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Title:	An ordinance supplementing the Pittsburgh Code Title One: Administration, Article IX: Boards, Commissions and Authorities, to add Chapter 177C: Gender Equity Commission to conduct analyses of City departments, employment, and services, and to uphold the principles of the Convention on the Elimination of Discrimination Against Women (CEDAW). (Post Agenda & Public Hearing held 11-15-16)		
Sponsors:	Natalia Rudiak, Deborah L. Gross, Darlene M. Harris, Theresa Kail-Smith, Bruce A. Kraus, Corey O'Connor		
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Date	Ver.	Action By	Action	Result
12/13/2016	2	Mayor	Signed by the Mayor	
12/6/2016	2	City Council	Passed Finally	Pass
11/30/2016	2	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
11/30/2016	2	Standing Committees	AMENDED	Pass
11/21/2016	1	Standing Committees	Held in Committee	Pass
11/15/2016	1	Committee on Hearings	Public Hearing Held	
11/15/2016	1	Committee on Hearings	Post Agenda Held	
11/2/2016	1	Standing Committees	Held for Cablecast Public Hearing	Pass
11/2/2016	1	Standing Committees	Held for Cablecast Post Agenda	Pass
10/25/2016	1	City Council	Read and referred	

An ordinance supplementing the Pittsburgh Code Title One: Administration, Article IX: Boards, Commissions and Authorities, to add Chapter 177C: Gender Equity Commission to conduct analyses of City departments, employment, and services, and to uphold the principles of the Convention on the Elimination of Discrimination Against Women (CEDAW).
(Post Agenda & Public Hearing held 11-15-16)

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code Title One: Administration, Article IX: Boards, Commissions and Authorities, is hereby supplemented by adding Chapter 177C entitled Gender Equity Commission, as follows:

Chapter 177C: Gender Equity Commission

§177C.01 DEFINITIONS

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

(a) “City” shall mean the City of Pittsburgh.

(b) The Gender Equity Commission shall mean the body tasked with developing the intersectional Gender Analysis implementation plan and advising on its progress. It shall be composed of an Executive Director and staff, as necessary.

(c) “Women” shall mean all persons who identify with the sex category woman, whether or not assigned to that category at birth.

(d) “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. This data will be collected in a manner that will facilitate intersectional analysis.

(e) “Discrimination against women” consistent with the definition of "Discrimination" under Pittsburgh Code, Article 5, § 651.04. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified.

(f) “Gender” shall mean the ways society produces, positions, and polices women and men as “opposite,” mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles on the basis of presumed differences that establish hierarchies between women and men and among people.

(g) “Gender Analysis” shall mean an intersectional examination of the cultural, economic, social, civil, legal, and political relations between women and men within a certain entity, recognizing that women and men and different aspects of social identify prescribe and proscribe different social roles, responsibilities, opportunities, and needs for people, and that these differences, which permeate our society, affect how decisions, including budgetary decisions, and policy are made.

(h) “Gender equity” shall mean the redress of discriminatory practices and the 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. “Gender equity” shall further mean the redress of discriminatory practices and establishment of conditions enabling all persons identifying as transgender, non-binary, and gender non-conforming to achieve full equality.

(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) “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) “Sex” Shall conform with (Ord. 1-1997, eff. 2-7-97) which states: The gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.

(l) “Violence against women and girls” shall mean any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including Domestic Violence as described under Human Relations Enforcement (Chapter 651)..

(m) “Work of Equal Value” shall mean that individuals in the same workplace be given equal pay and that there shall be no direct or indirect gender discrimination in relation to employment conditions including pay, benefits, and total compensation. Work of equal value can be determined by comparing job requirements, such as the level of skill, effort, decision-making, responsibility, and working conditions, as well as any other relevant criteria.

(n) “Age” shall also mean, for purposes of this ordinance, women and girls of any age and shall also include any person so protected by further amendment to the Federal Age Discrimination in Employment Act.

(o) “Familial Status”, in addition to the definition in Article 5 Chapter 651.04 shall also mean, for purposes of this ordinance, The protection afforded against discrimination in employment or housing on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(p) “Culture” shall mean the sum of attitudes, customs, and beliefs that distinguishes one group of people from another

(q) Specific to CEDAW, “Human Rights” will include Immigration Status including immigrant visa holders who can come to the States to live permanently, or immigrants who come to the States for time-specific purposes, such as tourism, education, training and temporary workers as well as undocumented persons living in the States

§177C.02 LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW).

