

Biden Launches Several Employment Focused Executive Orders

January 22, 2021

Within 24-hours of taking office, President Biden issued several Executive Orders (E.O.) impacting employers and rolling back his predecessor's policies, including a sweeping order implementing the U.S. Supreme Court's *Bostock v. Clayton County* decision. Summaries of these orders are below.

- Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
 - Defines equity as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities, such as Black, Latino, Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; people identifying as lesbian, gay, bisexual, transgender and queer (LGBTQ); people with disabilities; religious minorities; persons who live in rural areas; and persons otherwise affected by persistent poverty or inequality.”
 - Requires all federal agencies to review equity within their agencies and deliver an action plan within 200 days to address unequal barriers to opportunity in agency policies and programs.
- Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
 - Revokes Donald Trump's E.O. 13950, which limited the ability of federal government agencies, contractors, and

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Practice Areas

Employment & Labor

some grantees to implement some diversity and inclusion training. Our colleagues in Wiley's Government Contracts Practice Group analyze this E.O. [here](#).

- Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
 - Dictates that the federal government will interpret Title VII of the Civil Rights Act of 1964 as prohibiting workplace discrimination on the basis of sexual orientation and gender identity.
 - Directs agencies to take all lawful steps to guarantee that federal anti-discrimination statutes that cover sex discrimination also prohibit discrimination on the basis of sexual orientation and gender identity.
- Executive Order on Protecting the Federal Workplace and Requiring Mask-Wearing
 - Launches a "100 Days Masking Challenge" with an E.O. that requires masks and physical distancing in all federal buildings, on all federal lands, and by federal employees and contractors in an effort to present an example to non-federal employers.
- Executive Order on Protecting Worker Health and Safety
 - Requires the U.S. Secretary of Labor to: issue revised guidance on worker health and safety during the COVID-19 pandemic; consider emergency temporary, pandemic related standards for implementation; and launch a national program to focus on the enforcement of the Occupational Safety and Health Act as it relates to COVID-19.

President Biden is expected to issue more Executive Orders in the coming weeks that will impact employers directly or indirectly, as well as make changes to existing and pending regulations, including the U.S. Department of Labor's most recent rulemaking on the classification of workers. Wiley is actively monitoring these developments from its strategic location in Washington and will continue to provide updates on the Administration's actions.