



Policy solutions that work for low-income people

August 24, 2026

Submitted via regulations.gov

Raymond Windmiller
Executive Officer, Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507

Re: Comments on Notice of Proposed Rulemaking, RIN 3046-AB37, Removal of Reporting Requirements

Dear Mr. Windmiller:

The Center for Law and Social Policy (CLASP) submits these comments in response to the Equal Employment Opportunity Commission's (EEOC or Commission) notice of proposed rulemaking, Removal of Reporting Requirements, RIN 3046-AB37 ("NPRM"), to rescind requirements to file EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and EEO-6 reports. We strongly oppose the rescission of all reporting requirements and will focus this comment on EEO-1 data collection.

Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. With deep expertise in a wide range of programs and policy ideas, longstanding relationships with anti-poverty, child and family, higher education, immigration, workforce development, and economic justice stakeholders, and over 50 years of history, CLASP works to amplify the voices of directly-impacted workers and families and help public officials design and implement effective programs. CLASP seeks to improve job quality for low-income workers. That includes increasing wages and providing access to paid sick days, paid family and medical leave, and stable work schedules. Quality jobs enable individuals to balance their work, school, and family obligations – promoting economic stability as well as career advancement.

As an organization dedicated to worker justice and protecting civil rights, we strongly oppose this NPRM.

EEO-1 data collection is an important enforcement and accountability tool that helps prevent and address gender- and race-based discrimination. Eliminating reporting requirements would drastically undermine effective enforcement of civil rights laws and limit the EEOC's ability to fulfill its mission.

Despite the enactment of vital antidiscrimination laws, including Title VII of the Civil Rights Act,

workplace discrimination based on race, sex, and other protected characteristics remains widespread.¹ Research demonstrates that women and people of color experience high rates of discrimination in all aspects of employment, including recruitment, hiring, pay, and promotion.² For example, women and people of color are often segregated into lower-paying jobs and less senior positions due to ongoing discrimination and barriers to opportunity.³ Reports produced by the EEOC, relying on charge data, EEO-1 data, and litigation data, show women and people of color face persistent discriminatory barriers to hiring, retention, and advancement in particular sectors, such as construction and the tech industry.⁴ In FY 2025 alone, the EEOC received over 88,000 charges of discrimination, with race- and sex-based discrimination among the top categories of charges.⁵

¹ See, e.g., Isabella Salas-Betsch, Ctr. For American Progress, *Ending Discrimination and Harassment at Work*, in PLAYBOOK FOR THE ADVANCEMENT OF WOMEN IN THE ECONOMY (Mar. 14, 2024),

<https://www.americanprogress.org/article/playbook-for-the-advancement-of-women-in-the-economy/ending-discrimination-and-harassment-at-work/>; Jessica Shakesprere, Batia Katz, and Pamela Loprest, *Racial Equity and Job Quality: Causes Behind Racial Disparities and Possibilities to Address Them*, URBAN INSTITUTE (2021), <https://www.urban.org/sites/default/files/publication/104761/racial-equity-and-job-quality.pdf>

² Kim Parker & Cary Funk, *Gender Discrimination Comes in Many Forms for Today's Working Women*, PEW RES. CTR. (Dec. 2017), <https://www.pewresearch.org/short-reads/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/>; Alan Benson, Danielle Li & Kelly Shue, "Potential" and the Gender Promotion Gap, 116 AM. ECON. REV. 375 (2026), <https://danielle.li/assets/docs/PotentialAndTheGenderPromotionGap.pdf>; Diana Roxana Galos & Alexander Coppock, *Gender Composition Predicts Gender Bias: A Meta-Reanalysis of Hiring Discrimination Audit Experiments*, SCI. ADVANCES (May 2023), <https://doi.org/10.1126/sciadv.ade7979>; Benard, Stephen, and Shelley J. Correll, *Normative Discrimination and the Motherhood Penalty*, 24 GENDER & SOCIETY 616 (Oct. 2010), <https://gap.hks.harvard.edu/normative-discrimination-and-motherhood-penalty>; Claudia Goldin & Cecilia Rouse, *Orchestrating Impartiality: The Impact of "Blind" Auditions on Female Musicians*, 90 AM. ECON. REV. 715 (Sept. 2000), <https://gap.hks.harvard.edu/orchestrating-impartiality-impact-%E2%80%9Cblind%E2%80%9D-auditions-female-musicians>; Patrick Kline, Evan K. Rose & Christopher R. Walters, *Systemic Discrimination Among Large U.S. Employers*, THE Q. J. OF ECON. 137(4), 1963-2036 (2023), https://www.nber.org/system/files/working_papers/w29053/w29053.pdf; Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, AM. ECON. REV. 94 (4): 991-1013 (2004), <https://www.aeaweb.org/articles/pdf/doi/10.1257/0002828042002561>; Donald Tomaskovic-Devey, Catherine Zimmer, Kevin Stainback, Corre Robinson, Tiffany Taylor & Tricia McTague, *Documenting Desegregation: EEO-1 Estimates of U.S. Gender and Ethnic Segregation 1966-2003*, AM. SOCIO. REV. 71: 565 (2006) (using establishment data from using EEO-1 reports available from 1966 to 2003),

