



# COMPLIANCE OVERVIEW

Provided by Foundation Benefits

## EEO-1 Reporting Requirements

The EEO-1 Report 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 (Title VII), employers with 100 or more employees and certain federal contractors must report this data to the Equal Employment Opportunity Commission (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 **mid-July 2023**.

EEO-1 reporting for the previous three years was delayed as well, with the portal for submitting 2019 and 2020 information ultimately closing in November 2021, and the portal for submitting 2021 information ultimately closing in July 2022. For even earlier years—2017 and 2018—employers subject to EEO-1 reporting were required to submit additional information about employee pay and work hours (known as “Component 2” data), and the deadline to submit that was extended to Sept. 30, 2019.

This Compliance Overview provides additional information about EEO-1 reporting requirements.

### LINKS AND RESOURCES

- EEO-1 [Data Collection](#) page
- EEOC’s webpage on [EEO-1 Data](#)

### HIGHLIGHTS

#### FILING INFORMATION

- Employers filing EEO-1 Reports for the first time must [register](#) to receive a company login, password and further instructions for filing from the EEOC.
- Employers that need EEO-1 filing assistance may send an email to the agency’s [technical assistance](#) inbox.

#### FILING DEADLINES

- Employers subject to EEO-1 reporting must file reports by **March 31** each year.
- The deadline for submission of 2022 EEO-1 data has been delayed. Collection of this information is tentatively expected to begin in **mid-July 2023**.
- Several previous-year deadlines for submission of EEO-1 data were also delayed.

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

## EMPLOYERS SUBJECT TO EEO-1 REPORTING REQUIREMENTS

With limited exceptions, the following entities must file EEO-1 Reports by **March 31** every year (however, collection of data for 2022 has been delayed until **mid-July 2023**):

- 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, which employs a total of 100 or more employees; and
- A **federal contractor** that has **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.

## ENFORCEMENT

Although the EEOC sends notification letters to employers it knows to be subject to the EEO-1 requirements, all employers are responsible for obtaining and submitting the necessary information prior to the appropriate deadline. 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. Federal contractors also risk losing their government contracts for failures to comply.

## HARDSHIP EXTENSION

If the preparation or filing of an EEO-1 Report would create undue hardship, an employer may send a written request for an exemption or for special reporting procedures to the EEOC. Employers may also obtain a one-time, 30-day extension of the EEO-1 filing deadline by [emailing](#) a request to the EEOC. However, **the EEOC does not grant any exemptions or extensions requested after the filing deadline.**