



## Legislation Text

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Council Members Whitman, Komives, Gadus, Grim, McPherson, Moline, Morris, and Williams

### **Enacting a new Toledo Municipal Code Chapter 184, Local Implementation of the United Nations Convention of the Elimination of All Forms of Discrimination Against Women (“CEDAW”).**

#### **SUMMARY & BACKGROUND:**

The City of Toledo hereby finds and declares as follows:

- (a) The Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”), an international human rights treaty, provides a universal definition of discrimination against women and girls and brings attention to a range of issues concerning women and girls’ human rights. Countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equality for women and girls in the civil, political, economic, social and cultural arenas. The United Nations General Assembly adopted CEDAW in 1979 and President Carter signed the treaty on behalf of the United States in 1980, but the United States Senate has not yet ratified CEDAW.
- (b) Since 1995, state and local jurisdictions have stepped up and passed resolutions in support of CEDAW. Some have implemented ordinances establishing CEDAW principles as law. In 2014, municipalities across the nation began signing onto the Cities for CEDAW Initiative, pledging to step up where the federal government has failed and implement the principles of CEDAW at the local level.
- (c) There is a continued need for the City of Toledo to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement, locally, the principles of CEDAW. Adherence to the principles of CEDAW on the local level will especially promote equal access to and equity in employment, economic development, political representation, and health care and will also address the continuing and critical problems of violence against women and girls. Further, the City of Toledo will focus on the issues affecting women and girls of ethnic and racial minorities; women and girls in poverty; women and girls with disabilities; women and girls in the LGBTIQ+ community; and women and girls who are immigrants, asylees, and refugees. There is a need to analyze the operations of City departments, policies, and programs to identify discrimination in, but not limited to, employment practices, budget allocation, and the provision of direct and indirect services and, if identified, to remedy that discrimination. In addition, there is a need to work toward implementing the principles of CEDAW in the private sector.
- (d) There is a need to strengthen effective national and local mechanisms, institutions and procedures and to provide adequate resources, commitment, and authority to: (1) advise on the impact of all government policies on women and girls; (2) monitor the situation of women and girls comprehensively in recognition of the interconnectedness of discrimination based on gender, race, and other social criteria; and (3) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination. The Gender Equity Commission shall be designated as the implementing and monitoring agency of CEDAW in the City of Toledo.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo

SECTION 1. That a new Toledo Municipal Code Chapter 184 is enacted as follows:

## CHAPTER 184. LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (“CEDAW”)

### 184.01 Short Title

This Chapter 184 shall constitute the “Local CEDAW Ordinance” and may be cited as such.

### 184.02 Definitions

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

- (a) **“City”** shall mean the City of Toledo.
- (b) **“Commission”** shall mean the Gender Equity Commission, which is designated as the advisory and monitoring agency of CEDAW in the City. The Commission will be tasked with developing the intersectional gender equity analysis, assistance, implementation of the analysis, and tracking progress.
- (c) **“Disability”** shall mean long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.
- (d) **“Disability Discrimination”** shall mean any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation or modification.
- (e) **“Disaggregated data”** shall mean information collected and analyzed in enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, gender and gender expression, race, immigration status, economic status, parental status, language, sexual orientation, disability, age, and other attributes. This data will be collected in a manner that will facilitate intersectional analysis.
- (f) **“Discrimination against women”** shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex or gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women and girls, 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 or girl because she is a woman or girl or that affects women or girls 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.
- (f) **“Gender”** shall mean the ways society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.
- (g) **“Gender equity analysis”** shall mean an intersectional examination of the cultural, economic, social, civil, legal and political relations and treatment of women and men within a certain entity, recognizing that women and men often have different social roles, responsibilities, opportunities, and needs and that these differences, which permeate our society, affect how decisions and policy are made.
- (h) **“Gender equity”** shall mean the redress of discriminatory practices and establishment of conditions enabling women and girls to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both.
- (i) **“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.
- (j) **“Intersectionality”** shall mean the interconnected nature of social categorizations such as race, ethnicity, class, disability status, gender and gender identity, and immigration status, as they apply to a

given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. Intersectional shall mean of or relating to intersectionality.

- (j) **"Racial discrimination"** shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- (k) **"Women"** shall mean all persons who identify with the sex category, whether or not assigned to that category at birth.

### 184.03 Local Principles of CEDAW

It shall be the goal of the City to implement the principles of CEDAW by addressing discrimination against women and girls in areas including employment opportunities, economic development, political representation, education, and health care. The City also aims to address the critical problem of violence against women and girls. Additionally, the City recognizes the connection between race, economic status, immigration, disability, gender identity, sexual orientation, and discrimination against women and girls.

