

# LEGAL UPDATE



## Important Information

- Employers subject to EEO-1 reporting must file reports by **March 31** each year.
- The 2023 deadline for submission of 2022 EEO-1 data has been delayed.
- The collection of 2022 EEO-1 data is tentatively expected to begin in **mid-July 2023**.
- The deadline for submitting 2022 data will likely be **no later than mid-September 2023**.
- Several previous deadlines for submission of EEO-1 data were also delayed.
- Employers should monitor [the EEOC's EEO-1 webpage](#) for updates.
- 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.

## Upcoming EEO-1 Reporting Deadlines

Under Title VII of the Civil Rights Act (Title VII), employers with 100 or more employees and certain federal contractors must submit a report about their workforces to the Equal Employment Opportunity Commission (EEOC) by **March 31** every year. This report, known as the EEO-1 report, is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category.

However, the collection of this data from 2022 has been delayed, and [the portal for submitting EEO-1 reports](#) will not even be opened before the usual deadline in 2023. Instead, the EEOC expects to open the portal for employers to begin entering 2022 EEO-1 information sometime in **mid-July 2023**.

### Prior Year Deadline Guidance

EEO-1 reporting for the previous three years was also delayed, with the portal for submitting 2019 and 2020 information opening in April 2021 and ultimately closing in November 2021 and the portal for submitting 2021 information opening in April 2022 and ultimately closing in July 2022.

The unique situations present in those prior years may limit their value as guidance for the current year. However, based on the usual deadline and timelines of prior years, employers subject to EEO-1 reporting in 2023 may expect the deadline for 2022 submissions to be set for **no later than mid-September 2023**.

### Covered Entities

The following entities are subject to EEO-1 reporting:

- 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 that employs a total of 100 or more employees; and
- A **federal contractor** that has **50 or more employees**, 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.