

# Know Your Rights: New York City's Victims Of Gender-Motivated Violence Protection Act

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## **What is the Victims of Gender-Motivated Violence Protection Act?**

Unfortunately, many individuals, and especially women, are subjected to gender based violence, both inside and outside of the workplace. New York City passed a law known as the [Victims of Gender-Motivated Violence Protection Act \("VGMVPA"\)](#), which makes it unlawful to commit an act of violence because of an individual's gender. While individuals who commit these egregious acts of violence may be criminally prosecuted, the VGMVPA provides victims of such conduct the opportunity to also seek civil recovery against their attackers, in addition to potentially pursuing other civil claims such as sexual harassment, assault and battery.

## **How Do I Know if My Attacker Violated the VGMVPA?**

The VGMVPA provides a private cause of action for any individual who has been injured by another individual in a "crime of violence" that is motivated by gender. A "crime of violence" is defined as "an act or series of acts that would constitute a misdemeanor or felony against the person as defined in state or federal law . . . if the conduct presents a serious risk of physical injury to another, whether or not those acts have actually resulted in criminal charges...."

The VGMVPA also protects individuals who are victims of violence that are specifically "motivated by gender," which occurs when the act is "committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender." This means that when an attacker targets an individual, at least partly because of that individual's gender, they have violated the VGMVPA.

## **Is There a Difference Between Claims of Workplace Sexual Harassment and Claims under the VGMVPA?**

Victims of gender-motivated violence may bring independent claims under employment laws that protect such individuals from sexual harassment in the workplace as well as under the VGMVPA. Significantly, the VGMVPA allows victims to bring claims any time within seven years of the unlawful incident, which is lengthier than the statute of limitations in most employment laws. Individuals who were subject to gender-motivated violence in the workplace may be able to hold both the wrongdoer, and their employer, liable for the unlawful act.

## **What Type of Remedies are Available under the VGMVPA?**

The VGMVPA entitles individuals to potentially recover economic damages, compensatory damages for emotional distress, punitive damages to punish the wrongdoer, payment for attorneys' fees and expenses, and injunctive and declaratory relief.



The VGMVPA protects all residents of New York City as well as anyone working in New York City. If you believe you are the victim of gender motivated violence, you should seek legal counsel.

For more information, or questions on the rights of employees under the Victims of Gender-Motivated Violence Protection Act, both employees and employers can contact Wigdor LLP at (212) 257-6800.

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