



August 24, 2026

Raymond Windmiller
Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M Street, NE,
Washington, DC 20507

Submitted via regulations.gov

RE: SHRM Comment on the Proposed Rule Regarding the Removal of Reporting Requirements

Dear Mr. Windmiller,

[SHRM](#) is the fourth-largest membership-based organization in the world, representing nearly 340,000 HR and business leaders through a network of 550 affiliates spanning every U.S. state and congressional district, with members in 174 countries worldwide. More than 95% of the Fortune 500 are represented within SHRM's membership, providing SHRM with a unique perspective on the workforce challenges and opportunities facing organizations of every size, industry, and sector.

I. Introduction

SHRM's membership of HR professionals and business executives operates at the intersection of talent acquisition, people management, and regulatory compliance, providing insights grounded in data and practical, real-world experience. This is an issue of particular importance to SHRM and its members, who are responsible for implementing these reporting requirements and ensuring compliance with federal equal employment opportunity laws, as well as relevant state obligations. SHRM supports the Equal Employment Opportunity Commission's (EEOC) mission to enforce the nation's equal employment opportunity laws and supports efforts to reduce unnecessary regulatory burdens while ensuring employers have clear, predictable, and administrable compliance obligations.

SHRM believes workforce demographic data remains an important tool for employers and the EEOC. However, the current EEO reporting framework no longer reflects today's workforce or employer needs. Accordingly, SHRM supports rescinding the current reporting requirements only if they are replaced with a modernized framework that produces more accurate, meaningful, and actionable guidance regarding workforce demographic data collection. SHRM appreciates the opportunity to comment on the Notice of Proposed Rulemaking (NPRM) proposing to rescind the EEO-1 through EEO-6 reporting requirements and respectfully submits the following comment and recommendations for the EEOC's consideration.

II. Rescinding the Current Requirements Without A Replacement Framework Creates Unnecessary Uncertainty for Employers

SHRM recognizes that Title VII does not expressly require employers to submit the existing EEO reports and is not arguing that the EEOC must retain those reporting requirements. SHRM's concern is what follows. The EEO reporting framework has provided employers with a longstanding federal reference point for collecting and reporting workforce demographic information. Removing that framework without providing guidance on what should replace it could leave employers with significant questions about how to approach workforce demographic data going forward.

A. Rescission Alone Leaves Significant Questions Unanswered

For nearly six decades, EEO reporting has provided a common federal framework for workforce demographic information. If those requirements are rescinded, employers will continue to have obligations under Title VII and other federal, state, and local laws, as well as legitimate business and compliance reasons to collect and maintain workforce information. Rescission therefore does not resolve questions about what information employers should maintain, when it should be collected, how long it should be retained, who should have access to it, or how it may appropriately be used. Employers also may need to determine how to reconcile federal obligations with differing state and local requirements.

The objective should be to provide employers with a durable framework that contains technical assistance and guidelines for responsible workforce data practices rather than leaving each employer to develop its own approach in the absence of federal direction. The need for clear and reliable information is particularly important given the challenges employers already face in navigating a rapidly evolving employment-law landscape. SHRM research found that 62% of HR professionals identified keeping up with evolving federal and state legal standards as a challenging area of workplace discrimination.¹

This is particularly important to SHRM because compliance with federal and state anti-discrimination laws is too consequential to leave employers navigating ambiguous or uncertain expectations. Employers need clarity about their obligations and confidence that the compliance approaches they adopt in good faith will be consistent with the expectations of the agencies responsible for enforcement. Such clarity benefits both employers and the EEOC by promoting consistent compliance and reducing unnecessary uncertainty.

