

Testimony of Maya Raghu

Lawyers' Committee for Civil Rights Under Law

EEOC Public Hearing, Notice of Proposed Rulemaking – Rescission of EEO Reports (EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, EEO-6) and Related Recordkeeping and Record Preservation Requirements, RIN 3046-AB37

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Good morning. I'm Maya Raghu, from the Lawyers' Committee for Civil Rights Under Law, where I am the Director of the Protecting and Advancing Diversity, Equity and Inclusion Initiative. The Lawyers' Committee is a nonpartisan, nonprofit civil rights organization founded in 1963 to secure equal justice for all through the rule of law by targeting the inequities confronting Black Americans and other people of color.

The Lawyers' Committee opposes the U.S. Equal Employment Opportunity Commission's proposal to rescind longstanding regulations requiring covered entities to collect and report workforce demographic data, and we urge the Commission to withdraw it.

This proposal undermines the EEOC's mission of civil rights enforcement, ignores the ongoing barriers to employment opportunity facing Black workers and other workers of color, and discourages employers from conducting internal analyses to promote compliance.

The EEO data collections, grounded in Title VII of the Civil Rights Act of 1964, are unique government datasets that illuminate who has access to equal employment opportunity, and who does not. For decades, they have provided a standardized picture of employment by race, ethnicity, sex, and job category—and, in the case of the EEO-4, pay— across workplaces, industry, and geography.

Black workers and other workers of color face persistent occupational segregation and unequal access to employment opportunities compared to their white counterparts, even after accounting for differences in education, experience, and geography.¹ Black workers are almost twice as likely to be in service-worker or laborer jobs, and almost 25% less likely

¹ Ashley Jardina, Peter Q. Blair, Justin Heck and Papia Debroy, *The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers*, Nat'l Bureau of Economic Research Working Paper 31641 (Aug. 2023), https://www.nber.org/system/files/working_papers/w31641/w31641.pdf; McKinsey & Co., *Race in the workplace: The Black experience in the US private sector* (Feb. 2021) <https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Diversity%20and%20Inclusion/Race%20in%20the%20workplace%20The%20Black%20experience%20in%20the%20US%20private%20sector/Race-in-the-workplace-The-Black-experience-in-the-US-private-sector-v3.pdf>.

to be in managerial or professional jobs in the private sector.² Race discrimination remains one of the leading categories of EEOC charges,³ and research demonstrates workers of color face discrimination from hiring through promotion and advancement.⁴ The EEOC's proposal would eliminate a critical tool that helps identify and address these disparities.

The EEOC's proffered legal arguments do not provide a reasoned basis for eliminating these longstanding reporting requirements. The suggestion that collecting demographic information itself constitutes an impermissible racial classification, or that data collection may cause employers to take unlawful race-based actions, is speculative and unsupported by the law or actual evidence.

The EEOC's position is also inconsistent with that of other federal agencies, including the Department of Education, which seeks to collect college applicant and student demographic data from universities,⁵ and settlements requiring universities to produce race data to the government.⁶ This inconsistency reveals that selective enforcement and objections to demographic data are not guided by legal principle or evidence, but rather to advance an ideological agenda.

EEO data supports enforcement by placing individual charges in context and helping identify broader patterns of race or gender-based disparity for closer examination. For instance, as publicly reported, the EEOC used EEO-1 data during investigations of discriminatory hiring practices affecting Black and Latino workers in retail⁷ and women

² McKinsey & Co., *Race in the workplace: The Black experience in the US private sector* at 21 (Feb. 2021) <https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Diversity%20and%20Inclusion/Race%20in%20the%20workplace%20The%20Black%20experience%20in%20the%20US%20private%20sector/Race-in-the-workplace-The-Black-experience-in-the-US-private-sector-v3.pdf>.

³ U.S. Equal Employment Opportunity Comm'n, *Enforcement and Litigation Statistics, Table E1a, Charge Receipts by Basis or Statute (All Statutes) FY 1997 - FY 2025*, [Table E1a. Charge Receipts by Basis or Statute \(All Statutes\) FY 1997 - FY 2025 0.xlsx](https://www.eeoc.gov/eeoc/statistics/enforcement/charge-receipts-by-basis-or-statute-all-statutes-fy-1997-fy-2025).

