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EEOC Investigates 20 Private Law Firms Questioning Their DEI-Related Employment Practices

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On March 17, EEOC Acting Chair Andrea Lucas sent letters to 20 large law firms requesting information about their diversity, equity and inclusion (DEI) related employment practices. The letters express the EEOC's suspicions that the firms' employment practices, including those labeled or framed as DEI, are, in fact, discriminatory based on race, sex, or other protected characteristics, in violation of Title VII of the Civil Rights Act of 1964 (Title VII).

The suggestion is that the firms are treating various groups in different ways regarding the terms, conditions, and privileges of employment, or that they may be limiting, segregating, and classifying employees according to a protected characteristic.

Lucas wrote: "The EEOC is prepared to root out discrimination anywhere it may rear its head, including in our nation's elite law firms." Lucas continued, "No one is above the law—and certainly not the private bar." You can read the letters here.

Moreover, the EEOC has established an email where whistleblowers can submit information to the EEOC about potentially unlawful DEI practices at law firms: lawfirmDEI@eeoc.gov.

Private employers should carefully re-examine their employment practices, including hiring practices, determining if they are allocating more resources to promote one group of employees, whether all employees are welcome to participate in all programming (for example, a women employees' support group), and whether pay practices are consistently equal pay for equal work.