



LEHR MIDDLEBROOKS
VREELAND & THOMPSON, P.C.

LABOR • EMPLOYMENT • IMMIGRATION

June 1, 2026

EEOC Seeks to Scrap EEO-1 Data Collection Requirements

Sixty years ago, the Equal Employment Opportunity Commission introduced the EEO-1 report, which requires employers with 100 or more employees (and federal contractors with 50 or more employees) to annually report certain demographic information about their workforces (i.e., race and gender by job category). The report allowed the Commission and OFCCP (for federal contractors) to identify potential signs of discrimination for further investigation.

During the Obama and Biden administrations, the EEOC sought to expand the EEO-1 data collection process to include detailed pay data (the dreaded Component 2), but that effort was eventually scuttled by the courts because of the significant burden the collection imposed on employers and the EEOC's lack of a plan for using the information. Now, the Trump EEOC is heading in the opposite direction and has requested approval from the Office of Management and Budget to scrap the EEO-1 process entirely.

Assuming the proposed rule becomes final, some employers may choose to continue to collect the demographic data for their own self-assessment, in line with the approach in the Uniform Guideline on Employee Selection Procedures (discussed here). In light of the EEOC's current hostility toward DEI initiatives, the voluntary collection of this data may create additional risks for employers, as evidence of discrimination against majority groups.

Until the rule becomes final, covered employers must continue to collect and report the required data. Legal challenges will likely follow.

If you have any questions or would like additional information, please contact Al Vreeland at (205) 323-9266 or avreeland@lehrmiddlebrooks.com.