SHRM's research also demonstrates the particular importance of guidance from regulatory authorities, like the EEOC, when employers are responding to changes in federal policy. For example, HR professionals whose organizations had faced challenges as a result of the Executive Orders on diversity, equity and inclusion (DEI) most frequently identified a lack of clear guidance from regulatory bodies or authorities (25%) as a challenge, followed by uncertainty about how long current policies would remain in effect (24%), and difficulty understanding how to comply

¹ Source: June 2025 *Current Events Pulse*, SHRM, 2025.

with new or evolving regulations (21%).² Among HR professionals who anticipated that their organizations would be impacted by the DEI-related Executive Orders, 65% reported that they were either not at all prepared (26%) or only a little prepared (39%) to address the potential implications.³ Among those who felt unprepared, the most frequently anticipated challenge was confusion about how to interpret and implement the directives (64%).⁴

These findings underscore the practical value of authoritative agency technical assistance and guidelines. Employers routinely rely on legal counsel, professional associations, and other resources, but those resources cannot substitute for clarity from the agency responsible for administering and enforcing federal law.

At a minimum, SHRM believes that, if the EEOC rescinds the reporting requirements, it should address how employers should approach workforce demographic information going forward, including:

- What types of demographic information employers should consider maintaining for legitimate compliance purposes;
- How long such information should be retained consistent with applicable recordkeeping requirements, including Section 709(c)(1) and (2) of Title VII and 29 C.F.R. § 1602.14;
- Appropriate safeguards governing access, confidentiality, and dissemination;
- When aggregated demographic analyses may appropriately be conducted;
- How employers can distinguish legitimate compliance monitoring from the use of protected characteristics in individual employment decisions; and
- How employers should navigate overlapping federal, state, and local requirements.

Providing direction to these questions would give employers a clearer path to responsible data collection while supporting the EEOC's enforcement mission.

B. Existing Legal Obligations Continue

Rescinding the federal EEO reporting requirements would not eliminate the broader legal and practical reasons employers collect and maintain workforce demographic data. Employers would continue to operate under federal, state, and local requirements governing recordkeeping, equal pay, pay transparency, equal employment opportunity, as well as defense in litigation. In some jurisdictions, these requirements may independently require the collection, maintenance, or reporting of demographic information. As a result, rescinding the federal reporting requirement, without addressing these underlying obligations, may do little to reduce the burdens associated with collecting and maintaining workforce demographic data.

(i) Compliance with Other Federal and State Laws

² Source: May 2025 *Current Events Pulse*, SHRM, 2025.

³ Source: *Defining the Impact of Inclusion and Diversity Executive Orders: Studying Their Impact on the World of Work*, SHRM, 2025.

⁴ Source: *Defining the Impact of Inclusion and Diversity Executive Orders: Studying Their Impact on the World of Work*, SHRM, 2025.

Employers operate within a complex system of overlapping federal, state, and local requirements. Many jurisdictions impose their own workforce reporting, equal pay, pay transparency, or recordkeeping requirements, some of which may reference or rely upon federal EEO-1 categories or reporting practices. If the federal framework is rescinded, employers will still need to determine what information they must collect and retain to comply with other applicable requirements. This could result in greater variation in the types of data collected and the manner in which it is maintained, particularly for employers operating across multiple jurisdictions.

This is particularly consequential for employers operating across state and local lines. A federal benchmark provides a common set of categories and definitions that can serve as a consistent reference point across jurisdictions. Without that framework, employers may face a proliferation of state and local requirements, each with different definitions, reporting periods, data elements, or submission processes. In that circumstance, rescission could ultimately increase administrative complexity even as it eliminates the federal reporting obligation.

From the EEOC's perspective, this raises an important question about whether rescission, standing alone, meaningfully reduces the underlying burden of demographic data collection. If employers must continue collecting similar information to satisfy other legal requirements — and potentially additional requirements adopted in response to the absence of a federal standard — eliminating the federal reporting obligation may simply remove a standardized federal framework without eliminating the underlying data-collection activity.

Finally, if the EEOC moves forward with this NPRM, SHRM would advise it **to** consult with interested state agencies regarding any resulting recordkeeping requirements. SHRM would urge the EEOC to acknowledge that the same policy considerations supporting consultation on promulgation also apply to revisions — and particularly to a wholesale rescission — where the federal requirements are intertwined with state-imposed employer obligations. Just as SHRM members need clarity and guidance as the EEO landscape evolves, state agencies likewise need sufficient information and coordination to understand and address the implications of any changes.

(ii) The Continued Relevance of Workforce Data in Compliance Reviews and Litigation

Workforce demographic data also has relevance beyond federal reporting. Employers may rely on such information to evaluate compliance with equal employment opportunity laws, respond to agency inquiries, investigate potential disparities, and defend against discrimination claims. For example, Title VII's disparate-impact framework necessarily involves statistical evidence concerning the effects of an employment practice. The data can help an employer determine whether a statistical difference is attributable to the challenged practice or whether other legitimate factors account for the observed outcome. In this way, demographic data is not merely a source of potential compliance concerns; it is also an important tool for employers seeking to understand, test, and defend their employment practices. Workforce data may likewise be relevant in disparate-treatment cases, where comparisons among similarly situated employees or applicants can be central to determining whether individuals were treated differently because of a protected characteristic.

Accordingly, rescinding the EEO reporting requirement does not eliminate the value or potential legal significance of collecting and maintaining workforce demographic data. Nor does it necessarily eliminate the practical burden associated with that collection. Employers may continue to maintain this information because it serves other compliance, risk-management, and litigation purposes.

For these reasons, the EEOC should consider whether rescinding the EEO reporting requirements, without establishing an alternative framework or otherwise addressing the underlying collection and retention of workforce demographic data, would meaningfully reduce regulatory burden. To the extent employers remain subject to other legal obligations and continue to need demographic information for compliance and litigation purposes, rescission alone may simply shift the burden rather than eliminate it. While SHRM does not seek to argue necessarily for another mandatory, replacement **form**, a consistent federal framework, replete with guidelines and technical assistance, would provide greater clarity and reduce duplication for employers that may collect similar information for multiple purposes.

III. Workforce Demographic Data Continues to Serve Important Compliance and Business Purposes

A. Workforce Data Remains a Valuable Compliance Tool

Outside of litigation or for purely compliance reasons, workforce demographic data remains a valuable tool for employers seeking to identify trends, monitor employment practices, and evaluate potential barriers to equal employment opportunity. Much like financial or operational reporting, demographic data can help organizations identify patterns and assess organizational health. With this rulemaking, the EEOC has the opportunity to expound on the role of this data and further discuss the proper way to collect and analyze demographic information. SHRM believes the EEOC should be mindful to distinguish between the collection and analysis of data and any subsequent employment action taken based on that information. When used appropriately, workforce demographic data can help employers better understand their workforce and identify areas that may warrant further review.

SHRM's experience with its members also demonstrates that employers use workforce demographic data for a range of legitimate compliance and business purposes—not to make employment decisions based on race, sex, or other protected characteristics. Through SHRM's Knowledge Advisors, conferences, webinars, toolkits, and other member resources, HR professionals routinely seek guidance on using workforce data to conduct pay equity audits, evaluate employment-related assessments for validity and nondiscrimination, strengthen compliance practices, and advance skills-first and opportunity-driven approaches to talent management. These member interactions provide practical insight into how employers are using workforce data to better understand their practices, identify potential areas of concern, and make informed, lawful decisions.

SHRM's 2026 research reinforces the importance employers place on workforce data in supporting nondiscrimination compliance. More than half of HR professionals identified pay or compensation data (59%) and workforce demographic information (53%) as among the most necessary information for their organizations to gather for this purpose.⁵ HR professionals also view workforce demographic data as a tool for proactive compliance and effective workforce management: 60% said organizations should use the data to evaluate recruiting, hiring, and promotion practices; 60% to identify and proactively address workforce trends or disparities; and 52% to inform workforce planning and talent strategies.⁶ Importantly, only 3% said organizations should not use workforce demographic data at all.⁷

These findings demonstrate that workforce demographic data has value well beyond federal reporting. It is an important compliance resource that can help employers monitor employment practices, identify potential concerns, and assess whether policies are operating as intended. The question is not whether employers should collect such data, but whether the federal framework provides sufficient clarity on what information is appropriate to collect, for what purposes, and how it should be maintained. Rescinding the EEO reporting forms may reduce a recurring reporting burden, but it does not eliminate the underlying compliance value of workforce demographic information.

