

FOR IMMEDIATE USE
8 February 2023

UNIVERSITIES SET TO FACE BAN ON USE OF ABUSIVE NON-DISCLOSURE AGREEMENTS

Parliament votes through a new law that will prohibit universities from entering into NDA's about complaints of sexual misconduct, abuse, bullying, harassment or discrimination.

Campaigners hail a major breakthrough five years since abusive NDA's came into the public spotlight after the Harvey Weinstein revelations

This week Parliament voted through a new law to prohibit higher education providers and their constituent colleges from entering into non-disclosure agreements with staff members, students and visiting speakers in relation to complaints of sexual misconduct, abuse or harassment or other forms of bullying or discrimination. The law will be introduced via an amendment to the Higher Education (Freedom of Speech) Bill which entered its final stage in the Commons on Tuesday (7th).

Can't Buy My Silence, a campaign group founded by Zelda Perkins and Professor Julie Macfarlane after their own personal experiences exposed the harmful use of NDAs, has hailed the move as a breakthrough in their campaign to protect victims. It follows a campaign led by Can't Buy My Silence in conjunction with the Department of the Education to secure pledges from universities to stop using abusive NDAs. The campaign secured 80 out of 132 universities signing up - but only four Oxbridge colleges voluntary agreed to the [pledge](#).

Zelda Perkins, cofounder of Can't Buy My Silence and the first person to break her NDA about Harvey Weinstein, said:

“This is a huge step forward and a major breakthrough in our campaign. We've been campaigning for years to change the system that protects perpetrators and gags victims. This new law will mean that across universities, all staff and students will be protected. Never again will universities be able to silence people that have faced abuse, sexual harassment, bullying, or discrimination. Universities will need to root out and deal with abusive behaviour, not sweep it under the rug.

“Now the Government needs to extend this ban to every employer - to protect all employees. The only legitimate use of NDA's should be for the protection of intellectual property and trade secrets. This law banning the misuse of NDAs at universities has full Government and cross-party support. It sends a clear message that abusive NDAs are on their way out. Employers still using them are on the wrong side of history.”

Jess Philips, Labour MP, who was the first to propose an amendment to the Bill on this issue said:

“This is a victory for all those who dared to speak up when they were told to be silent and all the hard campaigners that for the first time the UK Parliament will legislate to ban the use of NDAs. The argument is won that silence cannot be coerced or bought in cases of sexual harassment and abuse on our university campuses and now it must advance outside of that and apply to all workplaces.”

The amendments received cross-party support at the debate in the Commons on Tuesday:

Education Minister Claire Coutinho, said in the Commons:

“It can never be right to force a victim of sexual misconduct, bullying or harassment to remain silent, denying them the right to talk about what has happened to them even with their family or close friends. This does not come down to politics, in my view; it is about doing what is right.

Matt Western, Labour MP said:

“Shamefully, a third of all universities in England had used such deals in circumstances relating to student complaints. Many were related to sexual assault, although the true scale of the problem will likely remain hidden forever for obvious reasons...

“I genuinely hope that this amendment will stand as a source of hope for prospective and current students that their voices will never be institutionally silenced again.”

Layla Moran, Liberal Democrat MP said:

“I am frankly delighted that it has received Government support. It will do what I and others across the House have for some time been calling for, which is to ban the use of non-disclosure agreements by universities in cases of sexual harassment, sexual abuse, bullying and other forms of misconduct.”

NOTES TO EDITOR

For further information or to request an interview with Zelda Perkins please contact:

zelda@cantbuymysilence.com or Katherine Sladden: katherine@breakthroughimpact.org

What are NDA's? Non disclosure agreements are contracts that were created to protect trade secrets but when used wrongly become secret settlement contracts used to buy the silence of a victim or whistleblower. They have become the default solution for organisations, corporations and public bodies to settle cases of sexual misconduct, racism, pregnancy discrimination and other human rights violations.

About Can't Buy My Silence: Zelda Perkins and Prof. Julie Macfarlane joined forces in September 2021 to create Can't Buy My Silence after their own shocking personal experiences exposed the harmful use of NDAs. Their campaign goal is to stop the misuse of NDAs so that they are ONLY used for the purpose for which they were created – the protection of IP and trade secrets. They are determined to outlaw NDAs when used to “buy” the silence of victims in order to protect sexual predators, bullies, racists and abusers. In order to put pressure on legislators they are also advocating that regulators, businesses and institutions adopt a code of practice that will not allow NDAs to hide information about harmful people, practices and products. <https://www.cantbuymysilence.com/>

- ENDS -