

HR BRIEF

EEOC Announces EEO-1 Portal for 2023 Workforce Data Will Open April 30

The U.S. Equal Employment Opportunity Commission (EEOC) recently [announced](#) that the portal for private-sector employers to submit equal employment opportunity workforce data (EEO-1 Reports) from 2023 will open on **April 30, 2024**. The deadline to file is **June 4, 2024**.

Under Title VII of the Civil Rights Act (Title VII), certain employers must usually submit an EEO-1 Report by March 31 each year.

EEO-1 Reporting Background

The EEO-1 Report is a federally mandated survey that requires certain employers to submit workforce data categorized by race or ethnicity, gender and job categories.

EEO-1 reporting is required for:

- **Private employers** that have **100 or more employees** (with limited exceptions for schools and other organizations)
- **Private employers** with **between 15 and 99 employees**, if they are part of a group of employers that legally constitutes a single enterprise that employs a total of 100 or more employees
- **Federal contractors** that have **50 or more employees**, are either prime contractors or first-tier subcontractors, and have a contract, subcontract or purchase order amounting to **\$50,000 or more**.

Employers filing EEO-1 Reports for the first time must register to log in and receive a password and further instructions for filing from the EEOC. Although the EEOC sends notification letters to employers it knows to be subject to EEO-1 requirements, all covered employers are responsible for obtaining and submitting the necessary information prior to the appropriate deadline.

Employer Action Items

Employers subject to EEO-1 reporting requirements should begin gathering 2023 EEO-1 data and making plans to ensure they will be ready to complete their reports by June 4, 2024. Covered employers should also review and monitor the EEOC [home page](#) and [website dedicated to EEO data collection](#) for additional information.

EEOC Increases Penalty for Violations of Notice-posting Requirements

On Feb. 16, 2024, the EEOC published a [final rule](#) increasing the maximum civil monetary penalty for violations of federal requirements for employers to post notices about fair employment laws in their employees' workplaces.

The EEOC is required to adjust these penalties for inflation each year to advance their effectiveness and strengthen their deterrent effect. The new amount applies to penalties assessed on or after Feb. 16, 2024.

Inflation-adjusted Penalty

The new maximum penalty amount is **\$680**, which is an increase from \$659. This penalty may be assessed against any entity that is required but fails to display notices mandated under Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act or the Pregnant Workers Fairness Act. The EEOC issued an updated poster last year titled "[Know Your Rights: Workplace Discrimination is Illegal](#)" for covered entities to use for compliance with these mandates as of June 27, 2023.

The required posters include [English](#) and [Spanish](#) versions for physical posting in the workplace, plus [PDF English](#), [HTML English](#), [HTML Spanish](#) versions for electronic posting.

Covered Entities

Generally, the laws that require the “Know Your Rights” poster apply to all private employers with 15 or more employees, state and local governmental employers, labor organizations and joint labor management committees.

Poster Display Requirements

The EEOC also encourages covered entities to display the notices digitally on their websites. In most cases, electronic posting should be in addition to a physical posting. However, an electronic poster may be the only one if there is no physical workplace. For example, this may be the case for employees who telework or work remotely and do not visit the employer’s workplace on a regular basis.

Reach out today for more resources.

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