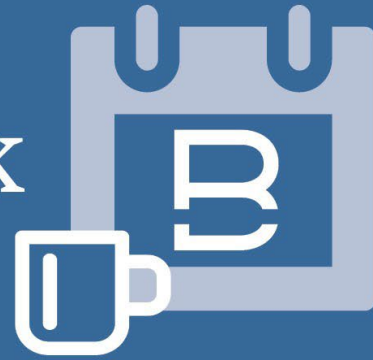


The Work Week

Bassford Remele Employment Practice Group



January 21, 2025

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

[Bassford Remele Employment Practice Group](#)

President Trump Signs Executive Orders to Define “Sex” and End DEI Programs

[Danielle W. Fitzsimmons](#)

Prior to his inauguration yesterday, President Donald Trump declared that he would sign a slew of executive orders yesterday afternoon to reverse many of President Biden’s policies and reinstate action from President Trump’s first presidential term. The expected executive orders cover topics such as immigration and the border, the federal work force, tariffs and trade, energy and the environment and gender and diversity, equity and inclusion initiatives.

One such executive order defines “sex” to include only two biologically distinct sexes, male and female. Male and female are to be defined based on whether a person is born with eggs or sperm, rather than on the person’s chromosomes. In his inauguration speech, President Trump explained that the order is intended to end efforts to “socially engineer race and gender into every aspect of public and private life.”

The order will require that federal prisons and shelters for migrants and rape victims be segregated by sex, as defined by the order. Moreover, the order will prevent taxpayer funds from being used for gender-transition health care. And finally, the order will require government agencies to use the definitions of “sex” on government documents, such as passports, visas and employee records. In contrast, in 2022, the Biden administration allowed U.S. citizens to select the gender-neutral “X” as a marker on their passport books.

A second order will end diversity, equity and inclusion (“DEI”) programs in the federal government. In his inaugural address, President Trump stated, “We will forge a society that is colorblind and merit based.”

Despite President Trump’s Executive Order, it is important for employers to remember the definitions of “sex” under Title VII and applicable state law. For example, Title VII does not define “sex” to include only two biologically distinct sexes. Rather, Title VII prohibits discrimination based on sex, which is defined to include pregnancy, sexual orientation and gender identity. Moreover, Title VII further prohibits

employment decisions based on stereotypes about the abilities and/or traits associated with gender. Similarly, the Minnesota Human Rights Act prohibits discrimination based on sex, gender identity and sexual orientation. Thus, President Trump’s definition of “sex” will not affect employment discrimination statutes.

Additionally, while President Trump seeks to end DEI programs in the federal government, his executive order will not affect the DEI programs of state or local governments, or those of private employers.

At Bassford Remele, our [Employment Law practice group](#) regularly monitors case law, legislation, and administrative and executive decisions. We’ll continue to monitor President Trump’s Executive Orders and provide updates in future editions of *The Work Week*. In the meantime, please feel free to reach out to any of our team members for guidance, questions, or further assistance. We would love to hear from you!

LEARN MORE ABOUT OUR EMPLOYMENT PRACTICE » »

Copyright © 2025 Bassford Remele, All rights reserved.