

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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Gender-Based Violence and the Workplace Policy Requirement for Bidders on New York State Contracts Goes into Effect

As part of this year's budget, New York State added Section 139-m to the State Finance Law, which requires bidders on competitive state procurements to certify that they have a written policy addressing gender-based violence and the workplace and that such policy meets certain requirements. The law went into effect on Nov. 5, 2025.

The statute requires competitive bids to contain the following statement:

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing gender-based violence and the workplace and has provided such policy to all of its employees, directors and board members. Such policy shall, at a minimum, meet the requirements of subdivision 11 of section five hundred seventy-five of the executive law."

Applicable New York State procurement guidelines define a "bidder" as "any individual, business, vendor or other legal entity, or any employee, agent, consultant or person acting on behalf thereof, that submits a bid in response to a solicitation."

While this certification is mandatory for all bids that are legally required to be competitive, it may also be required for bids on noncompetitive contracts at the discretion of the public entity awarding the contract. Accordingly, employers who contract with New York State agencies should review new or renewed contracts for any new requirements or obligations, including the new requirements under State Finance Law Section 139-m.

A bid that fails to comply with the new requirements will not be considered or be awarded the contract. The law also states that if a bidder cannot make the required certification of compliance with the new requirements, the bidder shall state so and provide a signed statement detailing the reasons for noncompliance with the submitted bid.

The New York State Office for the Prevention of Domestic Violence ("OPDV") published guidance, including what gender-based violence and the workplace policies must contain, which specifically include, at a minimum, the following provisions:

- Share Information: Employers must provide information regarding gender-based violence where employees can see and access it. This includes displaying the [NYS Domestic and Sexual Violence Hotline information](#) and a gender-based violence and the workplace poster. When possible, materials should be available in an employee's primary language.
- Refer Employee Survivors to Services: The policy must require that the employer refer employees who

disclose current or past victim status to the NYS Domestic and Sexual Violence Hotline and/or a local service provider. For bidders outside of New York State, referrals should be made to a local provider or statewide hotline. While referrals are required to be provided by the employer, it is not required for the employee to access services.

- Prohibit Retaliation: The policy must include a clear statement that discrimination or retaliation against employees who identify as victims or survivors of gender-based violence is prohibited.
- Comply with Laws: The policy must follow state law. As a reminder for employers based in New York State, this means that the policy and employers must follow the SAFE Leave Act, which is more commonly referred to by employers as the NYS Paid Sick Leave Law, which includes qualifying reasons and protections for employees seeking to use accrued leave time for reasons related to domestic violence. The policy and employers must also follow the New York State Human Rights Law, which includes protections against sexual harassment as well as protections for victims of domestic violence (including the obligation to provide reasonable accommodations to victims of domestic violence for reasons related to the domestic violence). Employers should also follow any other relevant laws and regulations that may apply.
- Offer Implementation Support: The guidance also reminds employers that OPDV is able to assist employers in developing and implementing this policy. Per the guidance, employers must provide information to supervisors and human resources about this technical assistance from OPDV.

The OPDV guidance states that covered employers should distribute the gender-based violence and the workplace policies to all employees, board members and directors upon hire and annually.

Employers that bid on competitive contracts with New York State should develop and implement a compliant gender-based violence and the workplace policy, consistent with the guidance from OPDV. Employers that contract or may contract with New York State agencies should also review any new or renewed contracts with such agencies, or other updated information from said agencies for any changes in expectations, including adoption and incorporation of this provision mandating development and implementation of a gender-based violence and the workplace policy.

OPDV has published a model policy, but we encourage employers to carefully review and customize any policy to fit their workplace.

While neither the law nor the guidance currently requires employers to provide training on this topic, employers should nevertheless consider training supervisors, human resources personnel and others who will interface with employees so that they understand the protections afforded to victims of domestic violence and comply with the employer's relevant policies.

If you have any questions regarding compliance or would like assistance drafting your gender-based violence and the workplace policy, please contact **Stephanie Hoppe Fedorka**, **Colin Smith** or the Bond attorney with whom you are regularly in contact.

