

BEYOND THE EEO-1

What Employers Need to Know if the Form Goes Away

The U.S. Equal Employment Opportunity Commission (EEOC) has proposed eliminating the requirement to file annual reports summarizing aggregate employee race and sex data, known as EEO-1 through EEO-6 reports, as well as related recordkeeping requirements.

The EEO-1 is the report most commonly applicable to private-sector employers, but it is only a reporting mechanism and does not encompass an employer's broader equal employment opportunity obligations.

1

UNDERSTAND TITLE VII'S UNDERLYING OBLIGATION

Employers must make employment decisions without unlawful discrimination.

Title VII prohibits discrimination in employment based on **race, color, religion, sex, or national origin**, including discrimination in hiring, compensation, terms and conditions of employment, and other employment opportunities.

Bottom line: Rescinding the EEO-1 form does not rescind or amend Title VII.

2

MAINTAIN ADEQUATE RECORDS TO ENSURE COMPLIANCE

Employers must maintain records relevant to determining whether unlawful employment practices have occurred.

Title VII establishes ongoing recordkeeping obligations that exist independently of any particular EEOC reporting form.

Bottom line: The end of a particular reporting requirement does not mean employers can disregard their broader recordkeeping obligations.

3

UTILIZE WORKFORCE DATA BEYOND REPORTING REQUIREMENTS

Workforce demographic information can help employers understand and evaluate their employment practices.

Demographic and workforce data can be used to support compliance reviews, identify trends and disparities, respond to investigations, defend against discrimination claims, and meet additional reporting requirements, among other useful purposes.

Bottom line: Without a federal mandate to do so, employers may still find workforce data collection helpful.

4

RECOGNIZE THE EEO-1 IS NOT THE ONLY ENFORCEMENT TOOL

The EEOC retains enforcement authority.

The EEOC can investigate potential unlawful employment practices and, where authorized, obtain relevant information through established enforcement mechanisms, including requests for records and subpoenas.

Bottom line: Even if EEO-1 reporting goes away, employers may still need relevant workforce information when responding to an investigation or legal matter.

5

LOOK BEYOND THE FEDERAL FORM

Federal EEO reporting is only one part of the compliance landscape.

Even if federal reporting requirements change, employers must still navigate Title VII and other federal obligations, as well as state and local requirements. Those requirements may include additional reporting, recordkeeping, pay, and nondiscrimination obligations.

Bottom line: A change to one federal requirement does not mean the rest of the compliance landscape changes with it.

