

# Hinshaw Attorneys Discuss Employment Practice Liability Insurance Implications of DEI Policies

Featured in a new *Daily Business Review* byline

In The News | 1 min read

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Hinshaw attorneys Jenelle La Chuisa, Wadad Barakat, and Lauren Swanson have co-written a new bylined article for the *Daily Business Review* called “Navigating the DEI Crossroads: EPLI Coverage Risks in a Two-Sided Litigation Era.”

The authors describe how companies now confront the risk of discrimination claims from two different avenues—both from those challenging DEI policies and those responding to DEI rollbacks—and explain why these issues are likely to test employment practices liability insurance in new ways.

## Key Topics Covered in the Article

- **The Shifting Landscape:** Post-SFFA scrutiny, new executive orders, and agency actions have widened challenges to corporate DEI, creating regulatory uncertainty and increasing litigation exposure for employers.
- **The Two-Front DEI Claims:** Simultaneous risks from majority-group discrimination suits targeting DEI-forward practices and from retaliation/hostile-environment claims following DEI rollbacks, with practical examples from recent matters.
- **The DOJ’s False Claims Act Initiative:** The U.S. Department of Justice’s (DOJ) use of the False Claims Act (FCA) as a DEI enforcement lever against federal fund recipients, the effect of contractor certifications, and how treble damages and investigations can rapidly exhaust defense limits.
- **Coverage Considerations:** The definitions of “claims,” “investigation,” and “wrongful employment act,” plus retaliation coverage, conduct exclusions, third-party coverage, and D&O/EPLI allocation.
- **Risk Management Playbook:** Actionable steps for policyholders and carriers, including program audits, communications controls, training, broker-led wording reviews, coordinated notices, and more.

- **The Road Ahead:** Increased retaliation filings and evolving state/federal enforcement are forecasted, meaning insurers and policyholders should revisit EPLI terms now as DEI-related disputes reshape pricing, allocation, and coverage.

**Read the full article (subscription may be required)**

- *Daily Business Review*: “[Navigating the DEI Crossroads: EPLI Coverage Risks in a Two-Sided Litigation Era](#)” (December 29, 2025)

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## Related People

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## Tags

DEI, Employment Practices, Workers Compensation & Employee Liability Claims