

Sec. A18-154. - Purpose.

The Purpose of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Implementation and Action plans is to ensure that, to the extent permitted by law, the County implements the CEDAW principles and institutionalizes regular and ongoing gender-based analysis of County operations, departments, agencies, services, and programs.

(Ord. No. NS-300.972, § 1, 5-2-23)

Sec. A18-155. - Definitions.

For purposes of this Chapter, the following definitions apply:

- (a) *CEDAW* shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.
- (b) *Disaggregated data* shall mean information collected and analyzed by enumerated categories in order to identify disparities. These categories may include, to the extent permitted by law and where possible and useful, race, immigration status, national origin or ancestry, gender, gender identity, gender expression, disability, marital status, sex assigned at birth, sexual orientation, age, parental status, language, socioeconomic status, and other attributes.
- (c) *Discrimination against women and girls* shall mean any adverse, unequal, and/or unfavorable treatment of women and girls based on sex assigned at birth, gender, gender identity, gender expression, and/or sexual orientation with regard to economic, social, cultural, civil, political, and legal areas. The term further includes any adverse, unequal, and/or unfavorable treatment of persons assigned female at birth within the non-binary, transgender men, and intersex communities who do not identify as women and girls when that treatment is based on their sex assigned at birth.
- (d) *Women and girls* shall mean those persons who identify as women and girls, including transgender, nonbinary, intersex, and gender non-conforming persons who identify as women and girls, whether or not they were assigned female at birth.
- (e) *Gender* shall mean the characteristics of women, men, girls, and boys that are socially constructed. As a social construct, gender can vary among cultures and can change over time.
- (f) *Gender equity* shall mean redressing discriminatory practices and ensuring equitable conditions to enable all people to achieve full, substantive equity without regard to gender, recognizing that the needs of people of different genders may differ, resulting in just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. This includes redressing discriminatory practices and ensuring equitable conditions for persons identifying as transgender, nonbinary, and/or gender non-conforming to achieve full equality and equity, resulting in fair and equitable outcomes for all.
- (g)

Intersectional shall mean the interconnected nature of social categorizations and individual characteristics that overlap as interdependent and compounded systems of discrimination. These categorizations and characteristics include, but are not limited to, gender, gender identity, race, ethnicity, nationality, immigration status, sexual orientation, age, socio-economic status, education, language, and disability.

(Ord. No. NS-300.972, § 1, 5-2-23)

Sec. A18-156. - Local CEDAW principles.

It is the goal of the County to implement the principles underlying CEDAW to achieve gender equity and eradicate discrimination against women and girls. The following CEDAW principles will be integrated in the County's role as a service provider, employer, and community and business partner to the maximum extent possible, and as permitted by law. The County recognizes the connection between racial discrimination, as articulated in the United Nation's International Convention on the Elimination of All Forms of Racial Discrimination, and discrimination against women. In implementing the CEDAW principles, the County shall ensure that a consideration of the intersectionality of discrimination is at the forefront of all efforts, including discrimination on the basis of race, religious belief, color, national origin, immigration status, culture, ancestry, age, gender, sexual orientation, gender identity, pregnancy, marital status, disability, medical condition, political belief, organizational affiliation, or association with any individual in any of these groups, and shall afford special attention to individuals in poverty, who have the least access to opportunities. The County shall conduct intersectional gender analyses on an ongoing basis to identify, analyze, and eradicate barriers to gender equity and factors perpetuating gender inequity.

(a) *Criminal Legal System.*

- (1) The County shall take appropriate measures to eliminate discrimination against women and girls impacted by the criminal legal system including promoting diversion opportunities for justice-involved women and girls;
- (2) The County shall implement measures designed to provide women and girls impacted by the criminal legal system, regardless of legal status, with equitable education opportunities including career and technical education;
- (3) The County shall look for ways to deliver services that are gender-responsive, culturally responsive, trauma-informed, and designed to address those issues faced by women and girls affected by the criminal legal system;
- (4) The County shall support women and girls in custody who are pregnant and/or parenting, such as by providing appropriate opportunities for visitation, contact with children, and access to legal services to protect parental rights;
- (5) The County shall look for ways to provide equitable employment opportunities for formerly incarcerated women and girls and remove barriers to gainful employment;
- (6) The County shall look for ways to provide equitable access to permanent, affordable housing options for formerly incarcerated women and girls and remove barriers to securing and maintaining such housing; and
- (7)

The County shall look for services and supports to ensure that incarcerated women and girls are connected with basic needs when they are released from custody and reentering the community, and take reasonable precautions to ensure that releases of women and girls occur under safe circumstances.

