



FACT SHEET

OVERVIEW OF THE EEO-1 COMPONENT 1 REPORT

NOTICE

Employers (i.e., filers) should read the newly updated [2022 EEO-1 Component 1 Instruction Booklet](#) prior to and in conjunction with using the below “fact sheet.” Filers must ensure they are complying with the EEOC’s substantive filing requirements detailed in the Instruction Booklet and should not refer solely to this “fact sheet” to complete their required 2022 EEO-1 Component 1 filing. The 2022 EEO-1 Component 1 Instruction Booklet may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): https://www.eeocdata.org/pdfs/2022_EEO_1_Component_1_Instruction_Booklet.pdf.

Since 1966, the EEOC has required employers to submit workforce demographic data (EEO-1 Component 1) on an annual basis. All private employers that are covered by Title VII of the Civil Rights Act of 1964, as amended (Title VII),¹ and that have 100 or more employees are required to file workforce demographic data.² In addition, U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) regulations require certain federal contractors to file the EEO-1 Component 1 if they have 50 or more employees and are not exempt as provided for by 41 CFR 60-1.5.³

Under these authorities, private employers with 100 or more employees and federal contractors with 50 or more employees and that meet certain criteria are required to report annually the number of individuals they employ by job category and by sex and race or ethnicity.

The 10 job categories are: **Executive/Senior Level Officials and Managers; First/Mid-Level Officials and Managers; Professionals; Technicians; Sales Workers; Administrative Support Workers; Craft Workers; Operatives; Laborers and Helpers; and Service Workers.**

The EEO-1 Component 1 uses federal race and ethnicity categories, which were adopted by the Commission in 2005 and implemented in 2007. The seven race/ethnicity categories are: **Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. **White (Not Hispanic or Latino)** – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. **Black or African American (Not Hispanic or Latino)** – A person having origins in any of the black racial groups of

¹ 42 U.S.C. 2000e, *et seq.*

² The EEOC’s EEO-1 regulation is at 29 CFR Part 1602 Subpart B. § 1602.7 requires eligible employers to file “...in conformity with the directions set forth in the form and accompanying instructions.”

³ Pursuant to Executive Order 11246, OFCCP in 1978 issued its regulations describing the EEO-1 as a report “promulgated jointly with” the EEOC and requiring certain contractors to submit “complete and accurate reports” annually. 41 CFR 60-1.7(a). OFCCP obtains EEO-1 Component 1 reports for federal contractors and subcontractors (contractors) pursuant to its own legal authority under E.O. 11246 and its implementing regulations. *See id* at 60-1.7(a)(1).



Africa. **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** – A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands. **Asian (Not Hispanic or Latino)** – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. **American Indian or Alaska Native (Not Hispanic or Latino)** – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment. **Two or More Races (Not Hispanic or Latino)** – All persons who identify with more than one of the above five races.

Please refer to the **Appendix B** of the [2022 EEO-1 Component 1 Instruction Booklet](#) for additional information on the EEO-1 Component 1 race and ethnicity categories. The 2022 EEO-1 Component 1 Instruction Booklet may be accessed at the following link on the EEOC's dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): https://www.eeocdata.org/pdfs/2022_EEO_1_Component_1_Instruction_Booklet.pdf.

EEO-1 Component 1 workforce demographic data are currently collected electronically by the EEOC through a web-based data collection application (i.e., portal) referred to as the *EEO-1 Component 1 Online Filing System* (OFS). EEO-1 Component 1 filers may access the *EEO-1 Component 1 Online Filing System* (OFS) through the EEOC's dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1. Employers must submit their data electronically to the OFS through either manual data entry or the upload of a data file.

Confidentiality

The individual EEO-1 reports are confidential. All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving such information. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual employee's personal information. Because OFCCP obtains EEO-1 data for contractors under its own E.O. 11246 authority, some courts have ruled that the Title VII prohibition against disclosure does not apply to OFCCP's collection of EEO-1 data. *See, e.g., United Techs. Corp. v. Marshall*, 464 F. Supp. 845, 851-52 (D. Conn. 1979); *Sears Roebuck & Co. v. Gen. Servs. Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 Component 1 data of federal contractors received by OFCCP may be subject to potential disclosure by OFCCP under the Freedom of Information Act (FOIA), although FOIA exemptions may prevent disclosure. For more information, see the Department of Labor's FOIA regulations at 41 CFR part 70 and frequently asked questions (Freedom of Information Act (FOIA) Frequently Asked Questions | U.S. Department of Labor (dol.gov)) at <https://www.dol.gov/agencies/ofccp/faqs/foia>. With respect to other federal agencies with a legitimate law enforcement purpose but without OFCCP's independent authority to collect EEO-1 data, the EEOC gives access to information collected



under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. In addition, section 709(d) (42 U.S.C. 2000e-8(d)) provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO-1 data with Fair Employment Practices Agencies (FEPAs) pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO-1 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.

EEO-1 data are used by the EEOC to investigate charges of employment discrimination against employers in private industry and to publish periodic reports on workforce demographics. Any reports the EEOC publishes based on EEO-1 Component 1 data include only aggregated EEO-1 Component 1 data that protect the confidentiality of each employer's information, as well as the privacy of each employee's personal information.

EEOC 2022 EEO-1 Component 1 Data Collection

All updates about the 2022 EEO-1 Component 1 data collection, including the updated **2022 EEO-1 Component 1 Instruction Booklet** and the updated **2022 EEO-1 Component 1 Data File Upload Specifications**, are available on the EEOC's dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

To further assist filers, the EEOC provides supplementary resource materials (e.g., user's guide; frequently asked questions (FAQs); fact sheets; mini help desk guides; video tutorials) at the opening of each data collection. Access by registered *EEO-1 Component 1 Online Filing System* (OFS) account holders to these supplementary resource materials is available through the EEOC's dedicated EEO-1 Component 1 data collection website at www.eeocdata.org/eeo1.

The deadline to file the 2022 EEO-1 Component 1 report is **Tuesday, December 5, 2023** (i.e., "Published Due Date"). Following the **Tuesday, December 5, 2023** "Published Due Date" deadline, the EEOC will enter the "Failure to File" phase. All employers who have *not submitted and certified* their mandatory 2022 EEO-1 Component 1 report(s) by the **Tuesday, December 5, 2023** "Published Due Date" deadline will receive a "Notice of Failure to File" from the EEOC instructing them to submit and certify their data *as soon as possible, and no later than Tuesday, January 9, 2024* (i.e., "Failure to File" deadline). After the **Tuesday, January 9, 2024** "Failure to File" deadline passes, *no* additional 2022 EEO-1 Component 1 report(s) will be accepted, and eligible employers will be *out of compliance* with their mandatory 2022 EEO-1 Component 1 filing obligations.



The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit workforce demographic data, including data by job category and sex and race or ethnicity, to the EEOC. The authorities under which EEO-1 Component 1 data are collected include: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*, and Sections 1602.7-1602.14, Chapter XIV, Title 29 of the Code of Federal Regulations (CFR); Exec. Order No. 11246, 30 FR 12319 (Sept. 24, 1965) and 40 CFR 60-1.7(a).

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