https://www.researchgate.net/publication/220034547_Documenting_Desegregation_EEO-1_Estimates_of_US_Gender_and_Ethnic_Segregation_1966-2000.

³ Marina Zhavoronkova, Rose Khattar, and Mathew Brady, *Occupational Segregation in America*, CTR. FOR AM. PROGRESS (Mar. 2022), <https://www.americanprogress.org/article/occupational-segregation-in-america/>; JESSICA MASON & KATHERINE GALLAGHER ROBBINS, NAT'L PARTNERSHIP FOR WOMEN & FAMILIES, WOMEN'S WORK IS UNDERVALUED, AND IT'S COSTING US BILLIONS 3-4 (Mar. 2023), <https://nationalpartnership.org/wp-content/uploads/2023/04/womens-work-is-undervalued.pdf>.

⁴ See U.S. Equal Employment Opportunity Comm'n, *High Tech, Low Inclusion: Diversity in the High Tech Workforce and Sector, 2014 – 2022* (2024), https://web.archive.org/web/20240921160524/https://www.eeoc.gov/special-report/high-tech-low-inclusion-diversity-high-tech-workforce-and-sector-2014-2022?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; U.S. Equal Employment Opportunity Comm'n, *Building for the Future: Advancing Equal Employment Opportunity In the Construction Industry* (2023), <https://web.archive.org/web/20250122102716/https://www.eeoc.gov/building-future-advancing-equal-employment-opportunity-construction-industry> (links unavailable on EEOC website).

⁵ EEOC, *Enforcement and Litigation Statistics, Table E1a, Charge Receipts by Basis or Statute (All Statutes) FY 1997 - FY 2025*, [Table E1a. Charge Receipts by Basis or Statute \(All Statutes\) FY 1997 - FY 2025 0.xlsx](#) (noting that in FY 2025, the EEOC received over 29,000 charges of race discrimination and over 26,000 charges of sex discrimination). www.clasp.org

The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, including pregnancy, sexual orientation, and gender identity. According to the EEOC, sexual harassment and sexual assault in the workplace is a form of sex discrimination that violates Title VII and preventing this has been a top agency priority.⁶

Sexual harassment and sexual assault is rooted in power imbalances, discrimination, and gender inequality. These imbalances are replicated in workplaces, resulting in high levels of violence and harassment which impacts tens of millions of workers across all sectors and occupations. It causes physical, emotional, social and economic harm; undermines economic security; and limits full and equal participation in employment and society. It has enormous, but often overlooked, human and economic costs for impacted workers, employers and societies, and undermines inclusive economic growth

The EEOC is tasked with using its limited resources on behalf of workers to identify and root out discrimination. To advance this purpose, Title VII of the Civil Rights Act of 1964 expressly requires covered employers to make and keep employment records relevant to determining if there has been a violation and submit reports from these records as required by EEOC regulation.⁷ Since 1966, the EEOC has required, by regulation, that employers file EEO-1 forms with the Commission in order to effectively fulfill the goals of Title VII.⁸

For 60 years, the Commission has used EEO-1 data to effectively and efficiently carry out its prevention, investigation, and enforcement efforts. The Commission uses this data for a number of essential purposes, including (1) identifying discriminatory trends that allow the agency to bring systemic discrimination cases;⁹ (2) supporting Commissioners in initiating investigations where individual workers cannot;¹⁰ and (3) identifying industries where targeted intervention and outreach can maximize impact. State and local agencies tasked with enforcing anti-discrimination laws in their respective jurisdictions serve as invaluable partners in enforcing anti-discrimination laws and similarly use EEO-1 data to identify and investigate potential discrimination and set enforcement priorities.¹¹

⁶ U.S. Equal Employment Opportunity Commission, “Sexual Harassment in Our Nation’s Workplaces,” EEOC Data Highlight No. 2, April 2022, <https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces>

⁷ 42 U.S. Code § 2000e-8.