(b) *Economic Development.*

- (1) The County shall take appropriate measures to prevent and eliminate discrimination against women and girls in Santa Clara County by any person, organization or enterprise in all areas of economic development, including employment; licenses, permits, and registrations; and public contracting, including the following areas:
 - (A) Employment opportunities, including the right to access and receive vocational training for nontraditional jobs as well as support for women business owners and for women to become business owners;
 - (B) Promotion, job security, and all benefits and conditions of service, regardless of familial, marital, pregnancy or parental status, and where appropriate, encouraging women to apply to decision-making roles, and management of commissions and departments;
 - (C) Equal remuneration, including benefits and equal pay with respect to work of equal value;
 - (D) Protection of health and safety in working conditions within the County as a workplace, as well as among its vendors, including supporting efforts not to purchase sweatshop goods and regular inspection of work premises;
 - (E) Protection from all forms of harassment, retaliation, hostile work environment, and violent acts in workplaces;
 - (F) The provision of reasonable accommodations for pregnant and lactating persons; and
 - (G) Promotion of gender equity in economic development opportunities in the private sector through all available means by which the County may encourage the elimination of gender discrimination in the private sector, such as the adoption of the Women's Empowerment Principles of the UN Global Compact, particularly among low-income communities that have historically been limited in their access to the benefits of the economic sector.
- (2) The County recognizes that women and girls are disproportionately adversely impacted by poverty, which impedes their access to nutritional food, affordable housing, and stable employment. The County shall take appropriate measures to eliminate discrimination against women and girls in the administration of public benefits, especially to provide necessary housing to unhoused women and girls.
- (3) The County recognizes that family caregiving responsibilities fall disproportionately on women and girls. The County must encourage and, where possible, support the necessary social services to enable all people to balance work responsibilities with family obligations and participation in public life, in particular, through promoting the establishment and development of an accessible, affordable, and quality network of child and family care services and facilities, flexible work schedules, paid family leave, and family-friendly workplace policies. The County must also encourage support for policies and programs that expand access to child/family care, elder care, and home health care services.

- (4) The County acknowledges the importance of the care industry, which includes child/family care, elder care, and home health care workers. Currently many care workers are women, predominantly BIPOC (Black, Indigenous, and people of color) women and immigrants. It must be a goal of the County, to the extent of its jurisdiction, for people who work in the care industry to have access to resources that provide economic mobility, including, but not limited to, better remuneration, benefits and career pathways, and training and education to enable them to provide quality, safe, and responsive care.
- (5) The County must promote access to safe and affordable housing and transportation, taking into consideration the cascading effects of homelessness on women and girls in the County.
- (6) The County must 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.
- (7) The County must facilitate immigrant workers' access to economic opportunity through measures such as culturally responsive programming, programming in multiple languages, access to English as a Second Language classes, and connections to legal providers.

(c) *Education and Women's Leadership.*

- (1) It is a priority of the County to identify ways to support women and girls' access to high quality education.
- (2) The County must encourage culturally responsive education workshops and training of women and girls for nontraditional jobs, including vocational, science, and technology training and education.
- (3) The County shall facilitate access to culturally responsive training and education for women to re-enter the labor market.

