LEGAL UPDATE

HIGHLIGHTS

- On May 15, 2026, the EEOC submitted a plan to the OIRA to eliminate EEO-1 reporting requirements for private employers.

EEOC Plans to Eliminate EEO-1 Reporting Requirements for Private Employers

On May 15, 2026, the Equal Employment Opportunity Commission (EEOC) submitted a plan to the White House to eliminate EEO-1 reporting requirements for private employers.

Background

The EEO-1 reporting is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category. Under Title VII of the Civil Rights Act, employers with 100 or more employees and certain federal contractors must report this data to the EEOC by March 31 of every year.

With limited exceptions, the following entities must file EEO-1 Reports by March 31 every year (or any later submission deadline set by the EEOC):

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

An employer who fails or refuses to file an EEO-1 Report as required may be compelled to do so by a federal District Court. Federal contractors also risk losing their government contracts for noncompliance.

Key Highlights

By submitting the plan, the EEOC has initiated steps to end the annual EEO-1 Report for private employers. The EEOC's proposal would also rescind reporting requirements for EEO-2, EEO-3, EE0-4 and EE0-5, which apply to public employers and unions. The notice also seeks to terminate other reporting requirements under federal antidiscrimination laws, such as the Americans with Disabilities Act and the Pregnant Workers Fairness Act. The EEOC's proposal is currently under review by the Office of Information and Regulatory Affairs (OIRA). The OIRA will review the proposal for consistency with presidential priorities and analyze its costs and benefits. If the OIRA clears the proposal, the EEOC may publish a notice of proposed rulemaking in the Federal Register for public comment.

Employer Takeaway

The EEOC has not yet announced the opening date and filing deadline for 2025 EEO-1 reports. It's unclear how the proposal might impact the filing of 2025 EEO-1 reports. Therefore, employers should monitor the EEOC's proposal and EEO-1 Data Collection page for any developments to remain compliant.

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