



FACT SHEET: 2022 EEO-3 Data Collection

Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires labor organizations to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the Equal Employment Opportunity Commission (EEOC) has issued regulations, 29 CFR 1602.22 and 1602.27-.28, prescribing the reporting and related record retention requirements for various kinds of labor organizations. 29 CFR 1602.22 requires every local union to retain the most recent report filed, and 29 CFR 1602.27-.28 require filers to make records necessary for completion of the EEO-3 and preserve them for a year from the due date of the report (or if a charge of discrimination is filed, relevant records must be retained until final disposition of the matter).

Please see the [Instruction Booklet](#) for additional information on the 2022 EEO-3 data collection.

What type of data does the EEO-3 Report collect?

The EEO-3 is a biennial report requiring local unions to provide certain union identification and eligibility information to the EEOC. The EEO-3 further requires eligible local **referral** unions to provide summary demographic workforce data, including race/ethnicity and sex broken down by membership, applicant, and referral information.

Which local unions are required to file the 2022 EEO-3 Report?

The Local Union Report (EEO-3), EEOC Form 274, also referred to as the EEO-3 Report, is a mandatory biennial data collection that requires local unions, specifically local referral unions with 100 or more members, to submit demographic workforce data including membership, applicant, and referral information by race/ethnicity and sex. The filing by eligible local unions is required under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.22 and 27-.28.

What are the specific eligibility requirements for filing the EEO-3 Report?

The below eligibility questions determine whether the local union must complete the “Report EEO-3 Data” step of the EEO-3 filing process (i.e., the *Membership, Applicant, and Referral Information* section, or Schedule I). These eligibility questions include the following:

- (1) Has the local union had 100 or more members at any time since December 31, 2021?
- (2) Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:
 - (a) Operate a hiring hall or hiring office?
 - (b) Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?
 - (c) Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?

A local referral union **must** complete the entire EEO-3 Report, including the “Report EEO-3 Data” step of the EEO-3 filing process (i.e., the *Membership, Applicant, and Referral Information* section, or Schedule I), if it answers “Yes” to eligibility question (1) above **AND** answers “Yes” to *any part* of eligibility question 2 (i.e., either answers “yes” to 2a, 2b, and/or 2c).

Otherwise, the filer will skip the “Report EEO-3 Data” step of the EEO-3 filing process (i.e., the *Membership, Applicant, and Referral Information* section, or Schedule I) and proceed to the review and certification steps of the EEO-3 filing process. Please note that these filers are still **required** to submit a 2022 EEO-3 Report certifying to their ineligibility.

What is the method for filing the 2022 EEO-3 Report?

The EEOC requires that EEO-3 Reports be submitted via the *EEO-3 Online Filing System (OFS)*, accessible at <https://eocdata.org/eeo3>. No EEO-3 reports will be accepted via email, fax, or postal mail.

When does the 2022 EEO-3 data collection open? What is the filing deadline?

The 2022 EEO-3 data collection will open on **Tuesday, October 18, 2022** and must be filed no later than **Tuesday, December 6, 2022**.

Is filing the EEO-3 report mandatory?

Yes. The Local Union Report (EEO-3), EEOC Form 274, also referred to as the EEO-3 Report, is a mandatory biennial data collection that requires local unions, specifically local referral unions with 100 or more members, to submit demographic workforce data including membership, applicant and referral information by race/ethnicity and sex. The filing by eligible local unions is required under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.22 and 27-.28.

Is EEO-3 data confidential?

All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-8(e) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving the EEO-3 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any local referral union or reveal any individual member's personal information.

For information on other EEO-3 topics, please see:

- EEO-3 Instruction Booklet: <https://eeocdata.org/eeo3/support/instructionbooklet>
- EEO-3 Frequently Asked Questions and Answers (FAQs): <https://eeocdata.org/eeo3/support/faq>
- The EEO-3 User's Guide will be accessible via the *2022 EEO-3 Online Filing System (OFS)* immediately prior to the opening of the EEO-3 data collection on October 18, 2022.