

The Honourable Brad Johns
Attorney General & Minister of Justice
Department of Justice
1690 Hollis Street
P.O. Box 7
Halifax, NS B3J 2L6

October 11, 2023

Minister Johns,

The signatories of this open letter are survivors, advocates, and experts in the gender-based violence sector. We are writing this open letter to express our disappointment with the government's stance on banning the misuse of non-disclosure agreements (NDAs) in cases of harassment and discrimination. We are calling on you to reconsider your position.

On September 21, you announced that the Nova Scotia government will not pass [Bill 144](#) or any other variation of that bill in the fall sitting. You stated to the media that "it's a complex issue and there are pros and cons to both sides of the issue." You claimed that your department's jurisdictional scan led you to the conclusion that this legislation is not needed in Nova Scotia at this time. **We fundamentally disagree.** Every day we allow the pervasive use of NDAs to continue is another day that victims are further harmed.

When this government came to power in 2021, you and the Minister of Status of Women, personally expressed an interest in banning the misuse of NDAs. Since then, the government's stance has been to stonewall this legislation. You claim to be listening to both sides, but have never met with [Can't Buy My Silence](#).

Your department recently referenced the Manitoba Law Reform Commission's [report](#) which is a deeply flawed analysis of the impact of legislation banning NDAs. The report claims that legislation will have a negative impact on the settlement of cases, but they cannot provide any evidence to back this up.

We have data that provides an entirely different picture. Since 2017, six states have banned the misuse of NDAs including California, Vermont, New Mexico, Arizona, Hawaii and New Jersey. According to a comparison of [Equal Employment Opportunity Commission](#) (EEOC) between 2017 (before these laws were passed) and 2021 (after these laws were passed) sexual harassment settlements increased from 81 percent to 90 percent. In other words, rates of settlements actually increased after legislation restricting NDAs was introduced.

Additionally, a 2021 [study](#) conducted by researchers at University of Pennsylvania noted causal evidence that broad use of NDAs is detrimental to the health and welfare of employees. They also noted in states where laws narrowed the use of NDAs, current and former employees were more likely to report workplace misconduct, therefore ensuring future employees avoided similar circumstances, ultimately improving workplace conditions.

We are calling on you as the Minister of Justice to sit down in consultation with Can't Buy My Silence and all other advocates who are in support of Bill 144. We invite you to meet with us, to hear our stories, and to learn more about why this legislation matters.

Respectfully, the undersigned:

Dr. Julie Macfarlane, Co-Founder, Can't Buy My Silence Campaign

Liz LeClair, Volunteer, Can't Buy My Silence Campaign (NS Chapter)

Stacey Buchholzer, Campaign Coordinator, Can't Buy My Silence Campaign

Carrie Low, Survivors for Change & Empowerment

Sue Bookchin, Executive Director, Be the Peace Institute

Stacey Godsoe, Project & Resource Coordinator, Be the Peace Institute

Kristina Fifield- Avalon Provincial Therapeutic Supervisor & Trauma Therapist

Jennifer Robinson - Avalon Community Trauma Therapist

Nicole Robson- Avalon Community Trauma Therapist

Sarah Macgillivray -Avalon Community Legal Support Worker

Shianne Gordon -Avalon Community Navigator

Joanna Brenchley - Avalon Community Trauma Therapist

Karen Gross - Avalon Community Trauma Therapist

Judy Haiven - Equity Watch

Mariah Cooper - Acadia University

Cc: Premier Tim Houston; Honourable Karla MacFarlane; Honourable Jill Balser