- (1) The City shall take all measures to eliminate discrimination against women and girls in employment and economic opportunities, including, but not limited to, the right to equal employment opportunities, benefits, remuneration, and working conditions.
- (2) The City shall take all measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to, enforcement of criminal penalties and civil remedies, providing protective and support services for survivors, providing gender-sensitive training to City employees, and providing rehabilitation programs for perpetrators of violence against women or girls.
- (3) The City shall take all measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, or any other place.
- (4) The City shall diligently investigate violent attacks against, and the trafficking of, women and girls in sex work, and establish the level of coercion involved.
- (5) The City shall take all measures to eliminate discrimination against women and girls in the field of health care to ensure adequate health care facilities and services, including prenatal care, delivery, and post-natal care, regardless of race, ethnicity, culture, language, sexual orientation, gender identity or expression, or disability.

### 184.04 CEDAW Gender Equity Commission

- (a) Establishment. A Gender Equity Commission is hereby established. The Commission shall report to the Mayor. The City will employ a Gender Equity Manager to lead and manage the Commission. The Commission in coordination with the Director of the Department of Human Resources and the Director of the Department of Diversity, Equity and Inclusion shall develop a job description and define the position of the Gender Equity Manager within six months of the effective date of this ordinance.
- (b) Purpose. The Commission shall be designated as monitoring agency of CEDAW in the City. The Commission is established to:
  - (1) advise on the impact of all government policies on women and girls;
  - (2) monitor the situation of women and girls comprehensively in recognition of the interconnectedness of discrimination based on gender, race and other social criteria; and
  - (3) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination.
- (c) Powers and Duties. The Commission shall have all powers and duties enumerated within this Chapter.
  - (1) The Commission shall select the method for conducting the intersectional gender equity analyses of

the City.

- (2) The Commission shall oversee and provide support for the intersectional gender equity analyses of the City.
  - (3) The Commission shall, based upon the equity disparities identified in the analyses, provide guidance to departments (bring in community or subject experts, identify best practices, etc.) in the development of Departmental Action Plans.
  - (4) The Commission shall monitor and guide the departments in implementation of the Departmental Action Plans.
  - (5) The Commission shall work with the Gender Equity Manager to draft recommendations in the five-year City-wide Action Plan.
  - (6) The Commission shall ensure that the Departmental and City-wide Action Plans are consistent with the intent, purpose, and requirements of CEDAW.
  - (7) The Commission shall produce annual reports to the Mayor and City Council.
  - (8) The Commission shall make annual funding recommendations to the Mayor and City Council.
  - (9) The Commission shall seek outside sources of funding to supplement Gender Commission activities.
- (d) Membership and Organization.
- (1) The Commission shall consist of thirteen (13) members each appointed by the Mayor and confirmed by City Council, as follows:
    - (A) One member representing the Mayor's office;
    - (B) One member representing City Council;
    - (C) Two members representing the Toledo for CEDAW Steering Committee;
    - (D) One employee of the City knowledgeable about the City budget, as appointed by the Mayor;
    - (E) The Chair of the Human Relations Commission;
    - (F) The Gender Equity Manager; and
    - (G) Six members from the community;
      - (i) Two members shall be knowledgeable about international human rights and be knowledgeable about CEDAW;
      - (ii) Two members shall be knowledgeable about the intersectionality of women and girls' issues and race, poverty, immigration status, disability, gender identity, and sexual orientation;
      - (iii) One member shall be knowledgeable about economic development, including employment issues; and
      - (iv) One member shall be knowledgeable about violence against women and girls.
  - (2) All appointed members of the Commission shall serve at the pleasure of their appointing authorities. The initial composition of the six community members appointed by the Mayor and subject to confirmation by City Council will include two members appointed to one-year terms, two members appointed to two-year terms, and two members appointed to three-year terms. All other members, and community members appointed thereafter, shall be appointed for three-year terms.
  - (3) The Commission will annually elect one member to serve as Chair and four additional members to serve with the Chair as an Executive Committee.
- (e) The Commission Process.
- (1) The Commission shall meet in regular session monthly and shall conduct its first meeting no later than thirty (30) calendar days after its members are appointed.
  - (2) Meetings of the Commission shall be public and shall be advertised in a manner designed to ensure full and meaningful public participation in Commission decisions.

