INSTITUTE FOR WOMEN'S POLICY RESEARCH

A just future begins with bold ideas

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Submitted via regulations.gov.

Re: Removal of Reporting Requirements, EEO-1 (EEOC-2026-0034)

On behalf of the Institute for Women's Policy Research (IWPR), I am writing to provide comment opposing the Equal Employment Opportunity Commission (EEOC) proposed rule EEOC-2026-0034, rescinding and removing requirements for the filing of the EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and EEO-6 reports (EEO data reports).

IWPR is a nonpartisan, nonprofit organization that conducts and disseminates research to shape policies that close inequality gaps and improve the economic well-being of women and families from diverse backgrounds. As part of our efforts to support women's economic security and well-being, we focus on understanding the prevalence of workplace discrimination and its economic impacts on women and others facing multiple forms of marginalization, as well as the health of the labor market. As a leading national think tank that routinely employs the highest standards of integrity and quality in our research, IWPR is uniquely positioned to comment on the harmful impacts that the proposed rule's framework creates for preventing discrimination in hiring, pay outcomes, and promotion for groups who have historically faced structural barriers and disparities in outcomes in the labor market. The comments below are primarily concentrated on the proposed elimination of the EEO-1 data demographic report, which covers large private employers and federal contractors, though the elimination of all EEO data reports would be similarly concerning.

IWPR strongly opposes and urges the withdrawal of the EEOC proposed rule. It is critical that the EEOC continues demographic data collection, which will support its mandate to prevent the well-documented persistence of discrimination in the labor market based on gender, race, and ethnicity against women and minority groups.

The EEOC seeks to remove EEO report requirements. These reports contain demographic data for jobs, apprenticeships, labor unions, state and local governments, school districts, and higher education institutions. The EEOC's proposed rule claims that this enforcement of antidiscrimination laws is both unnecessary and burdensome. The EEOC further argues that this data collection may be unconstitutional. The pursuit of the reversal of antidiscrimination enforcement is founded on faulty premises, disproven by abundant research on the persistence of discrimination in hiring, earnings, and promotion along the lines of gender, race, and ethnicity against women and minority groups. Furthermore, required reporting is an efficient mechanism for enforcing antidiscrimination protections and deterring discrimination within workplaces.

Research Shows Discrimination Against Women and Minority Groups Is One of the Most Persistent Labor Market Harms

Decades of research and recent cutting-edge methods demonstrate time and again that discriminatory barriers in hiring, pay outcomes, and promotion persist against women and minority groups. The most recent estimations of pay disparities find that women earn 80.9 percent of what men earn when working full-time year-round. For women of color, these differences are even more stark: Black women earn 64.6 percent of what White men earn, and Latina women earn 58.0 percent of what White men earn.[i]

These differences cannot be explained away by controlling for worker characteristics beyond gender, race, and ethnicity, like education and occupational choice. Recent research by IWPR finds that not only does the earnings gap between Black women and White men persist across all levels of education, it actually increases with each successive degree attainment. Black women with professional degrees had the largest gap in earnings among all other levels of education, despite these being some of the highest degrees to attain.[ii] This is not simply a reflection of women and men working in different occupations; women earn between 10 and 20 percent less than men in two-thirds of occupations.[iii]

Using wage decomposition methods in economics, economics research answers the basic question: Are pay differences because of differences in education, experience, and types of jobs that women and men hold, or are they because women are paid less even when they have the same worker characteristics as men? When controlling for all possible relevant characteristics, a stubborn 7 percent of women's lower earnings remains unexplained and is interpreted as discrimination. Furthermore, this unexplained and discriminatory portion has been relatively stable for over 20 years.[iv] Despite women's increasing educational gains, labor force participation, years of work experience, and going into higher-paying fields, they are still paid less than otherwise similar men.

For women of color in particular, a much larger portion of their lower earnings are unexplained by their worker characteristics and are interpreted as discrimination. Recent research on Black women's pay determination finds that over half of their wage gap is unexplained, and their unexplained lower pay is greater than the sum of gender and racial wage gaps, and thus it is a unique intersectional disparity facing Black women in the labor market.[v] For Latina women, over half of their lower pay is also unexplained by their worker characteristics.[vi] And the lower earnings of Asian American women compared to White men are entirely interpreted as discrimination because they are more likely to have higher levels of education, work in high-paying fields, and live in places with higher earnings.[vii]

Furthermore, audit studies leverage experimental methods by replicating the job application process for workers with similar qualifications but different demographic characteristics. In this body of research, identical applications are submitted to job openings with small changes to signify race or ethnicity of the applicant. These studies consistently demonstrate that employers, knowingly or not, are less likely to hire Black and Hispanic workers who apply for jobs compared to White workers with identical resumes.[viii] In one study of the labor market in New York City, White workers with a criminal background were more likely to be hired than otherwise similar Black and Hispanic workers with no criminal background.[ix] In addition, this body of research has found that racial discrimination in hiring against Black workers has not lessened in 30 years,[x] mirroring the stagnation in progress addressing pay discrimination against women.

