

# LABOR AND EMPLOYMENT

## INFORMATION MEMO

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### EEOC Proposes To End EEO-1 Reporting

For several decades, private employers with 100 or more employees and certain federal contractors have been required to annually file the EEO-1 report. The EEO-1 report collected information about the race/ ethnicity and sex of large employers' workforces at each location by job category. Similar reporting requirements exist for labor unions (the EEO-3), state and local governments (the EEO-4) and public and secondary school systems (the EEO-5). On May 14, 2026, the U.S. Equal Employment Opportunity Commission (EEOC) submitted a proposed rule to a division within the Office of Management and Budget (OMB) that would end the EEO-1 and other reporting mandates. This development comes at a time when employers have been waiting for the annual EEO-1 reporting portal to open for the 2026 filing cycle.

The proposed rule, which is titled "Rescission of EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and Reporting Requirement Under Title VII, the ADA, GINA, and the PWFA," seems to align with the Trump administration's policies and enforcement priorities targeting DEI. Employers often use EEO-1 reporting as a way to assist them in analyzing their own DEI progress or to identify areas of potential discrimination. The Trump administration has taken the position that employers should not be tracking race-based or sex-based data and that these and other DEI initiatives often cross the line into unlawful discrimination against white applicants and employees. This development is also being seen as consistent with the EEOC's recent commitment to prioritizing civil rights cases focused on "anti-white" bias and investigating companies for their diversity programs.

The EEOC has not announced how this significant departure will impact employers' obligations this year and it is unclear if or when the proposal will be finalized. While the proposal to eliminate the EEO-1 report introduces uncertainty, for now, the safest course of action is for employers to assume that EEO-1 reporting remains in effect. It is likely employers may still have to file EEO-1 reports sometime in 2026 (which will reflect demographic data from a workforce snapshot during the final quarter of 2025), because of the time-consuming process required to implement the EEOC's proposed rule. The proposal must first be reviewed by OMB and then published in the Federal Register for public comment before any final rule can be adopted.

Bond continues to follow this development closely. Please contact [Christa Cook](#), any attorney in Bond's [labor and employment practice](#) or the Bond attorney with whom you normally work, for questions, concerns and tailored consultation.