- (3) The Commission shall also provide a mechanism through which interested persons may request timely notification of regular and special meetings, which shall include, at a minimum, a summary of the matters that will be under consideration.
- (4) The Commission shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within seven (7) days.
- (f) Attendance requirement. In the event that any community member misses three regularly scheduled meetings of the Commission without prior notice to the Commission, the Chair shall certify in writing to the Mayor that the member who missed three meetings. On the date of such certification, the member shall be deemed to have resigned from the Commission. The Chair shall then request the appointment of a new member.
- (g) Donations; gifts. The Commission is authorized to solicit and accept donations and gifts for the express purpose of realizing the goals and objectives of this chapter. Any and all donations or gifts received shall be deposited in the CEDAW Trust Fund in the Department of Finance. Disbursements from this Fund shall be made by the Director of Finance upon presentation of proper vouchers from the Commission Chair with the concurrence of the Mayor.
- (h) Budget. A budget shall be prepared annually by the Commission. The budget shall include, but is not limited to, a salary for the Gender Equity Manager and funds, where necessary, for the Intersectional Gender Equity Analysis of City departments. The budget shall be submitted to City Council for approval.
- (i) Expenses. Expenses for operation of the Commission shall be met by such appropriations as made by City Council in accordance with the budget prepared by the Commission and submitted to City Council. Expenses may also be met by contributions from outside sources as are made for such purposes.

#### **184.05 Implementation of the Principles of CEDAW in the City of Toledo**

- (a) Citywide integration of human rights principles. The City shall work towards integrating intersectional gender equity and human rights principles into all of its operations, including policy, program, and budgetary decision-making. The Commission shall train selected departments in human rights with a gender perspective.
- (b) Gender Analysis and Action Plan. To implement CEDAW and eliminate discrimination against women and girls, selected City departments, programs, policies, and private entities to the extent permitted by law, shall undergo an intersectional gender equity (“IGE”) analysis and develop a Departmental Action Plan. The IGE analysis shall be conducted according to guidelines developed by the Commission. The IGE analysis shall include: (i) the collection of intersectionally disaggregated data; (ii) an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services, and employment practices and (iii) the entity's integration of human rights principles and the local principles of CEDAW. Upon completion of the IGE analysis, the entity shall adopt a Departmental 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 the entity's operations.
  - (1) The Commission shall identify the City departments, programs, policies, and entities, to undergo the IGE analysis and shall develop timelines for completion of the analyses and Departmental Action Plans.
  - (2) The Commission shall train the selected department, entity, policy or program staff to conduct its IGE analysis and provide technical assistance to the entity throughout the IGE analysis process and development of the Departmental Action Plan, as well as monitoring and evaluation of

implementation.

- (3) Each department or entity undergoing an IGE 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 intersectional gender equity analysis.
  - (4) Each department or entity undergoing an IGE analysis shall provide a report on its IGE analysis and its Departmental Action Plan to the Commission, which shall review, analyze, and comment on the report and forward it to the Mayor and City Council.
  - (5) The Commission shall oversee the implementation of each department or entity's Departmental Action Plan, including but not limited to, overseeing the training of the selected departments, entities, and policy or program staff.
  - (6) The Gender Equity Manager shall monitor the implementation of each department or entity's Departmental Action Plan on a quarterly basis, or as determined by the Commission in discussion with the mayor's office and city council, but at least yearly.
- (c) Five-year City-Wide Action Plan. The Commission shall develop a five-year City-wide Action Plan. The City-wide Action Plan shall address how to integrate human rights principles into the City's overall operations, how to further implement the local principles of CEDAW, any and all deficiencies found in the IGE analyses, and the measures recommended to correct those deficiencies. The Commission shall present the City-wide Action Plan to the Mayor and City Council. The Gender Equity Manager shall monitor the implementation of the City-wide Action Plan.

#### **184.06 Intersectional Gender Analysis**

- (a) The Commission, including the Gender Equity Manager and the Commission, shall oversee IGE analyses of City departments, services, and investments.
- (b) The analyses shall include input from relevant community leaders and stakeholders.
- (c) The analyses shall be used by City Departments to develop Departmental Action Plans to remedy identified areas of gender inequity.
- (d) The analyses shall be used to inform recommendations in the five-year City-wide Action Plan.
- (e) Departments and programs that have developed Departmental Action Plans shall report progress of the implementation of those plans to the Commission at least annually.

#### **184.07 Enforcement of the Ordinance**

In enforcing this ordinance, the City is promoting the general welfare. It is not assuming, nor is it imposing on its officers or employees, an obligation, the breach of which creates any liability in money damages to any person who claims that the breach proximately caused injury. This ordinance does not create any private right of action.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council