The City of Pittsburgh 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. 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 passed resolutions in support of CEDAW, including Pittsburgh, which adopted a City Council Resolution in support of the ratification of CEDAW. Some cities have implemented ordinances establishing CEDAW principles as law. Since 2014, municipalities across the nation began signing onto the Cities for CEDAW Initiative. On April 6, 2011 Pittsburgh declared itself a Human Rights City, and in 2014, as part of the United States Conference of Mayors 82nd Annual

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Meeting, the Conference of Mayors adopted a resolution in support of the Cities for CEDAW Initiative and encouraging cities to implement the principles of the UN Convention on the Elimination of All Forms of Discrimination Against Women.

c) There is a continued need for the City of Pittsburgh to protect the human rights of women and girls by addressing discrimination, including violence, against women and girls and to implement, locally, the principles of CEDAW. 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.

d) The City shall also create and fund a Gender Equity Commission with an Executive Director to study discrimination against all women, including intersectional discrimination and including trans women, and to identify gender equity problems in the City of Pittsburgh. And advise each department in the development of an action plan to address equity disparities identified by the Gender Analysis.

e) The Gender Equity Commission shall work to ensure that the department developed action plans are developed and implemented, and to further identify problems and recommend solutions within the scope of CEDAW in the City of Pittsburgh. The Gender Equity Commission shall be responsible for monitoring and recommending, both positive rights, which affirm or oblige action, such as access to fair wages and human services, and negative rights, which permit or oblige inaction, such as freedom from discrimination, freedom from harassment and violence, and freedom from other adverse actions or experiences.

§ 177C.03 LOCAL PRINCIPLES OF CEDAW.

It shall be the goal of the City of Pittsburgh to implement the principles underlying CEDAW by addressing discrimination against women and girls in areas including economic development, education, violence against women and girls and health care. In implementing CEDAW, the City recognizes the connection between racial discrimination, as articulated in the International Convention on the Elimination of All Forms of Racial Discrimination, and discrimination against women. 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 intersectional Gender Analyses, to determine what, if any, City practices and policies should change to implement the principles of CEDAW.

The City shall receive input from various stakeholder agencies, representatives, communities, and individuals to determine what need areas are crucial to local women and girls. These areas may be, but are not limited to:

A) Economic Development

a. The City of Pittsburgh shall look for ways to improve its commitment to the elimination of discrimination against women and girls in Pittsburgh in economic opportunities, including, but not limited to:

i. 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;

ii. 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 posts, and managing commissions and departments;

iii. equal remuneration, including benefits and equal pay with respect to work of equal value; and

iv. protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods and slavery-produced goods, regular inspection of work premises, protection from harassment and violent acts in workplaces, and reasonable accommodations for pregnant and nursing mothers.

b. The City shall encourage and, where possible, support the necessary social services to enable all people to combine family obligations with work responsibilities and participation in public life, in particular, through promoting the establishment and development of an accessible, affordable, and quality network of child care facilities, paid family leave, and family-friendly policies.

c. The City shall promote access to safe and affordable housing and transportation.

d. 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

a. The City of Pittsburgh shall take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence and trafficking of women and girls, including, but not limited to:

i. Police enforcement of criminal penalties and civil remedies, when appropriate;

ii. Seek and encourage ways for survivors to receive appropriate protective and support services, including, but not limited to, medical, counseling, shelter, rehabilitation programs, and hotline services;

iii. Provide gender sensitive training for City employees regarding sexual and domestic violence and trafficking of women and girls, as appropriate;

iv. Look for ways for perpetrators of violence against women and girls to receive rehabilitation services.

b. Labor trafficking, sexual exploitation and trafficking, domestic servitude affects women from and in the City of Pittsburgh. The City shall endeavor to study these issues and develop appropriate policies, procedures, and training to uphold the principles of CEDAW.

c. It shall be a goal of the City to ensure that all public works projects, or projects

receiving City financial incentives, include measures, such as adequate lighting and the placement of restrooms, to protect the public's safety, especially the safety of women and girls.

d. It shall be the goal of the City to support public information and education programs to change those traditional attitudes concerning the limited roles and under-represented status of women or men in particular jobs or roles.

C) Education

a. The City will look for ways to provide free or affordable early childhood education to enable children of all socio-economic environments an equitable level of preparedness before entering school.

b. The City will look for ways to support the Pittsburgh Public School District in delivery and access to high quality public education.

c. The City shall ensure that out-of-school educational programs in City facilities, such as recreation centers, are developed and managed in an equitable manner.

d. The City shall ensure that any youth employment or internship opportunities are developed and participants are placed in a manner consistent with the principles of CEDAW.

