



‘Wildly Unacceptable’: CBC President Faces Tough Questions About Abuse of NDAs

At a Heritage Committee meeting, federal MP Niki Ashton questioned CBC President Catherine Tait and Executive Vice-President of People & Culture Marco Dubé over the public broadcaster’s use of NDAs in cases of harassment, discrimination and other abuses

May 8, 2024 — Canada’s national broadcaster has become the latest federally funded agency to be publicly called out for using NDAs in cases of harassment, discrimination and other abuses.

At a [meeting of the Heritage Committee](#) on Tuesday, May 7, NDP MP Niki Ashton repeatedly questioned CBC President Catherine Tait and Executive Vice-President of People & Culture Marco Dubé over the broadcaster’s use of NDAs in cases of harassment, discrimination and other abuses.

In the meeting, Ashton said she had heard from “many people” at CBC who were pushed to sign NDAs and non-disparagement clauses — which prevent victims from making any negative remarks about the employer — in cases of workplace abuse.

What’s more, harassment victims at CBC were forced to sign NDAs as a precondition of an investigation. In other words, if they experienced harassment at work and filed a complaint, they were ordered to sign an NDA that would prevent them from ever telling anyone what happened, in order for their case to even be investigated.

When confronted with this practice, Tait answered that she could not comment on personnel matters, but said she was “deeply disturbed” by what Ashton was saying. Dubé said, “We take very seriously all allegations of harassment and violence in the workplace.” Neither directly addressed the corporation’s use of NDAs.

Ashton described several whistleblower accounts, including a trauma survivor who experienced disability discrimination and a journalist who covered stories about discrimination and harassment, then experienced that same discrimination and harassment at work — but was told to sign an NDA to have their case investigated.

“These are chilling stories for any media organization. But I would say it is wildly unacceptable for our state broadcaster to be running the show like this. It is wildly unacceptable for the CBC that is publicly funded, built by Canadians, to be treating its employees like this,” said Ashton.

“For a federally funded journalism organization to abuse journalists, spend public funds on high-powered lawyers to fight them and then gag them through NDAs is unacceptable. Canadians deserve better. CBC employees deserve better. Canadian communities deserve better. We all deserve better.”

Dr. Julie Macfarlane, co-founder of [Can’t Buy My Silence](#) — an organization dedicated to ending the abuse of NDAs — agrees.

“It’s wrong for any organization to use NDAs and non-disparagement clauses to cover up discrimination, harassment and other abuses — but for a public broadcaster to use them, when they’re supposed to stand for truth and transparency, is unconscionable,” says Macfarlane, who is also Emerita Distinguished Professor of Law at the University of Windsor and Member of the Order of Canada.

“These agreements perpetuate a culture of abuse. This is not how anyone wants their taxpayer dollars spent.”

Because of the efforts of Can’t Buy My Silence and other advocates, a growing number of organizations and governments are shifting their policies. Introduced by Senator Marilou McPhedran in 2023, the [Can’t Buy Silence Act](#) would bar all federally funded agencies and organizations — including CBC, the RCMP and Hockey Canada — from using federal dollars to pay for or enforce NDAs in cases of sexual misconduct, harassment, discrimination and other abuses.

At the provincial level, legislation restricting the use of NDAs has been introduced in [British Columbia](#), [Saskatchewan](#), [Manitoba](#), [Ontario](#) and [Nova Scotia](#), and passed in [PEI](#). In Ontario, Labour Minister David Piccini [announced his government would launch consultations on banning NDAs](#) in cases of harassment and other misconduct. Twenty-one U.S. states have also introduced or passed legislation restricting their use.

In Tuesday’s [Heritage Committee meeting](#), Ashton referenced the fact that the BBC stopped using NDAs in 2014, following revelations that for years BBC host James Savile’s sex offences had been covered up.

Over the past week, Macfarlane and Can’t Buy My Silence co-founder Zelda Perkins — the first person to break her NDA with Harvey Weinstein — have been meeting with federal MPs in Ottawa and with provincial leaders in British Columbia, as well as with university officials, to push for change to legislation and policies. They also held an event in Victoria, and are [hosting an event at UBC Robson Square in Vancouver on Wednesday night](#).

“The response we have received has been overwhelmingly positive. The tide has turned on NDAs, and they’re becoming a major liability for organizations, including publicly funded ones,” says Macfarlane, who is available for media interviews.

“Now it’s up to leaders everywhere to decide which side of history they want to be on: the one that gagged victims of harassment and discrimination, or the one that allowed them to speak freely about their experiences?”

Contacts:

- **Dr. Julie Macfarlane**, co-founder of Can’t Buy My Silence: julie@profjuliemac.com, (519) 257-3367
- **Stacey Buchholzer**, CBMS Campaign Coordinator: info@cantbuymysilence.com
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