitly protected characteristics.

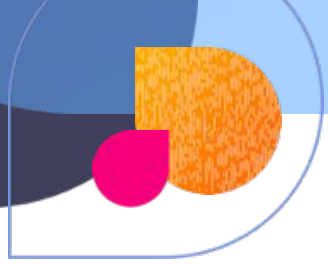
Federal may not protect gender identity and gender expression moving forward... but they'll need a U.S. Supreme Court case to overturn Bostock.

But – the AG (Pam Bondi) will likely implement a hotline for employees to report their employers for “illegal DEI programs” - by July 21, 2025., allowing the DOJ and EEOC to investigate companies who sponsor content that supports “preferences”

Inclusion, ERGs and Communities, Comms



- **ERGs** must be open to everyone.
- **No preferences or demographic goals** in recruiting or workforce management. If you track demographic data, it has to be for a legitimate business goal that is something other than “balancing the workforce” and/or advancing representation of certain demographics.
- **Inclusion is a set of skills to enable strong social dynamics and strong team performance;** it is not a motion to favor or prioritize one demographic over another.
- **Heritage/history months (Womens’ History; Pride) - it’s all in the messaging!** We are reflecting on and appreciating the struggles; contributions and achievements of our community members.
- **Workforce Communications** - There are policy changes at the federal government and changes in investigation and enforcement. We will continue to adhere to all state protections and uphold our corporate values. At the same time, we will make slight adjustments, as necessary, to avoid unnecessary scrutiny and investigations from the federal government.



QUESTIONS??

THANK YOU!!