⁸ Employer Reporting and Recordkeeping Requirements, 31 Fed. Reg. 2832, 2833 (Feb. 17, 1966) (codified at 29 C.F.R. § 1602.7 et seq.).

⁹ See, e.g., *EEOC v. Central Transport, LLC*, No. 2:26-cv-02201-JJT (D. Ariz., Mar. 31, 2026), https://nefi.com/NEON/NEON_issues/040726/EEOC_v._Central_Transport_Complaint.pdf; *EEOC v. Allied Services*, Case No. 6:23-cv-03308, Complaint at 29-30 (W.D. Mo., Sept. 28, 2026), https://d12v9rtnomnebu.cloudfront.net/diveimages/US_DIS_MOWD_6_23cv3308_d99779463e277_COMPLAIN_T_against_Allied_Services_LL_C_filed_by_Mer.pdf; Andrea Hsu, *EEOC wants to stop collecting data used to fight discrimination*, NPR (Mar. 20, 2026), <https://www.npr.org/2026/05/20/nx-s1-5758092/eeoc-wants-to-stop-collecting-data-used-to-fight-discrimination>.

¹⁰ NAT’L ACADEMIES SCIENCES ENGINEERING MEDICINE, EVALUATION OF COMPENSATION DATA COLLECTED THROUGH EEO-1 FORM 35 (2023), <https://www.nationalacademies.org/read/26581/chapter/1#ii>; *U.S. Equal Emp. Opportunity Comm’n v. Vallarta Food Enters., Inc.*, No. 2:25-MC-00058-MCS-SSC, 2025 WL 3490431, at *1 (C.D. Cal. Oct. 10, 2025), report and recommendation adopted, No. 2:25-MC-00058-MCS-SSC, 2025 WL 3490426 (C.D. Cal. Dec. 3, 2025).

¹¹ See *California v. Dhillon*, 3:20-cv-07664, Complaint at 60, 62 (filed Oct. 30, 2020), <https://oag.ca.gov/sites/default/files/CA%20v.%20Dhillon%20Complaint.pdf>.

Between FY 2018 and FY 2021, the EEOC received a total of 98,411 charges alleging harassment under any basis, and 27,291 charges alleging sexual harassment. While sexual harassment and assault impacts all workers, especially those who do not conform to gender stereotypes or to traditional societal expectations based on gender, women are disproportionately impacted and make up a majority of reported cases. This is prevalent in EEOC's findings as well: Women continue to file a disproportionate number of the charges filed with the EEOC alleging sexual harassment. Women filed 78.2% of the 27,291 sexual harassment charges received between FY 2018 and FY 2021. Additionally, women filed 62.2% of the 98,411 total harassment charges alleging any bases, such as race or national origin, received between FY 2018 and FY 2021.¹²

The collection of EEO-1 data is particularly important to tracking sexual harassment and sexual assault cases, as disaggregating these claims by race and ethnicity show alarming trends. Of the 1,945 sexual harassment charges filed concurrently with a race discrimination charge, 71.2% were filed by a Black/African American worker. Without EEO-1 data collection Black women are left less protected from sexual assault and sexual harassment, as there would not be ongoing evidence of structural violence against Black women in the workplace. Preventing sexual harassment and assault is key to job quality, yet workers will hesitate to report these cases at work due to their fear of losing their job. Hesitating to report sexual harassment has harmful impacts as reporting sexual harassment or assault is linked to retaliation. Of the 27,291 sexual harassment charges filed between FY2018 and FY 2021, 43.5% were concurrently filed with a retaliation charge.

The EEOC attempts to justify the rescission of the EEO-1 reporting requirements by claiming that these requirements "are inconsistent with EEO law" and "may violate the U.S. Constitution."¹³ These arguments are inaccurate and misrepresent both the law and the data collection requirements themselves. As explained above, the data collection requirements are grounded in Title VII and were designed to support its enforcement. The EEO-1 reporting regulations require covered employers to report information about the race and sex of their employees; they do not require employers to make any employment decisions,¹⁴ or distribute any benefits or burdens,¹⁵ based on race or sex. The agency's flawed legal arguments do not support rescinding the data reporting requirements.

The NPRM also argues that the burden of EEO-1 on the Commission is too high because of the agency's limited budget.¹⁶ But the NPRM fails to consider that EEO-1 data is important precisely *because of* limited agency resources. The data are critical in helping the EEOC efficiently evaluate and prioritize the tens of thousands of charges it receives each year.¹⁷ EEO-1 data helps the agency understand relevant

¹² *Ibid.*

¹³ 91 Fed. Reg. 46335.