⁴ Patrick Kline, Evan K. Rose and Christopher R. Walters, *Systemic Discrimination Among Large U.S. Employers*, THE QUARTERLY JOURNAL OF ECONOMICS 137(4), 1963-2036 (2023); Marianne Bertrand and Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, AMERICAN ECONOMIC REVIEW 94 (4): 991-1013 (2004).

⁵ *Agency Information Collection Activities; Comment Request; Integrated Postsecondary Education Data System (IPEDS) 2024-25 Through 2026-27*, 90 Fed. Reg. 39384 (Aug. 15, 2025), <https://www.federalregister.gov/documents/2025/08/15/2025-15536/agency-information-collection-activities-comment-request-integrated-postsecondary-education-data>.

⁶ Anna Esaki-Smith, "Trump Agreements With Brown And Columbia Allow Federal Review Of Admissions," *Forbes*, Aug. 6, 2025, <https://www.forbes.com/sites/annaesakismith/2025/08/06/trump-agreements-with-brown-and-columbia-allow-federal-review-of-admissions/>.

⁷ Andrea Hsu, "One by one, U.S. civil rights agency dismantles tools to fight discrimination," *NPR*, June 1, 2026, <https://www.npr.org/2026/06/01/nx-s1-5827069/trump-eeoc-discrimination-dei-data>; U.S. Equal Employment Opportunity Comm'n, *Bass Pro Failed to Hire Blacks and Hispanics at its Stores Nationwide, EEOC Says in Suit*, Sept. 21, 2011, <https://www.eeoc.gov/newsroom/bass-pro-failed-hire-blacks-and-hispanics-its-stores-nationwide-eeoc-says-suit>.

workers in trucking,⁸ and produced research about the systemic underrepresentation of women and people of color in sectors like construction.⁹

Eliminating these data collections would further shift the burden onto individual workers to expose potential discrimination. Workers often cannot access information indicating broader workplace discrimination. Without public aggregated EEO data and EEOC analyses, workers and advocates may have to obtain similar information through costly and time-consuming litigation.

The EEO data help the EEOC determine where enforcement priorities, education, and outreach can have the greatest impact, which is especially important when the agency is operating with historically low staffing levels and limited resources. The data additionally provide Congress and the public with insight as to whether the EEOC implements evidence-based strategies to effectively fulfill its mission.

The EEO data collections are also a valuable diagnostic tool for responsible employers, helping them evaluate whether their employment practices promote equal opportunity, and identify problems before they result in litigation or the loss of talent. Eliminating a longstanding regulatory requirement will not eliminate employers' recordkeeping and antidiscrimination obligations under federal laws. Instead, the EEOC's proposal risks creating uncertainty about actions employers are permitted to take to support compliance, and exposing employers to liability.

This proposal is among the most significant steps this leadership has taken to weaken civil rights enforcement, coupled with its refusal to pursue disparate impact cases. The harm to Black workers from the agency's aggregated actions is substantial.

Eliminating EEO data collection does not eliminate inequality, it just makes it easier to ignore. For these reasons, we urge the EEOC to preserve the EEO data collections and withdraw its proposal.

⁸ Rebecca Klar, "EEOC Plan to Cut Race, Sex Reports Carries Downsides for Agency," *Bloomberg Law*, May 19, 2026, <https://news.bloomberglaw.com/daily-labor-report/eeoc-plan-to-cut-race-sex-reports-carries-downsides-for-agency>; U.S. Equal Employment Opportunity Comm'n, *EEOC Reaches Early \$5.5 Million Resolution With Central Transport Over Nationwide Sex Discrimination in Hiring*, May 15, 2026, <https://www.eeoc.gov/newsroom/eeoc-reaches-early-55-million-resolution-central-transport-over-nationwide-sex>.

⁹ U.S. Equal Employment Opportunity Comm'n, *Meeting of May 17, 2022 - Knocking Down Walls: Discrimination and Harassment in Construction*, <https://www.eeoc.gov/meetings/meeting-may-17-2022-knocking-down-walls-discrimination-and-harassment-construction>; U.S. Equal Employment Opportunity Comm'n, *Building for the Future: Advancing Equal Employment Opportunity In the Construction Industry* (2023), <https://web.archive.org/web/20250122102716/https://www.eeoc.gov/building-future-advancing-equal-employment-opportunity-construction-industry>.