



# HR BRIEF

MAY 2023

## Upcoming EEO-1 Reporting Deadlines

Under Title VII of the Civil Rights Act (Title VII), employers with 100 or more employees and certain federal contractors must submit a report about their workforces to the Equal Employment Opportunity Commission (EEOC) by March 31 every year. This report, known as the EEO-1 report, is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category. However, the collection of this data from 2022 has been delayed, and the [portal for submitting EEO-1 reports](#) will not be opened before the usual deadline in 2023. Instead, the EEOC expects to open the portal for employers to begin entering 2022 EEO-1 information sometime in mid-July 2023.

### Prior Year Deadline Guidance

EEO-1 reporting for the previous three years was also delayed, with the portal for submitting 2019 and 2020 information opening in April 2021 and ultimately closing in November 2021 and the portal for submitting 2021 information opening in April 2022 and ultimately closing in July 2022.

The unique situations in those prior years may limit their value as guidance for the current year. However, based on the usual deadline and timelines of prior years, employers subject to EEO-1 reporting in 2023 may expect the deadline for 2022 submissions to be set for no later than mid-September 2023.

### Enforcement

Although the EEOC sends notification letters to employers it knows to be subject to the EEO-1 requirements, all covered employers are responsible for obtaining and submitting the necessary information before the appropriate deadline. An employer who fails or refuses to file an EEO-1 report as required may be compelled to do so by a federal district court. Federal contractors also risk losing their government contracts for failure to comply.

### Next Steps

Employers should monitor the [EEOC's EEO-1 webpage](#) for updates. Employers filing EEO-1 Reports for the first time must [register](#) to receive a company login, password and further instructions for filing from the EEOC.

## Understanding the Basics of Pay Transparency in 2023

More employees are demanding pay transparency. Despite many employers' reluctance to embrace this emerging practice, it has gained a stronger foothold in 2023. In fact, pay transparency laws are impacting more employers as a growing number of states and localities require organizations to share pay information with applicants and employees. Here are some pay transparency basics to know for 2023:

### What Is Pay Transparency?

Pay transparency is the practice of openly sharing pay-related information with current and potential employees. It helps ensure fairness and equity in the workplace. This information generally includes pay scales or salary ranges.

### Pay Transparency Laws

Colorado was the first jurisdiction to enact pay transparency laws in 2021. Since then, 14 states and localities have enacted their own pay transparency laws. In fact, an estimated one-fourth of all U.S. workers were covered under pay transparency laws at the

start of 2023. Pay transparency laws vary depending on the jurisdiction. For example, covered employers in California must provide pay scale information in any job posting, and covered employers in New York City must provide the minimum and maximum annual salary or hourly wage for all job postings, promotions and transfer opportunities.

### Challenges

Pay transparency laws present compliance challenges for employers since they vary based on the state or locality. Employer compliance difficulties are often greater for organizations that recruit and hire employees across state lines, since hiring remote workers can trigger obligations in states where employers do not have a physical presence.

### Employer Takeaway

Regardless of current applicability, even employers who are currently unaffected by local mandates should consider how pay transparency practices may impact their workplace or labor trends. Reach out today for additional resources.

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