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The EEOC Proposes Major Changes to Federal EEO-1 Reporting Requirements

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By: James Jansen

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On Thursday, May 14, 2026, the Equal Employment Opportunity Commission (“EEOC”) submitted a proposal to the White House Office of Information and Regulatory Affairs (“OIRA”) seeking approval to rescind various federal equal employment opportunity reporting and recordkeeping requirements, including EEO-1, EEO-2, EEO-3, EEO-4, and EEO-5 reporting obligations and related demographic data collection requirements associated with Title VII, the ADA, GINA, and the Pregnant Workers Fairness Act.

The proposal appears consistent with the Trump Administration’s broader priorities focused on reducing DEI-related initiatives and narrowing the use of disparate impact enforcement theories. EEOC Chair, Andrea Lucas, previously has emphasized a greater focus on intentional discrimination claims rather than statistical imbalance theories. If implemented, the rescission could significantly reduce the federal government’s collection and use of workforce demographic data for systemic discrimination investigations and workforce trend analysis.

Currently, EEO-1 reporting requires private employers with 100 or more employees and certain federal contractors to submit workforce demographic data categorized by race, ethnicity, sex and job classification. The data historically has been used by the EEOC to identify potential systemic discrimination patterns and support disparate impact investigations.

At this stage, however, the proposal is only the beginning of the administrative process. Before any reporting requirements are formally eliminated, several additional procedural steps would likely need to occur, including review and approval by OIRA, publication of a proposed rule in the Federal Register, a public notice-and-comment period, potential revisions and issuance of a final rule. The EEOC has not yet announced the 2026 EEO-1 filing window or released updated filing instructions. Depending on the timing of the rulemaking process, and any potential litigation challenges, the agency may not complete the rescission process before the next anticipated filing cycle.

Accordingly, employers are cautioned not to assume that 2026 EEO-1 reporting obligations have been eliminated or suspended at this time. Employers generally should continue preparing and maintaining EEO-1 workforce demographic data in the ordinary course unless and until the EEOC formally rescinds, suspends or otherwise modifies the reporting requirement through the administrative rulemaking process.

Importantly, even if federal EEO-1 reporting is ultimately rescinded, employers still may face state or local workforce demographic reporting obligations, internal recordkeeping obligations under federal anti-discrimination laws, litigation-related data preservation concerns and practical compliance considerations tied to pay equity, promotion, hiring and disparate treatment analyses.

For now, employers should take the following steps:

1. Continue collecting and maintaining workforce demographic data in the ordinary course of business;
2. Monitor OIRA and EEOC developments closely;
3. Avoid assuming the 2026 filing cycle will be canceled; and
4. Evaluate any state-specific reporting obligations separately because those laws may remain unaffected even if federal EEO-1 reporting changes.

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