

EEOC Opens EEO-1 Data Collection Portal With Reporting Changes

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The Equal Employment Opportunity Commission (“EEOC”) has [opened](#) the 2024 EEO-1 data-collection cycle and set Tuesday, June 24, 2025, as the filing deadline for submissions. According to the EEOC, this year’s reporting window is shorter than in prior cycles as part of its “efforts to identify continued cost savings for the American public.” In its announcement about the opening of the portal, the EEOC made clear that the collection period will not be extended.

Relatedly, and as a follow-up to our previous [post](#), the Office of Management and Budget (“OMB”) [has approved](#) the EEOC’s requested change to the EEO-1 report, eliminating the option allowing employers to voluntarily report employees who self-identify as “non-binary.” Employers now only have the option to report employees as male or female.

In connection with the opening of the portal, Acting EEOC Chair Andrea Lucas issued a [public statement](#) reminding employers of their “obligations under Title VII not to take any employment actions based on, or *motivated in whole or in part* by, an employee’s race, sex, or other protected characteristics.” She cautioned companies not to “use information about your employees’ race/ethnicity or sex—including demographic data you collect and report in EEO-1 Component 1 reports—to facilitate unlawful employment discrimination based on race, sex, or other protected characteristics in violation of Title VII.” Emphasizing that “Title VII’s protections apply equally to *all* workers, regardless of their race or sex,” Acting Chair Lucas addressed DEI programs, stating that “[d]ifferent treatment based on race, sex, or another protected characteristic can be unlawful discrimination, no matter which employees or applicants are harmed. There is no ‘diversity’ exception to Title VII’s requirements.”

She also referenced the Trump Administration’s [recent Executive Order](#) “direct[ing] all agencies to ... de-emphasize ‘disparate impact’ enforcement.” Acting Chair Lucas confirmed that the EEOC “will fully and robustly comply with this and all Executive Orders,” and “will prioritize remedying intentional discrimination claims.” She also warned employers that “under existing law, the fact that a neutral employment policy or practice has an unequal outcome on employees of a particular race or sex—that is, has a ‘disparate impact’ based on race or sex—does not justify your company or organization treating any of your employees differently based on their race or sex.”

In light of these developments, employers should promptly gather the workforce data necessary to complete their 2024 reports, verify that their contact information is current in the portal, and monitor emails for further instructions. Early preparation will help ensure timely compliance within the shortened filing window.

Proskauer will continue to monitor developments [here](#).

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