


Federal civil rights watchdog wants to stop tracking data on race and sex

The EEOC has proposed ending a civil-rights-era program collecting demographic information from private companies.

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(David Zalubowski/AP)



By [Meryl Kornfield](#)

The top federal agency for promoting diversity across society is proposing pulling back on its primary initiative to collect demographic data, one that it has conducted for decades.

The U.S. Equal Employment Opportunity Commission is considering no longer collecting demographic information including race, sex and national origin from major American companies, departing from a practice that began during the civil rights era of the 1960s and was critical to the agency's efforts to root out workplace discrimination. The EEOC also wants to ax data reporting rules for apprenticeship programs, unions, state and local governments, and schools, as well as reporting requirements in other civil rights laws that protect workers, including those who are pregnant or have disabilities.

The EEOC notified the White House on Thursday of its proposal, which will be published publicly after a review. It's not clear what impact the proposal could have on this year's data collection. The move would align with the administration's efforts to end diversity programs and deprioritize a key subset of discrimination cases.

The data collection has taken place for 60 years under a plank of the Civil Rights Act called Title VII. The federal EEO-1 report provides demographic and job category data collected from companies with 100 or more employees, and certain federal contractors. The collection typically begins in May. Under the administration of President Joe Biden, the EEOC sued employers that had allegedly not complied with the federal reporting requirements.

The move to reconsider the data collection was not a surprise to those who follow the EEOC's work. A five-year contract for the collection expired last year and was not renewed, according to federal contracting data. Some attorneys representing employers have advised their clients that they should collect the data as they usually do to comply with the law.

“Employers should continue to collect the information as a best practice, because Title VII obligations are not going away and disparate impact is not going away,” said Christy Kiely, a partner at the Seyfarth Shaw law firm. “It’s been deprioritized, but it’s still in the statute.”

The move follows the administration’s deprioritization of cases under a legal concept called “disparate impact,” which is based on the assumption that racial imbalances in the workplace are a result of discrimination.

The elimination of data collection would fulfill one of the goals listed in the Heritage Foundation’s Project 2025, the blueprint of the second Trump administration, which outlined how the data could be used to support discrimination allegations.

“Crudely categorizing employees by race or ethnicity fails to recognize the diversity of the American workforce and forces individuals into categories that do not fully reflect their racial and ethnic heritage,” wrote Project 2025 author Jonathan Berry, who is now solicitor for the Department of Labor.

Berry appeared alongside Trump-appointed EEOC Chair Andrea Lucas in a webinar in early April where the two laid out the administration’s priorities in employment law cases. Lucas — who issued a viral public appeal in December for White men who think they have experienced discrimination to contact her agency — told an audience of employment lawyers that disparate-impact cases made up a minority of the agency’s workload and the EEOC would continue to focus on intentional discrimination.

The president “wants his enforcement agencies to be focused on I think the most morally offensive type of discrimination, which is intentional discrimination, not inadvertent discrimination, at least as defined by disparate impact in Title VII,” Lucas said.

Lucas highlighted a case her EEOC has brought against a company’s women’s retreat that excluded a man from participating.

Jenny Yang, a former EEOC chair, said the data has previously helped show the enforcement agency where patterns of discrimination might exist, such as instances where qualified individuals in the labor pool are not fully represented in companies’ workforces.

Yang and other previous EEOC leaders issued a statement Friday opposing the proposed change and arguing that it would weaken the federal government’s ability to enforce antidiscrimination laws.

“The EEO-1 data was incredibly valuable, particularly in hiring and promotion investigations,” Yang said. “It’s eliminating important evidence and facts to understand where problems exist.”

Christine Webber, a civil rights and employment lawyer, said a decision to rescind reporting requirements for companies would run counter to the EEOC’s other efforts to collect data from law firms that the administration has targeted. The EEOC also recently won a court battle over requesting information about Jewish people at the University of Pennsylvania as part of an investigation into antisemitism.

“They know perfectly well that the EEOC needs data like that to do its job of enforcing the antidiscrimination laws,” Webber said. “Because if you want to show a pattern of conduct, a pattern of decision-making, data is an essential ingredient.”

Julian Mark contributed to this report.