

EEOC Proposes Streamlined EEO-1 Filing

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On November 10, 2022, the U.S. Equal Employment Opportunity Commission (EEOC) issued proposed revisions to its Employer Information Report (EEO-1) Component 1 data collection to streamline the process for large employers with multiple establishments.

The EEOC issued a notice of proposed revision to the EEO-1 data collection to eliminate the requirement that certain employers file a separate “type” of establishment report based on the number of employees at individual non-headquarters establishments. Under the proposed revisions, rather than filing “Type 4” for establishments with 50 or more employees and “Type 8” reports for establishments with less than 50 employees, employers would submit a newly named “Establishment-Level Report” to report employee demographic data for each of its non-headquarters establishments, regardless of size.

Private employers with 100 or more employees, and federal contractors with 50 or more employees who meet certain criteria, are required to submit annual EEO-1 Component 1 reports that include demographic data of employees, including race/ethnicity, sex, and EEO job categories. The EEOC uses this data to investigate employer discrimination charges against private employers and publish workforce demographic reports.

The EEOC’s Office of Enterprise Data and Analytics (OEDA) identified the proposed changes as a part of its efforts to make the EEO-1 filing process “more user-friendly and less burdensome.” According to the notice, the EEOC anticipates that the number of employers filing EEO-1 Component 1 reports is expected to increase to 110,000, submitting a total of 2,235,938 reports annually over the next three reporting years.

The proposed revisions further come after the EEOC [made a change for 2021](#) that required large employers that had previously used the streamlined Type 6 reports to discontinue use of these reports and begin using the more data intensive Type 8 reports for establishments with less than 50 employees. Prior to that change, multi-establishment filers were permitted to file either a Type 8 or a Type 6 report, which did not require as much data be reported and were easier to use for employers with numerous establishments of less than 50 employees. The EEOC has previously provided a fact

sheet, titled "[EEO-1 Component 1 Fact Sheet: Report Types](#)," that discussed the discontinuation of the Type 6 report and the available EEO-1 report types for the 2021 filings.

The EEOC is seeking the proposed revisions as part of its routine three-year clearance from the Office of Management and Budget (OMB) for the Component 1 data collection under the Paperwork Reduction Act (PRA). The proposed changes would go into effect for the 2022 EEO-1 Component 1 data collection, which is tentatively scheduled to open in April 2023, according to the EEOC. Written comments on the proposal must be submitted before January 9, 2023.

Key Takeaways

Under the proposed changes, employers would no longer need to take the "additional step of counting" employees at each of its establishments to determine whether a Type 4 or Type 8 report is necessary. This proposal appears to be part of continued effort by EEOC to move away from multiple report types to a simplified reporting approach. This effort coupled with the EEOC's focus on providing more reference sources for filers appears to be designed to make the filing process easier for those filers without extensive EEO-1 experience. Employers that file EEO-1 reports may want to consider preparing the required data ahead of the opening of the 2022 filing window.

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