D) Delivery of City Services

a. Gender equity must permeate every level of City operations-as leaders, employers, and service providers.

b. City services shall be considered and deployed using a gender equity lens.

§177C.04 INTERSECTIONAL GENDER ANALYSIS

a) The Gender Equity Commission, including the Executive Director and the Commission, shall oversee intersectional Gender 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 Action Plans to remedy identified areas of gender inequity.

d) The analyses shall be used to inform recommendations in the Five Year Plan.

e) Departments and programs that have developed action plans shall report progress on the implementation of those plans to the Gender Equity Commission at least annually.

§177C.05 IMPLEMENTATION OF THE PRINCIPLES OF CEDAW IN PITTSBURGH.

The body that is tasked with conducting and implementing the intersectional Gender Analysis and follow-up Action Plans is the Gender Equity Commission. It shall be composed of 13 Commission Members, Executive Director and staff, as necessary to implement the scope of CEDAW.

A) Intersectional 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, a Gender Equity Commission, as described below, shall, in collaboration with selected City departments, programs, and other entities to the extent permitted by law, undergo an intersectional Gender Analysis and develop an Action Plan.

b. The intersectional Gender Analysis shall be conducted according to guidelines developed by the Gender Equity Commission with the support of the Executive Director.

c. The intersectional Gender Analysis shall include:

i. the collection of intersectionally disaggregated data;

ii. an evaluation of gender equity in the entity's operations, including budget allocations, delivery of direct and indirect services, and employment practices, and (iii) the Gender Equity Commission's integration of human rights principles and the local principles of CEDAW.

d. Upon completion of the intersectional Gender Analysis, the selected City departments, programs, and other entities, with the support of the Gender Equity Commission**,** 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.

e. The Gender Equity Commission shall identify the City departments, programs, policies, and entities, to undergo the intersectional Gender Analysis and shall develop timelines for completion of the analysis and Action Plans, and shall provide technical assistance to the City throughout the intersectional Gender Analysis process and development of the Action Plan, as well as monitoring and evaluation of implementation.

f. Each department or entity undergoing an intersectional Gender Analysis shall designate a management and/or executive level employee to execute the gender analysis and subsequent implementation and to serve as a liaison to the Gender Equity Commission.

g. The Gender Equity Commission shall provide a report on its intersectional Gender Analysis and Department developed Action Plans. Each selected City department and program shall fully participate in the intersectional Gender Analysis, and the Gender Equity Commission shall forward the report to the Mayor and the Pittsburgh Commission on Human Relations. The report shall be received and filed City Council.

h. The Gender Equity Commission shall then oversee the implementation of the Action

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Plans, including but not limited to, overseeing training the selected departments, entities, and policy or program staff to implement the resulting Action Plans of the intersectional Gender Analysis.

i. The Gender Equity Commission Executive Director shall monitor the implementation of each department or entity's Action Plan on a quarterly basis, or as determined by the Gender Equity Commission in discussion with the mayor's office and city council, but at least yearly.

B) Five-year Citywide Action Plan

a. The Gender Equity Commission shall develop a five-year Citywide Action Plan for all City Departments.

b. The Citywide Action Plan shall address how to integrate human rights principles into the City's operations, how to further implement the local principles of CEDAW, any and all deficiencies found in the Gender Analyses and the measures recommended to correct those deficiencies.

c. The Gender Equity Commission shall present the Five-year Citywide Action Plan to the Mayor and to the City Council to receive and file.

d. The Gender Equity Commission Executive Director shall monitor the implementation of the Citywide Action Plan.

C) Enforcement of the Ordinance

a. Any issue of gender discrimination that is not resolved internally shall fall under the jurisdiction of the Pittsburgh Commission on Human Relations, as described in Pittsburgh Code, Article 5, § 653.05 - POWERS AND DUTIES. This section states that the Pittsburgh Commission on Human Relations is empowered to "Initiate or receive and investigate other complaints of *discrimination* against any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user, and seek the satisfactory adjustment of such complaints. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States or the Commonwealth may be certified to its Solicitor for such actions as it deems proper." (Ord. 22-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97)

§177C.06 GENDER EQUITY COMMISSION.

