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EEOC Proposes to Eliminate EEO-1 Reporting

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On May 14, 2026, the Equal Employment Opportunity Commission (EEOC) submitted a proposed rule to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) titled, "Rescission of EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and reporting requirements under Title VII, the ADA, GINA, and the PWFA." If finalized, this could eliminate the annual EEO-1 workforce demographic filing familiar to many large employers. The proposed rule would also eliminate EEO reports currently required by certain labor unions, state and local governments, and school systems.

A requirement since 1966, the EEO-1 Component 1 report is a mandatory annual data collection that requires all private-sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit workforce demographic data, including data by job category and sex and race or ethnicity, to the EEOC. The latest proposal follows a reporting change made last year, in which the Trump administration eliminated the optional reporting of nonbinary employee data pursuant to the January 20, 2025, Executive Order 14168 "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government."

Notably, the elimination of EEO-1 data reporting was recommended in Project 2025's policy playbook, which called for rescinding the collection, noting that, "[c]rudely characterizing employees by race or ethnicity fails to recognize the diversity of the American workforce and forces individuals into categories that do not fully reflect their racial and ethnic heritage." Current EEOC Chair Andrea Lucas also warned employers that they may not use the information collected and reported in their organization's EEO-1 report to justify treating employees differently based on their race, sex or other protected characteristics.

What this means

The submission of a proposed rule is an early step in a longer process. Under Executive Order 12866, OIRA has up to 90 days (which may be extended) to review a proposed rule. After OIRA concludes the review, the proposed rule will be published in the Federal Register for a review and comment period.

As these administrative processes will take time, employers covered by the EEO-1 reporting obligations should continue preparing for the next filing cycle and monitor for further updates to the pending proposal. If federal EEO-1 reporting is ultimately rescinded, states may seek to fill the gap by imposing their own workforce demographic data collection and reporting requirements, potentially creating a patchwork of compliance obligations for multistate employers.

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