¹⁴ See *Ossman v. Meredith*, 82 F.4th 1007, 1015 (11th Cir. 2023) (finding that the use of an EEO Analysis form that included information about race in the process of terminating an employee was not evidence that the employee was discriminated against based on his race); *Moncada v. Peters*, 579 F.Supp.2d 46, 55 (D.D.C. 2008) (finding that federal agency's collection of applicants' demographic information during the application process was not evidence of discrimination).

¹⁵ *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701, 720 (2007) (explaining that strict scrutiny applies only where the government "distributes benefits or burdens" based on racial classifications).

¹⁶ 91 Fed. Reg. 46339.

¹⁷ Supporting Statement A, Recordkeeping and Reporting Requirements for Employer Information Report (EEO-1) Component 1, OMB Number 3046-0049, U.S. Equal Employment Opportunity Comm'n at 2 (May 2, 2023), www.clasp.org

context, such as the composition of the local labor pool,¹⁸ and determine appropriate next steps of the investigation, including whether to seek additional information or workforce data from the employer under investigation.¹⁹ Without EEO-1 data, enforcement becomes more costly and time consuming.

Eliminating this data collection would harm workers by making it harder for them to enforce their rights to be free from discrimination at work. Yet the EEOC has completely ignored how removing reporting requirements would harm workers and communities. This includes women of color and people of color that CLASP advocates for, who experience high rates of discrimination and rely on the EEOC to enforce their rights.

Rescinding reporting requirements will make it harder for the EEOC to identify systemic discrimination and take on systemic cases, making it harder to help more workers and dismantle the discriminatory practices that keep these workers out of good paying jobs. This will also disproportionately impact women of color, who have always faced systemic discrimination in the labor market. The Fair Labor Standards Act, which was implemented in 1938, left out minimum wage protections for all workers in the farmwork, agriculture, and domestic industries. Almost seventy years later, Black and Hispanic workers continue to be overrepresented in these low-wage fields: in 2022, 78 percent of U.S. agriculture workers identified as Hispanic, 34 percent of whom were women. In the domestic industries, Black women are still disproportionately represented in domestic and care jobs, such as home health aides, personal care aides, and child care workers. In fact, Black women represent 1 in 5 people employed in these jobs.

Without the collection of EEO-1 data, EEOC enforcement would be less efficient and effective, and discrimination is more likely to go undetected and unchecked. As a result, a more workers will experience discrimination, and many of them could experience discrimination for longer periods of time. For these workers, being shut out of a job, promotion, or a raise because of discrimination will have severe economic consequences. This will only compound the economic insecurity for women, and especially Black women. Alongside disproportionate job losses in 2025, Black women spent twice as long to find a job as white women in the second half of 2025.²⁰

Without full analysis of the costs of these harms, the EEOC cannot come to any reasoned determination that the rule's benefits justify its costs, as required by law.²¹ For the reasons outlined above, we urge the agency to withdraw the NPRM.

Thank you for the opportunity to submit comments on this NPRM. Please do not hesitate to contact

<https://www.reginfo.gov/public/do/DownloadDocument?objectID=137280001>.

¹⁸ Supporting Statement A, Recordkeeping and Reporting Requirements for Employer Information Report (EEO-1) Component 1, OMB Number 3046-0049, U.S. Equal Employment Opportunity Comm'n at 2 (May 2, 2023),

<https://www.reginfo.gov/public/do/DownloadDocument?objectID=137280001>.

; NAT'L ACADEMIES SCIENCES ENGINEERING MEDICINE, EVALUATION OF COMPENSATION DATA COLLECTED THROUGH EEO-1 FORM 35 (2023), <https://www.nationalacademies.org/read/26581/chapter/1#ii>.

¹⁹ FN 22 Supporting Pra 2023 p. 2; NAT'L ACADEMIES SCIENCES ENGINEERING MEDICINE, EVALUATION OF COMPENSATION DATA COLLECTED THROUGH EEO-1 FORM 35 (2023), <https://www.nationalacademies.org/read/26581/chapter/1#ii>.

²⁰ Mrinmoyee Chatterjee, PhD, Jennifer Turner, PhD, Salma Elakbawy, "Barriers, Not Bootstraps: Jobs Prospects Are Uneven for Young Black Women," Institute for Women's Policy Research, July 14, 2026, <https://iwpr.org/articles/barriers-not-bootstraps-job-prospects-are-uneven-for-young-black-women/>

²¹ Exec. Order No. 12866, 58 Fed. Reg. 51735 (1993); Exec. Order No. 13563, 76 Fed. Reg. 3821 (2011).

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