A) Duties of the Gender Equity Commission

a. The Gender Equity Commission shall select the method for conducting the Gender Analysis of the City of Pittsburgh.

b. The Gender Equity Commission shall be established to oversee and provide support

for the Gender Analysis of the City of Pittsburgh.

c. The Gender Equity Commission shall, based upon the equity disparities identified in the gender analyses, offer guidance to departments (bring in community or subject experts, seek out best practices, etc.) in the development of action plans.

d. The Gender Equity Commission shall aid City departments in developing specific 5 year and on-going action plans based on the Gender Analysis and monitor and guide them in implementation.

e. The Gender Equity Commission shall work with the Gender Equity Commission Executive Director to implement recommendations identified in the Five-Year Action Plan.

f. The Gender Equity Commission shall work with appropriate city departments to take appropriate measures to protect women and girls from street harassment.

g. Equity Commission shall review that the action plans, based on the Gender Analysis are consistent with the intent, purpose, and requirements of CEDAW.

h. The Gender Equity Commission shall produce annual reports to Pittsburgh City Council.

i. The Gender Equity Commission shall make annual funding recommendations to the Mayor, and City Council.

j. The Gender Equity Commission shall seek outside sources of funding to supplement Gender Equity Commission activities.

B) Gender Equity Commission Members

a. The Gender Equity Commission shall be composed of at least thirteen (13) persons appointed by the Mayor and approved by City Council as follows:

i. One member representing the Mayor's Office

ii. One member representing City Council

iii. One member representing the Pittsburgh for CEDAW Campaign

iv. One member from the non-profit community working on gender equity issues

v. One City resident who is active in gender equity issues

vi. One employee of the City knowledgeable about the City budget

vii. One member representing the Department of Personnel and Civil Service

viii. Six members of the community, including but not limited to:

1. A member knowledgeable about economic development and/or employment issues

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2. A member knowledgeable about women's health issues

3. A member knowledgeable about violence against women

4. Members active in minority communities

5. A member knowledgeable about City labor unions and women's issues in the workplace

6. A member knowledgeable about education and educational barriers facing girls and women in Pittsburgh

b. The Mayor may also appoint, subject to the approval of City Council, additional persons to the Commission who may offer additional knowledge or fundraising capacity to Gender Equity work in the City of Pittsburgh

c. Each City Department shall designate a management-level employee to serve as a liaison to the Gender Equity Commission

C) Gender Equity Commission Process

a. 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.

b. 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.

c. The Commission shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a summary of the matters that will be under consideration.

d. 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.

D) Gender Equity Commission Member Attendance Requirements

a. All members of the Commission are required to attend all sessions of the Commission.

b. In the event that any member misses more than two (2) regularly scheduled meetings without the prior notice to Gender Equity Commission, the Executive Director or her or his designee shall certify in writing to the Mayor that the member has missed two (2) meetings.

c. On the date of such certification, the member shall be deemed to have resigned from the Gender Equity Commission. The Executive Director or her or his designee shall then request the appointment of a new member.

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§177C.07 TRAINING

a) The Gender Equity Commission shall work with the Department of Personnel and Civil Service to offer trainings in issues related to gender equity.

§177C.08 SUMMARY OF CEDAW.

Article 1: Defines discrimination against women as any "distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil, or any other field."

Article 2. Mandates concrete steps, implementing laws, policies and practices to eliminate discrimination against women and embody the principle of equality.

Article 3. Requires action in all fields political, economic, social, and cultural to advance the human rights of women.

Article 4. Permits affirmative action measures to accelerate equality and eliminate discrimination.

Article 5. Recognizes the role of culture and tradition, and calls for the elimination of sex role stereotyping.

Article 6. Requires suppression of traffic in women and exploitation of prostitutes.

Article 7. Mandates ending discrimination against women in political and public life.

Article 8. Requires action to allow women to represent their governments internationally on an equal basis with men.

Article 9. Mandates that women will have equal rights with men to acquire, change or retain their nationality and that of their children.

Article 10. Obligates equal access to all fields of education and the elimination of stereotyped concepts of the roles of men and women.

Article 11. Mandates the end of discrimination in the field of employment and recognizes the right to work as a human right.

Article 12. Requires steps to eliminate discrimination from the field of health care, including access to family planning. If necessary, these services must be free of charge.

Article 13. Requires that women be ensured equal access to family benefits, bank loans, credit, sports and cultural life.

Article 14. Focuses on the particular problems faced by rural women.

Article 15. Guarantees equality before the law and equal access to administer property.

Article 16. Requires steps to ensure equality in marriage and family relations.

Article 17. Calls for the establishment of a committee to evaluate the progress of the implementation of CEDAW.

Articles 18. Sets forth elements of the operation of the treaty.