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EANE E-ALERT!

April 25, 2025

EEO-1 Opening on or about May 20th!

Non-Binary Reporting Will Not Be An Option

Despite speculation to the contrary, the Equal Employment Opportunity Commission (EEOC) has submitted notices manifesting its intention to open the EEO-1 website for 2024 reporting starting on May 20th.

Which employers are subjected to this reporting?

This reporting applies to employers with 100 or more employees, or are a federal contractor or first-tier subcontractor with 50 or more employees and federal contract or subcontract of \$50,000 or more, or serving as a depository of federal funds or one who issues and pays U.S. savings bonds.

What will the reporting cover?

Employers are to report on “Component 1” employee demographic information of their workforce for a pay period between October 1, 2024, and December 31, 2024. Pay information will not be part of this EEO-1 reporting effort.

Why is the form changing?

In publishing its’ notice ([which can be downloaded here](#)) to indicate that non-binary information would not be allowed, the EEOC has leaned into one of the January Executive Orders for that change:

“On January 20, 2025, the President issued Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, which provides that “agency forms that require an individual’s sex shall list male or female, and shall not request gender identity.” To comply with the requirements of EO 14168, the EEOC believes it must remove the voluntary option to report on “non-binary” employees.”

Similarly, on page 15 of the draft of the 2024 EEO-1 Instruction Booklet ([which can be found here](#)) likewise reporting further narrows the reporting as follows:

10. REPORTING BY SEX

The EEO-1 Component 1 data collection provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity.”

What should employers do next?

Maintain self-identification practices: covered employers should continue their efforts to collect EEO-1 information from their employees. We have provided a sample self-identification form here as a tool to help you in this effort. [Click Here >>](#)

Consider secondary steps: When it comes to employees who refuse to self-identify, the EEOC has allowed as a secondary protocol, employers to conduct visual assessments of their employees who refuse to self-identify. For employers facing gaps in their data collection, they may want to consider revisiting this protocol.

Lookout for the opening of the EEO-1 reporting portal: At the present time, the website portal (www.eeocdata.org) is closed. That being stated, while the May 20th date is out there, it is not set in stone. Therefore, employers should continue to check the EEO-1 website as the May 20th date approaches to not miss out on the portal opening and getting the report done in a timely manner.

We will continue to keep you posted as further details and developments unfold.

Do you have questions about how this impacts your organization?
Give us a call at [877.662.6444](tel:877.662.6444).

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