

What is the EEO-1 Report and What Are My Obligations?

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by Marina Lyons

The EEO-1 report, commonly referred to as either “Equal Employment Opportunity Compliance Report” or simply “EEO”, is a reporting requirement for many U.S. employers. Mandated by the U.S. Equal Employment Opportunity Commission (EEOC), it aims to provide a demographic breakdown of the employer’s workforce by race/ethnicity, sex and job categories. The data submitted is kept confidential by the EEOC unless companies choose to voluntarily disclose it.



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Importance of EEO-1 Reporting

- Completing the EEO-1 report is mandated by law for employers that fall under its remit.
- There are penalties for not filing an EEO-1 report or filing an EEO-1 report inaccurately.
- It not only enables employers to self-audit and see how diverse/inclusive an organization is, but also take steps to address any inequities, like the lavender ceiling and pay equity.
- EEO-1 reporting can form part of a broader modern compliance ethos that prioritizes ethics and good governance.

Who Needs to Complete an EEO-1 Report?

Only certain employers need to submit an EEO-1 report to evidence the make-up of their workforce, including:

- private employers who are subject to Title VII of the Civil Rights Act of 1964, as amended, with 100 or more employees;
- private employers who are subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized control so that the group legally constitutes a single enterprise that employs a total of 100 or more employees;
- any federal government prime contractor or first-tier subcontractor with 50 or more

- employees and a contract/subcontract amounting to \$50,000 or more;
- companies with 50 or more employees that serve as a depository of Government funds or as financial institutions which are issuing and paying agents for U.S. Savings Bonds and Savings Notes; and
- any company with fewer than 100 employees, but that is associated with other company(s) or any parent company where the entire enterprise employs 100 or more.

Are Any Employers Excluded From Filing an EEO-1 Report?

Any company that does not meet the criteria above does not have to file an EEO-1 report. However, every two years, certain State and local governments, public elementary and secondary school districts and certain local referral unions must file similar reports. Details of the organizations covered and the reports they need to file are on the [EEOC website](#).

What Are the Requirements for EEO-1 Reporting?

The EEO-1 report categorizes employees into different job classifications and under a range of mandated ethnicity and race categories. The EEOC has a [FAQs document](#) that explains how an employee's race or ethnicity should be determined. All employees need to be included in an EEO-1 report, including employees who work remotely, or those based at client sites.

Note that there are different filing requirements for organizations with single sites and organizations with multiple sites. By the EEOC's definition, a single-establishment company is one that "does business at only one physical address" and a multi-establishment company is one that "does business at two or more physical addresses."

What Does the EEO-1 Report Look Like and How to Submit It?

A sample of an EEO-1 report can be found at the [EEOC website](#). The EEOC prefers online submission, either through the EEO-1 Component 1 Online Filing System or as an electronically transmitted data file (TEXT or CSV) through a data file upload. Either way, you will be provided with a company I.D. and password.

What are the Penalties for Not Filing an EEO-1 Report?

While there are no financial penalties for not filing an EEO-1 report, the EEOC can obtain a U.S. District Court order that compels companies to file an EEO-1 report, which could potentially lead to an employer being held in contempt. Federal contractors or subcontractors could have their federal government contract terminated and may also be prohibited from being granted future federal contracts. Moreover, any employer that makes a willfully false statement on an EEO-1 report can face a fine, imprisonment up to five years, or both.

Who Should Take Responsibility for Filing the EEO-1 Report?

Typically, the nature of data included in an EEO-1 report falls within the confines of

human resources systems and records. Therefore, company HR teams tend to be responsible for completing the report. However, because there are severe penalties for lack of filing or willfully inaccurate, an organization's compliance team should also take an active interest in the completion of such reports and work with HR to ensure accurate and prompt filings. The company's board and leadership team will want to be assured that the organization's data is robust and their obligations around filing have been met.

EEO-1 Reporting Checklist

When evaluating your reporting obligations, we recommend the following steps:

1. **Eligibility.** Determine whether you need to submit an EEO-1 report.
 2. **Single or Multi-establishment determination.** Determine which form is applicable to your organization.
 3. **Register.** If you haven't filed an EEO-1 report before, register as a first-time filer online on the EEOC's website and fill the form.
 4. **Data identification.** Familiarize yourself with the data that needs to be collected, which includes the number of employees, the sex and race/ethnicity of all employees, and the job categories of all employees.
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1. **Identify your data sources.** Determine which internal systems and data sources you will need to consult to find the data you need to include in the form.
 2. **Delegate.** Allocate responsibility for gathering the data and submitting the form – involve the compliance team, the HR team, the leadership team, and the like.
 3. **Assemble.** Gather data, check for accuracy, and submit before the deadline. Looking at an EEO-1 sample report will help to give insight into what your reporting should look like.
 4. **Retain.** Keep a copy of your reporting for at least one year for audit trail purposes.

Upcoming Deadlines

At this time, the 2021 EEO-1 Component 1 Data Collection is closed. No additional 2021 EEO-1 Component 1 Reports will be accepted. The 2022 EEO-1 Component 1 data collection is tentatively scheduled to open in **April 2023**. Updates regarding the 2022 EEO-1 Component 1 data collection, including the opening date, will be posted to www.eeocdata.org/eeo1 as updates become available. For assistance with the 2022 report, contact your Dorsey employment attorney.