B. The NPRM Preserves the EEOC's Investigative Authority

The NPRM recognizes that eliminating routine EEO reporting would not limit the EEOC's ability to obtain workforce demographic information when needed for enforcement. The EEOC would retain its authority to request relevant information, issue subpoenas, and obtain records during investigations and enforcement proceedings, while employers would remain subject to applicable federal and state equal employment opportunity and record-preservation obligations. Employers may therefore still need to collect and maintain workforce demographic information even if they are no longer required to submit it through a recurring federal reporting process.

This distinction is important for the EEOC to emphasize in any final rule and subsequent technical assistance. If the EEOC is no longer receiving workforce demographic information through standardized reports, the agency will increasingly rely on its investigative authority to obtain information when it identifies a potential enforcement concern. If the EEOC ultimately eliminates the reporting forms, it should provide employers with clear guidelines, technical assistance, and other compliance materials regarding the types of information and data that may be requested through these established enforcement channels before requests for information or subpoenas are issued. The NPRM does not counsel against collection of aggregate workforce demographic data to analyze workforce practices and outcomes. Recent Commission subpoena enforcement activity makes clear that it considers such data relevant to its review and analysis of specific workforce practices.

⁵ Source: Government Affairs Midyear Check-in, SHRM, 2026.

⁶ Source: Government Affairs Midyear Check-in, SHRM, 2026.

⁷ Source: Government Affairs Midyear Check-in, SHRM, 2026.

This shift makes clarity particularly important, especially given the EEOC's own enforcement priorities. If the EEOC intends to pursue pattern-or-practice and systemic discrimination cases, and more broadly to identify potential unlawful employment practices, it should carefully consider how the loss of standardized workforce data may affect its ability to identify those patterns. Any final rule should therefore address not only the burden associated with federal reporting, but also the practical implications for employers and the EEOC of moving away from a longstanding, standardized source of workforce information.

IV. The EEOC Should Modernize Workforce Demographic Reporting

A. Replacement Framework Should Be Purpose-Driven

A modernized framework should move away from a one-size-fits-all approach to workforce demographic data and toward a purpose-driven model that recognizes employers' legitimate compliance needs while preserving the EEOC's ability to enforce equal employment opportunity laws. From an enforcement and compliance perspective, workforce demographic data can be highly valuable precisely because it enables employers to identify potential disparities, evaluate whether employment practices are producing unintended effects, and address emerging issues before they develop into more significant compliance concerns. The EEOC should be mindful to not discourage the collection or use of such information, which risks limiting employers' ability to engage in the very self-assessment and preventive compliance efforts that support the effective enforcement of equal employment opportunity laws.

Ultimately, SHRM believes the NPRM presents a meaningful opportunity for the EEOC to evaluate a longstanding enforcement tool, and consider how changes and enhancements may lead to better workforce data that is used to enhance equal opportunity. While SHRM strongly encourages the smart, targeted use of aggregate workforce demographic data, that is not to say that current EEO reporting forms cannot be improved. SHRM's 2026 research demonstrates why modernization warrants consideration. When asked about current state and federal workforce demographic reporting requirements, 59% of HR professionals said those requirements are sufficient and appropriate as-is, 30% said they are excessive and should be reduced, and 11% said they are insufficient and should be expanded.⁸

The more significant finding is how employers assess the usefulness of the current reporting process. Among organizations subject to mandatory demographic reporting, 22% said the data is not at all useful, and 35% said it is not very useful in supporting compliance and workforce analysis; only 6% considered the data very useful.⁹ At the same time, previously cited SHRM research explains that employers continue to see substantial value in workforce demographic information itself. Taken together, these findings support a clear conclusion: the issue is not whether workforce demographic data has value. The issue is whether the current reporting

⁸ Source: Government Affairs Midyear Check-in, SHRM, 2026.

⁹ Source: Government Affairs Midyear Check-in, SHRM, 2026.

mechanism produces the right information in a form that is sufficiently useful to employers and the EEOC.

