



AAUW Comment Guide: Rescission of EEO-1 Workforce Data Speak Out by August 24, 2026

For 60 years, the U.S. Equal Employment Opportunity Commission (EEOC) has collected workplace demographic data to fulfill its mission of preventing and remedying unlawful employment discrimination and advancing equal opportunity for all in the workplace.

Now, the EEOC has proposed eliminating this data collection and its employer reporting requirements under federal civil rights law. This move would fundamentally upend EEOC's enforcement system, making it difficult for the agency to identify patterns of workplace discrimination. If finalized, the EEOC, researchers, and the public would lose one of the key tools for identifying and addressing both progress and disparities in workplaces.

AAUW's position is clear: Eliminating data collection does not eliminate discrimination in the workplace. This rule weakens the promise of equal opportunity, especially for women, and threatens the progress made towards gender and racial equity in the workplace. We cannot allow the EEOC to stop comprehensively accounting for and addressing women's experiences in the workplace.

Comments opposing this rule are due by August 24, 2026, at 11:59 pm ET.

[Click here to submit your comment now.](#)

How We Got Here

On April 23, 2025, President Trump signed Executive Order 14281, titled "Restoring Equality of Opportunity and Meritocracy," seeking to reject the use of disparate impact liability in the enforcement of federal statutes and regulations. Disparate impact is an important legal framework for identifying discrimination when a policy that appears neutral on its face has a disproportionate and harmful effect on people of a protected class (e.g., on the basis of race, color, religion, sex, national origin).

On May 20, 2025, as the 2024 EEO-1 data collection period opened, then-EEOC Acting Chair Andrea Lucas issued a public reminder to employers of their obligations under federal civil rights laws and of EO 14281's intent to deprioritize disparate impact. This statement warned that employers must not use the workforce data collected to "justify treating employees differently based on their race, sex, or other protected characteristic."

On July 23, 2026, the EEOC proposed rules that would eliminate the collection of its Equal Employment Opportunity (EEO) demographic data from employers and their reporting requirements under Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, and the Pregnant Workers Fairness Act.

What is EEO Data?

The EEOC requires certain employers to file annual reports on the demographic makeup of their workforce. These reports, known as EEO reports, cover six sectors:



- EEO-1 reports must be filed annually by private employers with 100+ employees and federal contractors with 50+ employees. They cover employee data by race, ethnicity, sex, and job category.
- EEO-2 reports must be filed annually by joint labor-management committees that control apprenticeship programs. They cover the number of applicants to and participants in apprenticeship programs by race and sex. The EEOC has not collected this data since 1981.
- EEO-3 reports must be filed biennially by labor referral unions that have 100+ members. They cover demographic data, including membership, applicant, and job referral information by race and sex.
- EEO-4 reports must be filed biennially by state and local governments with 100+ employees. They cover employee demographic data by race, sex, job category, and salary band.
- EEO-5 reports must be filed biennially by all public elementary and secondary school systems and districts with 100+ employees. They cover employee demographic data by race, sex, and staff role.
- EEO-6 reports must be filed biennially by public and private higher education institutions with 15+ employees. They cover employee data by occupational activities, salary classes and/or ranks, race, and sex. The EEOC has not collected this data since 1993 because the responsibility was transferred to the U.S. Department of Education.

Why This Matters

Workforce demographic data from employers is crucial for ensuring workplaces comply with federal civil rights laws. It provides the EEOC with the evidence it needs to investigate worker complaints, open independent investigations, seek resolutions, and remedy discriminatory practices. It helps the EEOC:

- Independently investigate patterns of discrimination and pursue action to correct employer practices that individual workers may lack sufficient data to report.
- Determine whether groups vulnerable to discrimination, such as women and workers of color, are concentrated in lower-paying jobs, denied promotions, or paid unequally across an employer's workforce.
- Identify barriers to equal opportunity. The EEOC periodically releases aggregated data and analyses that help civil rights agencies, researchers, employers, media, and the public understand disparities and potential barriers workers face in the labor market. State and local agencies also use the EEOC's data to enforce their own anti-discrimination laws.

What's At Risk

- **Workforce data is essential for enforcing civil rights laws.** The reports allow the EEOC to identify systemic discrimination that cannot be detected through individual complaints or national aggregate datasets on their own.
- **Eliminating data does not eliminate discrimination.** It simply makes discrimination harder to identify, investigate, and remedy.



- **Progress requires measurement.** Without workforce data, policymakers, researchers, employers, and advocates cannot determine whether equal opportunity is improving and where barriers persist.
- **The proposal will disproportionately affect women and historically marginalized communities.** Employer-level data is especially important for understanding workplace barriers affecting women, people of color, people with disabilities, LGBTQ+ workers, and workers concentrated in lower-paying occupations. Their workplace situations are hardest to determine from national surveys and are more likely to be represented in employer-level data.
- **Women of color, LGBTQ+ women, and women in low-wage jobs stand to lose the most.** Lack of employer-level data means that barriers to pay equity, such as occupational segregation and limited access to high-paying jobs, go unaddressed.
- **The EEOC should strengthen its data collection.** For nearly sixty years, EEO reporting has been a cornerstone of federal civil rights enforcement. It has provided vital information to the agency to protect workplace access and opportunities. Instead of eliminating workforce data collection, the EEOC should strengthen it.

What You Can Do

1. **Submit a personalized comment by August 24, 2026.** Personalize your comment to ensure it is individually considered and requires a response from the EEOC. Comments that are too similar may be dismissed by the agency.
 - a. Share why strong civil rights enforcement is important to you.
 - b. Highlight how the elimination of data and the erasure of women's experiences in the workplace affect your work or your community.
 - c. Urge the EEOC to withdraw this rule and preserve its workforce demographic data collection.
2. **Spread the word.** Share this guide with colleagues, community partners, and local nonprofits.
3. **Affirm our values.** Remind policymakers and the public: AAUW has advanced gender equity for more than 140 years and strongly supports robust workforce data collection to understand progress, identify barriers, and advance equal opportunity for women in the workplace.

[Click here to submit your comment through AAUW's action page.](#) This is a public comment that will be published with your name. If you wish to submit a comment anonymously, [visit regulations.gov](#).

Stand with AAUW. Speak out. Submit your comment by August 24, 2026.

Have questions or need help? Reach out to advocacy@aauw.org.