(d) *Gender-based Violence and Harassment.*

- (1) It is a priority of the County to pursue appropriate measures to prevent and redress all forms of gender-based violence including sexual assault, domestic violence, and trafficking of women and girls, including to:
 - (A) Promote enforcement of criminal penalties and civil remedies, when appropriate, and promote survivor access to civil remedies;
 - (B) Support survivor access to a continuum of culturally responsive appropriate support and protective services, such as: 24-hour confidential hotline support, advocacy and case management services, emergency shelter/hotel, legal support and representation, medical care, and rehabilitation services;
 - (C) Develop, fund, and promote both intervention and prevention projects to prevent retaliation and intimidation, and to assist survivors of workplace crimes, including individuals who have been or are currently being trafficked;
 - (D) Explore comprehensive and culturally responsive violence prevention models, such as:
 - (i) Long-term, reiterative socio-ecological prevention models that address all levels of prevention;

- (ii) Survivor-centered approaches to justice including community-based alternatives/intervention models and access to victim rights attorneys;
 - (iii) Programming that incorporates opportunities for primary, secondary, and tertiary violence prevention;
 - (iv) Use of Promotors or Community Health Workers for culturally responsive community outreach and engagement; and
 - (v) Models that promote a public health response to gender-based violence.
- (E) Provide gender-responsive, culturally responsive training for County employees regarding all forms of gender-based violence, including sexual assault, intimate partner violence, and trafficking of women and girls, as appropriate; and
- (F) Support public education campaigns regarding violence caused by toxic masculinity, patriarchal socialization, and misogyny; hatred of women and girls, and transgender persons; and gender stereotypes.
- (2) Sex workers, including those who are transgender, are especially vulnerable to violence and hate crimes. It is a priority of the County to help sex workers who have been subject to violence and hate crimes and to prevent such acts, by among other things, providing a way for victims to report these violent acts and seek help without fear of retaliation or stigmatization. Where possible, the County must take measures to ensure that law enforcement diligently investigates violent attacks against sex workers. The County shall endeavor to develop, fund, and promote projects to prevent violence against individuals who are engaged in sex work, including victims of sex trafficking.
- (3) The County shall also seek opportunities to develop, fund, and promote projects that enable individuals engaged in sex work to achieve economic independence and stability outside of the patriarchal-established sex industry, including access to financial assistance, shelter, transitional housing, and additional resources.
- (4) It is a priority of the County to find ways for public works projects to include measures, such as adequate lighting and safe placement of restrooms, to protect the public's safety, including the safety of women and girls.
- (5) It is a priority of the County to have a safe and harassment-free environment for women and girls, including within the workplace, public spaces, and when accessing public services in the general community. The County will encourage education of the public on harassment and to promote justice for those who are harassed.

(e) *Healthcare.*

- (1) It is a priority of the County to take appropriate measures to eliminate discrimination and implicit bias against women and girls with regard to health care, including to equitably facilitate information about and access to quality healthcare facilities and services, according to the needs of all communities, regardless of age, race, ethnicity, culture, socio-economic status, and/or sexual orientation.
- (2)

The County must aim to promote for all women and girls, including immigrant women and BIPOC women—access to quality, culturally responsive health services, facilities, and resources, including comprehensive sexual health, in connection with family planning, prenatal care, delivery, and the postnatal period, granting free services where possible for those who cannot otherwise afford care, as well as access to adequate nutrition during pregnancy and lactation. Such services, facilities, and resources will be provided according to the needs of all communities, regardless of age, race, ethnicity, culture, language, socio-economic status, and/or sexual orientation.

- (3) The County must aim to deliver health services, including mental and emotional health care and wellbeing, without implicit bias that impacts perceptions of the needs of women and girls.
- (4) The County must aim to promote access to quality, culturally responsive health services for all women and girls, including immigrant, transgender, and BIPOC, in connection with family planning, reproductive services, prenatal care, delivery and birth, and post-natal care, including adequate nutrition during pregnancy and lactation, including in the County's partnerships and contracts with care providers. The County will support efforts to improve birthing parent and infant mortality, recognizing the greater adversity faced by BIPOC women, including addressing bias, anti-Blackness, and racism in obstetric care.
- (5) It is a priority for the County to ensure a coordinated delivery system that expedites access to primary care and behavioral health services and makes accessible the supportive services women and girls need to access care.