Employers that understand how to collect and use demographic information appropriately are better positioned to conduct meaningful self-audits, identify potential disparities, and address problems before they result in unlawful practices. From the EEOC's perspective, encouraging responsible, purpose-driven data practices can therefore complement, not undermine, the agency's enforcement mission. A reduction in mandatory reporting should not inadvertently become a reduction in employers' ability to engage in voluntary compliance and prevention using data that was collected in the EEO-1 Report.

A replacement framework should improve the quality, relevance, and usefulness of workforce data while reducing unnecessary administrative burdens. If the EEOC changes the federal reporting framework, it should pair that change with clarity and certainty on appropriate collection, access, retention, and use.

B. Data Collection Is Only the First Step

SHRM would pose a question for consideration that has received less attention: Once workforce data is collected, what should employers do with it? Collecting demographic information alone does not explain workforce outcomes or identify an appropriate response. Meaningful analysis requires context, including comparable jobs, relevant labor markets, job requirements and descriptions, occupational classifications, skills and qualifications, and other legitimate business factors that may affect workforce outcomes.

The EEOC should use this rulemaking as an opportunity to provide principles-based technical assistance that helps employers move from data collection to responsible analysis and action. Such assistance need not prescribe a single methodology or require employers to adopt a particular framework. Instead, it could establish practical principles for using workforce data to identify questions, evaluate employment practices, and determine whether further review is warranted.

SHRM's Belonging Enhanced by Access through Merit (BEAM) Toolkit provides one example of this type of practical, principles-based approach. The toolkit is designed to help HR professionals, executives, and enterprise leaders implement legally compliant workplace practices through principles of inclusion, access, merit, accessible information, and skills-first development.

BEAM also illustrates the importance of calibration — the process of using information thoughtfully to evaluate whether workplace practices are achieving their intended objectives while remaining legally compliant. The principles are particularly relevant to the responsible use of workforce demographic data. Data can identify a question; it does not necessarily provide the answer. Employers may need to examine comparable jobs and relevant labor markets, understand job requirements and occupational differences, evaluate skills and qualifications, and consider how employment practices actually operate before determining whether a disparity warrants further review. The EEOC should emphasize that a purpose driven collection and review helps employers understand the difference between identifying a potential issue and making a legally appropriate response.

The EEOC must play an important role in providing this clarity. Rather than simply telling employers to not collect information, the EEOC can help explain how workforce information can be responsibly collected, analyzed, interpreted, and used to support equal employment opportunity. This would give employers the missing second piece of the equation: not just collecting the data, but knowing what to do with it.

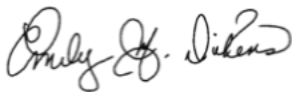
V. Conclusion

SHRM supports rescission of the current EEO reporting forms only if it is paired with a replacement of a better, more useful framework. It is SHRM's ardent belief that rescinding the current reporting requirements should be an opportunity to build something better — not an invitation to abandon the underlying value of workforce demographic data. SHRM's research demonstrates why this distinction matters. Employers recognize the importance of workforce demographic information for compliance, workforce analysis, and business decision-making, while many question the usefulness of the current reporting mechanism. The EEOC should use this rulemaking to address both realities.

A replacement framework should provide greater clarity, produce more meaningful and actionable information, reduce unnecessary burden, and support the EEOC's ability to enforce equal employment opportunity laws. The goal should be better data, not simply more data or less data. Organizations need sufficient flexibility to collect and use information for legitimate compliance and business purposes, while the EEOC needs effective tools to fulfill its statutory enforcement responsibilities. SHRM encourages the EEOC to continue to engage employers and other stakeholders as it develops any replacement framework. The practical experience of the regulated community should inform how workforce demographic information is collected, maintained, analyzed, and used going forward.

SHRM remains committed to working with policymakers and drawing on the collective experience of its members to advance policies that support work, workers, and the workplace.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emily M. Dickens".

Emily M. Dickens, J.D.
Chief Administrative Officer
SHRM