

Legal Update

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EEOC Announces July 9 Failure to File Deadline for 2023 EEO-1 Reports

On June 5, 2024, the U.S. Equal Employment Opportunity Commission (EEOC) [announced](#) that it had entered the "Failure to File" phase for EEO-1 reporting, as described in the agency's recently updated [EEO-1 Reporting Instruction Booklet](#). The EEOC offers a [fact sheet](#) regarding the failure to file deadline.

This announcement means that if an employer failed to submit a required EEO-1 Report by the "Published Due Date" of June 4, 2024, the EEOC will send it a Notice of Failure to File letter requesting that it complete the submission as soon as possible but no later than **July 9, 2024**.

After this date, which is deemed the "**Failure to File**" deadline, no additional 2023 EEO-1 Component 1 Reports will be accepted, and employers that remain out of compliance with EEO-1 reporting requirements may expect to face EEOC lawsuits in federal District Court to compel them to file. In fact, the EEOC recently filed lawsuits against 15 employers for failing to submit their mandatory workforce demographic reports.

EEO-1 Background

The EEO-1 Report is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category. Under Title VII of the Civil Rights Act, certain employers must usually submit EEO-1 Reports by March 31 each year. For 2023 EEO-1 Reports, however, the EEOC had extended the portal's opening date until April 30, 2024.

Covered Employers

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.

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.

Employers filing EEO-1 Reports for the first time must [register](#) to receive login information, a password and further instructions for filing from the EEOC.



IMPORTANT INFORMATION

- The deadline for employers subject to EEO-1 reporting requirements to submit 2023 EEO-1 data was June 4, 2024.
- On June 5, 2024, the EEOC announced a "Failure to File" deadline of **July 9, 2024**.
- To meet this deadline, covered employers that have not already completed their EEO-1 Reports should begin the filing process as soon as possible.
- 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.

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