(f) *Housing and Homelessness.*

- (1) The County recognizes the root causes of homelessness and housing insecurity are different for women and girls, and they may include factors such as gender-based violence, substance abuse, mental health, poverty, and the uneven distribution of caregiving responsibilities. It is a priority of the County to support policies and programs that understand the unique housing needs of women and girls.
- (2) The County shall take appropriate and timely measures to help ensure equitable access to the full range of affordable, permanent housing options for women and girls and their families, and to help eliminate discriminatory policies in the housing market, recognizing the even greater adversity faced by those in poverty, released from incarceration, long-term care, survivors of gender-based violence or aging out of the foster care system and identify, analyze, and remove barriers wherever possible.
- (3) The County shall support homelessness prevention and homeless services that are specifically designed to be gender-responsive to the needs of women and girls, including veterans and BIPOC women and girls. This support shall include attention to strategies that promote access to water for consumption and hygiene, appropriate sanitation, and necessary supplies for menstrual hygiene.
- (4) It is a priority of the County to ensure a coordinated delivery system that expedites the process for housing and makes accessible the supportive services women and girls need to stay housed, including: childcare, English as a Second Language classes, job training and placement, counseling, mentorship, education, substance use treatment, public benefits, civil legal assistance, and health care.

(5)

The County shall take appropriate and timely measures to ensure emergency shelters, domestic violence shelters, and transitional housing options are accessible regardless of parental, pregnancy, or familial status.

(g) *Political and Civic Engagement.*

- (1) It is a priority of the County to equitably educate all individuals, including women and girls, about their voting rights and to encourage civic engagement.
- (2) The County will encourage voter registration among all eligible voters, including women.
- (3) The County shall encourage civic and political engagement among women, including holding public office, membership in local commissions, boards, or task forces, and participating in community service.

(h) *Environmental Justice and Climate Change.*

- (1) The County shall take gender-responsive, culturally responsive measures to address the specific vulnerabilities and needs of women and girls in all measures related to climate change adaptation and environmental justice, including in vulnerability assessments and other efforts to identify and meaningfully include communities that bear disproportionate risks or other burdens from climate change or other forms of environmental harm, such as through the development of an Environmental Justice Element in the County's General Plan. These measures shall promote the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(i) *Transportation, Library Services, Parks and Recreation, and Environmental Health Services.*

- (1) The County shall take appropriate and timely measures within the scope of its authority to support women and girls' equitable access to transportation, library services, parks and recreation, and environmental health services.
- (2) To the extent it has authority over such services or systems, the County shall identify, analyze, and remove barriers, including through education (such as technology-based), to equitable access to transportation, library services, parks and recreation, environmental health services, and an environment for sustainable growth and development.

(Ord. No. NS-300.972, § 1, 5-2-23)

Sec. A18-157. - Implementation policy.

The Board of Supervisors shall adopt a policy to further implement this Chapter, including the effectuation of a baseline intersectional gender analysis, ongoing iterative intersectional gender analyses, and a Countywide intersectional gender equity action plan (and subsequent sub-County unit action plans, as needed).

(Ord. No. NS-300.972, § 1, 5-2-23)

Sec. A18-158. - Enforcement; no criminal or civil liability; no private cause of action.

In adopting this Chapter, the County is assuming an undertaking only to promote the general welfare. The County is not assuming, nor is it imposing on its officers, elected officials, or employees, any obligation that creates any cause of action, mandatory duty, claim at law, or liability for damages to any person or entity who claims that such breach proximately caused or will cause injury of any kind. This Chapter does not create any private cause of action. Enforcement of this Chapter will be solely carried out by, and in the sole discretion of, the County Executive or designee.

Notwithstanding Section A1-28 of this Code, this Chapter does not impose any mandatory requirements that would give rise to misdemeanor liability for a violation thereof. Nothing in this Chapter shall be construed to conflict with federal, state, or local law.

(Ord. No. NS-300.972, § 1, 5-2-23)

Secs. A18-159—A18-169. - Reserved.