

RESEARCH AND ADVISORY SERVICES

Resilient ERG Strategies to Align with Current Legal Standards

What New Legal Shifts Mean for ERGs

The following content is for informational purposes only and does not constitute legal advice. Organizations should consult with their legal counsel to determine the best course of action based on their specific circumstances.

Today, there's still a lot of uncertainty about what constitutes legal versus illegal DEI. Much of it remains undefined, creating a gray area for many organizations. One of the clearest signals so far has come from the U.S. Office of Personnel Management (OPM), which defines unlawful activity as any program that "unlawfully discriminates" or is "motivated, even in part, by protected characteristics."

This guidance has led many organizations to take a closer look at their Employee Resource Groups (ERGs). At **Seramount**, we've received a growing number of questions from partners about how to ensure ERGs remain both effective and aligned with today's legal expectations. That's because ERGs continue to play a critical role in building connection, fostering community, and driving inclusion.

While ERGs are still widely considered low-risk, how they're structured and communicated may need to evolve. Below, we dig into what the legal landscape means for ERGs and share three strategies to help ensure they continue to make an impact.

Aligning ERGs with Current Legal Standards

The most significant shift that organizations need to make is to ensure that all ERGs are open to all employees, regardless of whether someone identifies with the group's focus. Importantly, these legal expectations extend to all workplace affinity spaces and informal groups, such as men's clubs, book clubs, or other interest-based meetups.

For example, a women's ERG can still focus on supporting women, but a man must be allowed to join, attend events, apply for leadership, or benefit from any ERG-led development opportunities.

This expectation doesn't stop at general membership. It also applies to any programs, leadership roles, or opportunities associated with the ERG. That includes participation in mentorship or sponsorship programs, eligibility for ERG leadership positions, access to events or trainings, and involvement in planning or strategy.

Simply put: ERGs can center specific communities, but they cannot restrict membership, participation, or benefits based on identity.

3 Strategies to Adapt ERGs to the New Legal Landscape

Many organizations may find that their existing ERGs already embrace inclusivity in practice, welcoming allies and others outside the core identity group. In fact, in our experience, very few ERGs formally restrict membership based on identity. Still, it's important to be proactive and intentional about these changes.

Here are three strategies to help you adapt your ERGs to thrive within this new legal environment:

Communicate that ERGs are open to all

1

It's not enough to make the change; **you need to communicate it clearly.** Ensure ERG leaders, members, and non-members know that all ERGs are open to everyone. There's no need to frame it as a major shift, particularly if it isn't; simply emphasize that these are inclusive spaces welcoming all employees.

Share best practices for allyship

2

Support employees who join ERGs outside their own identity groups by creating simple allyship guides. Collaborate with ERG leaders to **set clear expectations around behavior, language, and engagement.** This helps ensure respectful participation and keeps ERGs welcoming for all.

Position ERGs as business-critical groups

3

Consider formally transitioning ERGs into Business Resource Groups (BRGs), **emphasizing their contributions to talent development, employee engagement, innovation, and market insights.** This framing can help safeguard them against backlash and strengthen their standing within the organization.



The Seramount Employee Group Maturity Assessment (SEGMA)

A new tool that helps you assess how well your ERGs are positioned to weather today's challenges. This comprehensive assessment evaluates effectiveness across nine key areas and delivers a detailed scorecard showing where you stand. Seramount's experts then work with you to build a customized roadmap to boost efficiency, align strategy, and increase impact. [Contact us](#) to learn more.

The Bottom Line

Ultimately, the safest path to workplace inclusion right now centers on:



Nondiscrimination



Belonging



Standardized
Practices

Your ERGs are uniquely positioned to deliver all of the above. In fact, ERGs may be better equipped than many other DEI efforts to withstand current and future legal challenges.

We're already seeing this in practice, with many **Seramount partners** leaning heavily on their ERGs to support employees, especially those most impacted by recent political and legal shifts. That's why it's so important to structure and communicate about them in ways that ensure they can continue to have impact.

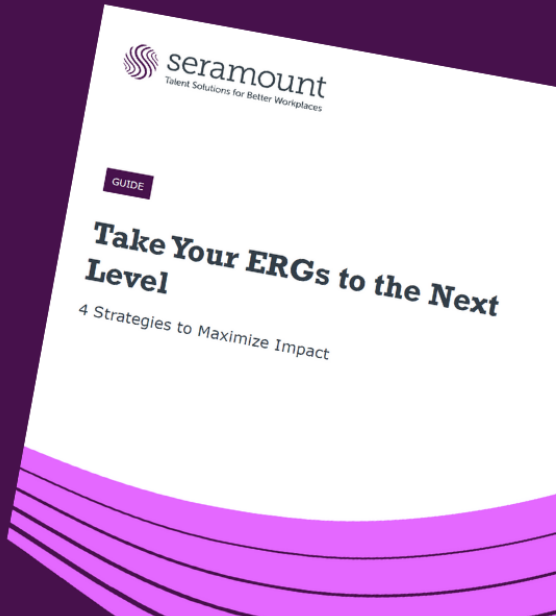
If you'd like guidance on how to elevate your ERGs and maximize their impact, check out Seramount's latest guide on taking your ERGs to the next level.

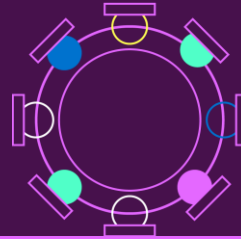
GUIDE

Take Your ERGs to the Next Level

ERGs are facing more scrutiny than ever. Discover how to strengthen their impact.

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The image shows the cover of a guide titled "Take Your ERGs to the Next Level" by Seramount. The cover is white with a blue header containing the Seramount logo and tagline "Talent Solutions for Better Workplaces". Below the header, the word "GUIDE" is in a small blue box. The title "Take Your ERGs to the Next Level" is in a large, bold, blue font, followed by the subtitle "4 Strategies to Maximize Impact" in a smaller blue font. The bottom of the cover features a blue wavy graphic.



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