

## Insights

# EEOC PURSUES DEI ENFORCEMENT IN FEDERAL COURT

Dec 03, 2025

Diversity, Equity, and Inclusion (“DEI”) took center stage just over ten months ago when President Donald Trump signed a series of [DEI-related executive orders](#), including Executive Order 14173, which terminated most federal contractor affirmative action obligations and encouraged the private sector to eliminate illegal DEI programs. Within two months of Executive Order 14173 being signed, the U.S. Equal Employment Opportunity Commission (“EEOC”) had [weighed in](#) on DEI-related discrimination by publishing informal guidance and sending targeted requests for information to several large law firms. Since then, however, the EEOC’s public DEI-related activities have been relatively quiet in comparison to other agencies, including the [U.S. Department of Justice](#) (“DOJ”). Thanks to a new filing in federal court, however, it seems that the agency has been busy behind the scenes.

On November 20, 2025, the EEOC [filed a petition](#) and supporting brief in the U.S. District Court for the Eastern District of Wisconsin (the “Petition”) to enforce a subpoena against Northwestern Mutual Life Insurance (“Northwestern Mutual”) in connection with the agency’s investigation into an employee’s charge of discrimination for sex, race, color, and national origin discrimination, as well as retaliation (the “Charge”). According to the Petition, the Charge alleges that: (1) the employee and those similarly situated to him have been discriminated against as a result of Northwestern Mutual’s DEI’s policies and programs, which allegedly favor women and people of color; and (2) the employee was retaliated against for complaining about the DEI policies and programs. As a result of these allegations, the Petition claims that the EEOC initially served requests for information on Northwestern Mutual on May 21, 2025 regarding, among other things, the operation of the company’s DEI policies and programs, as well as a request for an interview of Northwestern Mutual’s Vice President of Diversity and Inclusion.

When Northwestern Mutual allegedly failed to fully respond to the requests for information – including not producing the requested employee for an interview – the Petition claims that the agency and the company exchanged several emails and phone calls to resolve the matter. When this proved unsuccessful, the Petition alleges that the EEOC served the administrative subpoena at issue on June 27, 2025. According to the Petition, Northwestern Mutual has not produced the requested records and remains in non-compliance, so the agency is seeking an order from the Court that requires Northwestern Mutual to show cause for such non-compliance and, after the

Court evaluates the company's response, orders Northwestern Mutual to fully comply with the subpoena.

With DEI slowly fading back from the front page of the news these last several months, it may have been tempting to think that enforcement activities would similarly fade. The filing of the Petition proves this theory false – rather, to the contrary, the EEOC has received and is in the midst of investigating DEI-related charges of discrimination. Importantly, the scope and impact of these investigations – including the number at issue, their substantive breadth, and the agency's conclusions – remain to be seen. What is clear, however, is that this may be just the first of several new enforcement activities. With the recent [confirmation](#) of Commissioner Brittany Bull Panuccio, the EEOC now has a quorum in place, allowing the Republican-majority commissioners to make significant policy changes in line with President Trump's stated priorities, which, as stated in a [January 21, 2025 press release](#), includes "rooting out unlawful DEI-motivated race and sex discrimination."

As such, it is vital that all employers continue to:

- Evaluate their DEI and supplier diversity programs, policies, and communications and work with legal counsel to determine whether any potential changes are required or recommended.
- Have policies and systems in place to immediately address any questions or concerns raised internally regarding their DEI programs and policies.
- Be attentive to the potential for discrimination claims in hiring, promotions, reductions in force, and other employment decisions, including from employees and applicants in traditionally majority groups (and be mindful that, regardless of jurisdiction, these individuals no longer have a heightened standard to prove such claims pursuant to a new Supreme Court decision from this summer).
- Provide training and internal guidance to leaders regarding DEI-related discrimination.
- Provide support and guidance to employee resource networks.

BCLP has a team of knowledgeable employment lawyers and other professionals who are monitoring developments in this area and can help employers evaluate their DEI programs, government contracts, and more. If you or your organization would like more information on this or any other employment issue, please contact any attorney in our Employment and Labor Practice Group.

The case is *EEOC v. Northwestern Mutual Life Insurance*, U.S. District Court for the Eastern District of Wisconsin, No. 2:25-mc-00053

## RELATED CAPABILITIES

- Employment & Labor

## MEET THE TEAM



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