Data Is Needed to Understand the Persistence of Labor Market Discrimination

One of the challenges in understanding the extent and causes of labor market discrimination is imperfect data. Survey data like the US Census Bureau's American Community Survey (ACS) and Current Population Survey (CPS) collect self-reported information from workers without capturing explicit information on precisely where an individual works. This data also relies on self-reported earnings and working hours, which can have errors in accuracy. For example, self-reported earnings in the CPS mask the magnitude of the Black-White wage gap, which is revealed when these data are linked to administrative tax data.[xi]

Data provided to the EEOC in the EEO-1 report provide an additional tool for understanding labor market discrimination and supporting enforcement of antidiscrimination law by providing data on employers and firms across years.[xii] This data can also provide an understanding of career advancement pathways within firms. Research using this data source has found that the increasing presence of women managers fosters women's advancement in firms.[xiii] Firm-level data is also critical to understanding broader trends of wage inequality, as recent evidence suggests that how workers get jobs across higher-paying and lower-paying firms, even within the same industries, is a significant determinant of wage outcomes across the labor market.[xiv]

Harmful Nationwide Economic Consequences of Denying Discrimination Against Women and Minority Groups

Systematic lower and discriminatory pay experienced by women and minority groups is a loss to the broader US economy. Low-earning workers are more likely to spend their earnings in their local economies and boost economic activity.[xv] Their relatively lower earnings are not explained by being less productive, which means they are paid less than the value they contribute to the economy. This is consistent with the delinking of productivity from pay across the US economy since 1979.[xvi] One estimation demonstrates that Black women lose approximately $50 billion per year due to the intersectional racial and gender wage gap, while corporate profits have skyrocketed above normal economic levels.[xvii] Outsized corporate profits are inefficient, deadweight loss to the economy when market valuation exceeds asset valuation and reduces investment flows across the economy.[xviii] These trends have exacerbated rising inequality, in turn harming national economic performance.[xix] Discrimination is bad for the economy, and better antidiscrimination enforcement can support economic growth.

Reporting Requirements Are an Efficient Enforcement Mechanism

Data collected through EEO-1 report filings enable the EEOC to identify entrenched patterns of discrimination in hiring, pay outcomes, and promotion beyond reliance on complaint filings. The EEOC has recently used this data to reach resolution with employers who have discriminated against women and minorities, including a May 2026 $5.5 million settlement with a trucking company that the EEOC's lawsuit alleged intentionally refused to hire qualified women drivers. Other such examples of using EEO-1 data to identify patterns of discrimination within firms exist in the modern labor market, including an EEOC lawsuit against Bass Pro Outdoor World for not hiring Black and Hispanic job applicants, even in markets with large populations of these groups.[xx] The well-documented persistence of labor market discrimination alongside the usefulness of EEO-1 data in enforcement clearly demonstrates the continued need for this reporting requirement.

There is also suggestive evidence that self-reporting firm patterns of employment by gender, race, and ethnicity in companies may be an important mechanism for self-enforcement of antidiscrimination practices. For example, companies that voluntarily withheld EEO-1 reporting were more likely to have disparities in representation of racial minorities in management positions.[xxi] It is easier to ignore discrimination in a firm if it's not measured through reporting requirements.

Conclusion

The evidence is clear that discrimination in hiring, pay, and promotion is persistent against women and minority groups. No such clear evidence exists of systemic discrimination against White men. Under its obligation established by Title VII of the Civil Rights Act of 1964, it is the EEOC's mission to prevent discrimination and enforce antidiscrimination protections for workers based on these demographic factors. Research demonstrates that data provided by the EEO-1–6 reports and other EEO data reports illuminate the persistence and mechanisms that maintain discriminatory disparities. And, crucially, these data make enforcement more efficient. The end result of effective antidiscrimination enforcement is a labor market with greater opportunity available to all workers regardless of their gender, race, or ethnicity, which in turn supports a thriving US economy.

Sincerely,

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Chief Economist and Senior Vice President of Research
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cc: Andrea Lucas, Chair, Equal Employment Opportunity Commission

Citations

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