

LEGAL UPDATE

EEOC Delays EEO-1, EEO-3 and EEO-5 Reports Until 2021

Due to the COVID-19 pandemic, employers and unions that are subject to equal employment opportunity (EEO) reporting under Title VII of the Civil Right Act will not be required to file EEO surveys in 2020, the U.S. Equal Employment Opportunity Commission (EEOC) [announced](#) on May 8, 2020.

The following [EEO surveys](#), which the EEOC had previously expected to open in 2020, have been delayed:

- The 2019 [EEO-1 Component 1](#) (required from private employers with 100 or more employees and certain federal contractors);
- The 2020 [EEO-3](#) (required from local referral unions with 100 or more members); and
- The 2020 [EEO-5](#) (required from public elementary and secondary school districts with 100 or more employees).

These surveys collect employment data categorized by race or ethnicity, gender and job category. The collected data is then used to help the EEOC and other federal agencies enforce Title VII and other fair employment laws.

According to the EEOC, delaying the 2020 collections will help ensure that filers are better positioned to provide accurate, valid and reliable data in a timely manner. The agency expects to begin collecting the 2019 (and 2020) EEO-1 Component 1 in March 2021 and the 2020 EEO-3 and the 2020 EEO-5 in January 2021. Filers will be notified of the precise date the surveys will open as soon as it is available.

In the meantime, the EEOC also plans to make direct contact with EEO-1, 3, and 5 filers about the delayed opening of the surveys.

Important Dates

May 8, 2020

The EEOC announced it will not require employers to file EEO-1, EEO-3 or EEO-5 reports in 2020.

January 2021

The EEOC expects to begin collecting EEO-3 and EEO-5 data for 2020.

March 2021

The EEOC expects to begin collecting EEO-1 Component 1 data for 2019 (and 2020).

Employers subject to EEO reporting should prepare to submit 2019 and 2020 data in early 2021.

Provided to you by **McGohan Brabender**

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