

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE
MUNICIPAL CODE TO ADD A NEW PART 49 FOR THE
LOCAL IMPLEMENTATION OF THE WOMEN'S BILL OF
RIGHTS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 2.08 of Title 2 of the San José Municipal Code is hereby amended to add a new Part 49 to read as follows:

**Part 49
Women's Bill of Rights**

2.08.4900 Purpose of Chapter

The Council of the City of San José declares that it is the policy of the City to take affirmative action to eliminate the practice of discrimination and prejudice on account of sex in the areas of housing, employment, education, community services and related fields.

2.08.4910 Definitions

As used in this Part, the following words and phrases shall have the meanings indicated herein:

- A. "CEDAW" shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.

- B. "City" shall mean the City of San José.
- C. "Commission" shall mean the San José Human Services Commission.
- D. The "Council" shall mean the City Council of San José.
- E. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes.
- F. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government.
- G. "Gender" shall mean the way society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.

- H. "Gender analysis" shall mean an examination of the cultural, economic, social, civil, legal and political relations between women and men within a certain entity, recognizing that women and men have different social roles, responsibilities, opportunities and needs and that these differences, which permeate our society, affect how decisions and policy are made.
- I. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both.
- J. "Human rights" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people.

2.08.4920 Local Principles of CEDAW

It shall be the goal of the City to implement the principles underlying CEDAW, listed in Section (Local Principles of CEDAW) by addressing discrimination against women and girls in areas including economic development, and violence against women and girls. The City shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City shall conduct gender analyses, as described in Section (Gender Analysis and action plan), to determine what, if any, City practices and policies should change to implement the principles of CEDAW.

- A. Economic Development.

1. The City shall take all appropriate measures to eliminate discrimination against women and girls in the City of San José in employment and other economic opportunities, including, but not limited to, ensuring:
 - a. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;
 - b. The right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, City revenue generating and managing commissions and departments, and judicial positions;
 - c. The right to equal remuneration, including benefits and to equal pay in respect to work of equal value;
 - d. The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods and protection from violent acts at the workplace.

2. The City shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities, paid family leave, family-friendly policies and work-life balance.

3. The City shall encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.

B. Violence Against Women and Girls.

1. The City shall take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:
 - a. Police enforcement of criminal penalties and civil remedies, when appropriate;
 - b. Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
 - c. Providing gender-sensitive training of City employees regarding violence against women and girls, where appropriate; and
 - d. Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate.

The City shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.

2. It shall be the goal of the City to take all necessary measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, and any other places where they may be

subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.

3. Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San José that the Police Department diligently investigate violent attacks against prostitutes and take efforts to establish the level of coercion involved in the prostitution, in particular where there is evidence of trafficking in women and girls. It shall be the goal of the City to develop and fund projects to help prostitutes who have been subject to violence and to prevent such acts.
4. The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.
5. It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.

2.08.4930 Powers and Duties

The powers and duties of the Commission shall be as follows:

- A. As a tool for determining whether the City is implementing the local principles of CEDAW and preventing discriminating against women and girls, selected City departments, programs, and policies to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Human Services Commission.

- B. To study by means of meetings, conferences or public hearings, conditions which demonstrate discrimination or prejudice because of sex.
- C. To consult and cooperate with the Council and federal, state, county, city and other public agencies and to refer, if requested, to the proper governmental agencies any matters, disputes, or controversies already in the jurisdiction of their existing powers, with the intent that duplication of efforts should be avoided.
- D. To prepare and disseminate information in the field of sex discrimination and prejudice and to advise and counsel the residents of the City, the Council, the Mayor, and departments and agencies of the City, other cities, special districts, state, and federal governments on matters involving the needs of women and relating to discrimination and prejudice on account of sex.
- E. To recommend, and assist in implementation where needed of, necessary procedures, programs, or legislation to promote and insure equal rights and opportunities for all women.
- F. To render to the Council, at least once each calendar year, a report or reports of its activities.
- G. Subject to the approval of the Mayor, to request of any City department information, services, facilities, and any other assistance for the purposes of furthering the objectives of this chapter.

2.08.4940 Gender Analysis and Action Plan

- A. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women and girls, selected City

departments, programs, and policies to the extent permitted by law shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Commission. The gender analysis shall include:

1. the collection of disaggregated data;
 2. an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices; and
 3. the entity's integration of human rights principles and the local principles of CEDAW as set forth in Resolution No. _____. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.
- B. The Commission shall identify the City departments, programs, and policies to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans.
- C. The Commission shall train the selected department, policy or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.
- D. Each department or program undergoing a gender analysis shall designate a management and/or executive level employee to serve as a liaison to the Commission and to coordinate the completion of the gender analysis.

- E. Each department or program undergoing a gender analysis shall provide a report on its gender analysis and its Action Plan to the Commission and the Commission, which shall review, analyze and comment on the report and forward it to the Mayor and the Council.

- F. The Commission shall monitor the implementation of each department's Action Plan.

PASSED FOR PUBLICATION of title this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk