



Ontario Introduces Landmark Bill to Stop Abuse of Non-Disclosure Agreements

June 6, 2023 — Ontario has just become the latest province to introduce legislation that aims to stop the abuse of non-disclosure agreements, or NDAs.

On Tuesday, June 6, Ontario MPP and NDP Justice Critic Kristyn Wong-Tam tabled a new Bill which would restrict the use of non-disclosure agreements in cases of discrimination, harassment, sexual harassment and sexual assault.

“Non-disclosure agreements should never be used to muzzle survivors of sexual violence or harassment, or discrimination,” says Wong-Tam. “The use of NDAs often blocks a survivor from accessing services and support. Survivors are entitled to protect their privacy without being required to protect the perpetrator in return. I am glad to bring forward this legislation to empower survivors and make communities safer.”

The announcement is part of a rapidly growing wave of legislation being introduced across the country at both the provincial and federal levels.

A bill similar to Ontario’s passed unanimously in [P.E.I.](#) in 2022, and [British Columbia](#), [Nova Scotia](#) and [Manitoba](#) all have legislation in the works. Earlier this year, the Canadian Bar Association [overwhelmingly passed a resolution](#) to discourage the use of non-disclosure agreements and to lobby for change in legislation.

Then on May 9, 2023, Senator Marilou McPhedran introduced the groundbreaking [Can’t Buy Silence Act](#), which, if passed, will prevent the federal government from using NDAs to resolve workplace complaints. It will also stop federally funded agencies and organizations from using federal dollars to fund non-disclosure agreements in cases of harassment and discrimination, or to enforce existing agreements.

In response to the Hockey Canada scandal — which was ignited by reports that multiple women who were allegedly sexually assaulted by hockey players had been silenced by NDAs — federal Minister of Sport Pascale St-Onge has also vowed to stop the use of abusive NDAs in Canadian sport.

“For too long, NDAs have been forced on victims who are told they must protect perpetrators or abusive organizations if they want their own privacy protected or the money they’re owed. Now the movement towards banning them is growing across Canada,” says Dr. Julie Macfarlane, Emerita Distinguished Professor of Law at the University of Windsor and co-founder of [Can’t Buy My Silence](#), a group dedicated to stopping the abuse of non-disclosure agreements.

“The tabling of the Ontario Bill builds on the changes already made to the law for Ontario universities, which can no longer use NDAs to cover up sexual misconduct by faculty. This Bill will extend the same

protections to all victims of harassment and discrimination in Ontario, and put a stop to the shielding of perpetrators in every sector.”

Survivors of harassment and discrimination are also welcoming the news of the Ontario bill. “The NDA I was obliged to sign has held me hostage. It has taken away the truth, my confidence, my love of life and my voice,” says one survivor of sexual harassment, who was silenced by a non-disclosure agreement in the Ontario public school system. “It also means that the person who harassed me continues to work in the school system.”

“This bill represents a path to restitution and recovery for survivors,” says another victim of sexual abuse in Ontario. “Twenty-five years ago, my pursuit of justice through the civil courts turned into a contract with my abuser for my silence. My abuse is not, nor should it ever be, protected by contract law.”

People who represent victims of sexual abuse and discrimination are also applauding the new bill. “Our clinic believes silencing is a form of violence,” says Deepa Mattoo, Executive Director of the Barbra Schlifer Commemorative Clinic, which offers legal and counselling services to marginalized and racialized women who have survived violence.

“We believe people with lived experiences of violence should have autonomy in choosing if, how and when they tell their stories,” she says. “Systemic change in this area can only happen when diverse voices and experiences are heard, and when those implementing change understand that individual experiences are embedded in the same systems and structures requiring change.”

Non-disclosure agreements were initially used in workplaces to protect trade secrets. However, they are increasingly used to cover up abuses in businesses, schools, youth clubs, universities, religious institutions, and other organizations. Meanwhile, victims and whistleblowers experience an added layer of harm as they are prevented from speaking with friends, loved ones, coworkers or even therapists about the abuses they’ve experienced.

The #MeToo movement exposed the extensive use of NDAs to silence victims, and Can’t Buy My Silence co-founder Zelda Perkins was the first person to break an NDA she signed decades earlier with Harvey Weinstein. Perkins was later named a Person of the Year by both *Time* and *The Guardian*.

Because of the efforts of Can’t Buy My Silence and other advocates, a growing number of businesses and governments are shifting their policies, and BBC, Google and Apple are among the many organizations that have pledged to stop using NDAs to cover up misconduct. Seventeen U.S. states have also legislated to restrict the use of NDAs.

Now Can’t Buy My Silence is calling on Ontario legislators to step up and do the right thing. “We hope Doug Ford’s Progressive Conservatives will make passing this legislation a priority, because it is urgent,” says Macfarlane. “Every day it doesn’t pass is a day that harm can be legally covered up, and we know NDAs are still being used to cover up wrongdoing in Ontario. And that simply has to stop.”

For More Information and Interviews, Contact:

- **Stacey Buchholzer**, Campaign Coordinator: info@cantbuymysilence.com
- **Julie Macfarlane**, Can’t Buy My Silence co-founder: julie@profjuliemac.com
- [More information](#) and [victim testimonies](#) at [Can’t Buy My Silence](#)