

## **Private Employers May be Unaware of Their Legal Obligation to File Annual Employer Information Reports (EEO-1s) with the EEOC**

Private employers with 100 or more employees and employers with federal government contracts of \$50,000 or more *and* 50 or more employees are required by Title VII of the Civil Rights Act of 1964 to file annual Employer Information Reports (EEO-1s) with the Equal Employment Opportunity Commission (“EEOC”). The reports require a breakdown of the employer’s workforce by work site and as a whole, by job category, gender, race and ethnicity.

The EEO-1 report forms must be filed with the EEOC by September 30<sup>th</sup> of each year. The form, which has recently been revised in several respects, adds a new category titled “Two or more races,” divides “Asian or Pacific Islander” into two separate categories: “Asian” and “Native Hawaiian or other Pacific Islander,” renames “Black” as “Black or African American,” renames “Hispanic” as “Hispanic or Latino,” and strongly endorses self-identification of race and ethnic categories, as opposed to visual identification by employers. In addition the form changes the job categories to divide “Officials and Managers” into “Executive/Senior Level Officials and Managers” and “First/Mid-Level Officials and Managers.” On-line filing of EEO-1 reports is encouraged.

The information on EEO-1 reports is strictly confidential. The EEOC uses the data to support civil rights enforcement as a part of its investigation into charges of employment discrimination against employers in private industry and to analyze employment patterns, such as the representation of female and minority workers within companies, industries, or regions. The EEOC shares the information with the Department of Labor’s Office of Federal Contract Compliance Programs (“OFCCP”), which uses the data to determine whether employers are complying with affirmative action requirements and which employers to select for compliance evaluations.

Many employers subject to EEO-1 reporting requirements seem unaware of their reporting obligations. The EEOC or the OFCCP may attempt to conciliate a failure to report violation with the employer or may bring charges against the errant employer. Conciliation with the EEOC does not foreclose the possibility that employees can also bring suit against an errant employer, although it may be difficult for employees to quantify any damages they may have sustained as a result of the employer’s violation.

Information about EEO-1 filing requirements and the new report form can be found at [www.eeoc.gov/eeo1](http://www.eeoc.gov/eeo1). For further information regarding the filing of EEO-1 Reports, please contact **Joan M. Eagle** at 312.845.5439 or [jeagle@schwartzcooper.com](mailto:jeagle@schwartzcooper.com), or any other attorney in Schwartz Cooper’s Labor & Employment practice group.