



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Commissioner
Keith E. Sonderling

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STATEMENT OF COMMISSIONER KEITH E. SONDERLING

Today, the National Academies Committee on National Statistics released its long-awaited report on the Evaluation of Compensation Data Collected Through the EEO-1 Form.

It is uncontroversial that pay discrimination when based on sex, age, disability, or other protected characteristic is illegal. The EEOC has long enforced such protections in the workplace. In addition to the EEOC's enforcement efforts, private employers have made significant strides in ensuring compliance with the law. These include conducting their own pay audits, committing to pay transparency, and creating overall cultures where pay discrimination is simply not tolerated.

The report, however, highlights the difficult task of the government attempting to extract pay data from private employers. It also exposes the flaws with the EEOC's prior approach, including its flawed methodology, failure to conduct a proper pilot program, and data quality issues. The report provides suggestions for future collection methods that may offer better utility to the Commission.

Now the Commission has the important task of determining the best way to proceed in preventing and remedying pay discrimination. Whether that is through another pay data collection, compliance assistance, or enforcement, it undoubtedly will pose challenging questions. The report, however, is not a carte blanche approval for the Commission to hastily conduct another pay data collection. Instead, it should be interpreted as a warning to the Commission to thoughtfully research the issue, engage and be transparent to the public, and address privacy concerns, and the financial burdens of conducting a pay data collection.

If the Commission believes a future pay data collection is warranted, which no Commissioner should prejudge, it must be done through a process that allows significant public input through formal rulemaking. If the Commission had engaged in rulemaking in 2016, many of the concerns raised by the public and substantiated in the report would have been avoided.