

LEGAL UPDATE



IMPORTANT INFORMATION

- The EEO-1 Report is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category.
- Employers with 100 or more employees and certain federal contractors must report this data to the EEOC by March 31 every year. However, collection of this data from 2022 has been delayed.
- The EEOC expects to open the portal for employers to begin entering 2022 information in fall 2023.
- An employer that fails or refuses to file an EEO-1 Report as required may be compelled to do so by a federal district court.

EEOC Delays 2022 EEO-1 Reporting Until Fall 2023

On June 29, 2023, the Equal Employment Opportunity Commission (EEOC) [announced](#) that the date for employers to begin submitting 2022 EEO-1 Reports is delayed again, this time with a **tentative new opening date in the fall of 2023**.

The EEOC had previously extended the expected opening date for 2022 EEO-1 reporting until mid-July 2023. Under Title VII of the Civil Rights Act (Title VII), certain employers must usually submit EEO-1 by March 31 each year.

Covered Employers

The following entities are subject to EEO-1 reporting:

- A **private employer** that has **100 or more employees** (with limited exceptions for schools and other organizations);
- A private employer with between 15 and 99 employees, if it is part of a group of employers that legally constitutes a single enterprise that employs a total of 100 or more employees; and
- A **federal contractor** that has **50 or more employees**; is either a prime contractor or first-tier subcontractor; and has a contract, subcontract or purchase order amounting to **\$50,000** or more.

Employers filing EEO-1 Reports for the first time must [register](#) to receive a login, password and further instructions for filing from the EEOC. Although the EEOC sends notification letters to employers it knows to be subject to EEO-1 requirements, all covered employers are responsible for obtaining and submitting the necessary information prior to the appropriate deadline.

EEOC Announcement

The reason behind the latest delay is that the EEOC is “currently completing a mandatory, three-year renewal of the EEO-1 Component 1 data collection by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA),” according to the agency. Component 1 of the EEO-1 requires employers to submit demographic information about their employees, including each one’s gender, race and ethnicity, and job category.

EEO-1 Background

EEO-1 reporting has been delayed in prior years, with the portal for submitting 2019, 2020 and 2021 data ultimately closing late in 2021 and 2022. For even earlier years—2017 and 2018—employers subject to EEO-1 reporting were also required to submit additional information about employee pay and work hours, known as Component 2 data, and the deadline to submit that data was extended until September 2019. After that, the EEOC discontinued the Component 2 requirements due to court challenges. However, covered employers should be aware that Component 2 data may be required again in future years.