



## FACT SHEET: 2021 EEO-1 COMPONENT 1 THIRD-PARTY HUMAN RESOURCE ORGANIZATION REPORTING PROCEDURES (e.g., PEOs, HROs, ASOs)

The purpose of this fact sheet is to provide an overview of the **updated 2021 EEO-1 Component 1 procedures** that the EEOC is implementing for the reporting of client employer data by **Professional Employer Organizations (PEOs), Administrative Services Organizations (ASOs), Human Resource Outsourcing organizations (HROs)**, and similar organizations which choose to file on behalf of eligible EEO-1 Component 1 client employers under third-party human resource agreements (i.e., **third-party human resource organizations**).

The updated procedures are being implemented as part of the EEOC's continuing efforts to modernize the agency's EEO data collections and improve the quality of data collected. These updated procedures will allow the EEOC to collect more accurate employee demographic data in support of the agency's mission to prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.

The EEOC is providing notice of these updated procedures as of **Wednesday February 2, 2022** so that third-party human resource organizations (e.g., PEOs, HROs, ASOs), and the client employers on behalf of which these organizations are choosing to file, may prepare for the opening of the 2021 EEO-1 Component 1 data collection. The data collection is tentatively scheduled to open on **Tuesday, April 12, 2022**. Announcement of these updated procedures, including this Fact Sheet and FAQs, are posted on the 2021 EEO-1 Component 1 website at <https://eeocdata.org/eeo1>.

For the sake of clarity and consistency, clients of these third-party human resource organizations (e.g., PEOs, HROs, ASOs) are referred to as "client employers" throughout this Fact Sheet. A "client employer," also sometimes referred to as a "client company," is an employer (i.e., company) that uses the services of a third-party human resource organization (e.g., PEO, HRO, ASO). These services can include preparing and filing the employer's (i.e., company's) EEO-1 Component 1 report(s) on the employer's (i.e., company's) behalf. The employer (i.e., company) using these services is referred to as a "client employer" of the third-party human resource organization (e.g., PEO, HRO, ASO) that is filing on the employer's (i.e., company's) behalf.

***The updated reporting procedures for the 2021 EEO-1 Component 1 data collection include the following:***

- Every eligible client employer on behalf of which a third-party human resource organization (e.g., PEO, HRO, ASO) chooses to file will be required to have its own company registration under the client employer's EIN (i.e., Employer Identification Number, Federal Tax Identification Number, FEIN). The company registration record contains basic contact and location information and resides within the *EEO-1 Component 1 Online Filing System*. This company registration **must** be for the client employer itself and not the third-party human



resource organization (e.g., PEO, HRO, ASO) filing on the client employer's behalf. Additionally, all filers will be required to have an individual-level user account to gain access to the *EEO-1 Component 1 Online Filing System*.

- A third-party human resource organization (e.g., PEO, HRO, ASO) may still prepare and file an EEO-1 Component 1 Report(s) on behalf of eligible client employers. After the eligible client employer creates their company registration record, they can invite their third-party human resource organization (e.g., PEO, HRO, ASO) to create an associated user account.
- A third-party human resource organization (e.g., PEO, HRO, ASO) will no longer be permitted to file for the eligible client employer as an “establishment” of the third-party human resource organization (e.g., PEO, HRO, ASO). In other words, a third-party human resource organization (e.g., PEO, HRO, ASO) may not submit an EEO-1 Component 1 Report(s) that includes itself and a client employer and/or a report that includes multiple client employers.
- A third-party human resource organization (e.g., PEO, HRO, ASO) choosing to submit data file uploads on behalf of eligible client employers must do so separately for **each** client employer. The bulk or consolidated upload of data files for multiple client employers by a third-party human resource organization (e.g., PEO, HRO, ASO) **will not be permitted**. Every eligible client employer on behalf of which a third-party human resource organization (e.g., PEO, HRO, ASO) is choosing to file must have a separate data file upload under that client employer's company record in the *EEO-1 Component 1 Online Filing System*.
- A third-party human resource organization (e.g., PEO, HRO, ASO) is **not permitted** to certify a client employer's EEO-1 Component 1 Report. An official of the client employer (i.e., “certifying official”) must certify the client employer's EEO-1 Component 1 Report. The client employer's “certifying official” **cannot** be from the third-party human resource organization (e.g., PEO, HRO, ASO).
- A third-party human resource organization (e.g., PEO, HRO, ASO) that is eligible to file an EEO-1 Component 1 Report in its own capacity as an employer **must** submit a report that only includes the third-party human resource organization (e.g., PEO, HRO, ASO) and its own establishments and employees. The third-party human resource organization's (e.g., PEO, HRO, ASO) own report **must not** include any of its client employers or client employers' establishments.

#### ***Additional Information – EEO-1 Component 1 Filer Support Team Requests***

In prior EEO-1 Component 1 data collection years, and upon request by a third-party human resource organization (e.g., PEO, HRO, ASO), the EEOC and its EEO-1 Component 1 Filer Support Team manually processed client employer establishment deletions and company registrations, including bulk deletions and registrations. With the implementation of these updated reporting procedures,



the EEOC and its EEO-1 Component 1 Filer Support Team will **no longer process such deletions and company registrations** for an individual third-party human resource organization (e.g., PEO, HRO, ASO) and/or its current or former client employers.

Additionally, and as in prior data collection years, the EEOC **cannot** provide client employers with any prior year EEO-1 Component 1 report(s) filed on behalf of the client employer by a third-party human resource organization (e.g., PEO, HRO, ASO). Client employers for which a third-party human resource organization (e.g., PEO, HRO, ASO) filed historical EEO-1 Component 1 data on the client employer's behalf will be instructed to contact the third-party human resource organization (e.g., PEO, HRO, ASO) to obtain any such reports.

### ***2021 EEO-1 Component 1 Online Filing System Account Registration***

The EEOC is currently in the process of streamlining the company registration process for the 2021 EEO-1 Component 1 data collection and the system will be available for all filers beginning in **March 2022**. Once the company registration system is available, client employers can create their *EEO-1 Component 1 Online Filing System* user accounts and begin company registration.

The EEOC will be posting a notice on the EEO-1 Component 1 website at <https://eeocdata.org/eeo1> as soon as the company registration system is available. Please continue to monitor this website for additional updates as well as instructions and resource materials for the 2021 EEO-1 Component 1 data collection.

### ***Additional Information***

As mentioned above, the 2021 EEO-1 Component 1 data collection is tentatively scheduled to open on **Tuesday, April 12, 2022**. The tentative deadline to file the 2021 EEO-1 Component 1 Report is **Tuesday, May 17, 2022**. Prior to the opening of the 2021 EEO-1 Component 1 data collection, additional instructions and resource materials will be shared with all EEO-1 Component 1 filers via email and online at the dedicated EEO-1 Component 1 website, located at <https://eeocdata.org/eeo1>.

The EEO-1 Component 1 data collection is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit demographic workforce data, including data by race/ethnicity, sex, and job categories. The filing by eligible employers of the EEO-1 Component 1 Report 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), and 29 CFR 1602.7-.14 and 41 CFR 60-1.7(a).