

Country	Province/state	Name	Stand alone/amended	Stage	Scope	Date Introduced/Passed	Sponsored By:	Non-disparagement clauses?	Link:	Special notes
Canada	PEI	Bill 118, Non-Disclosure Agreements Act	Stand alone	Passed	Harassment and discrimination (both workplace and civil)	16-May-22	Lynne Lund	Included	https://docs.assembly.pe.ca/download/dms?objectid=9e65ee9-3f80-479b-acc2-c5a00b121d44&fileName=bill-118.pdf	Exception for settlement amount
Canada	Manitoba	Bill 225, THE NON-DISCLOSURE AGREEMENTS ACT	Stand alone	Second Reading	Harassment and discrimination (workplace and civil)	Oct-11	Dougald Lamont		https://web2.gov.mb.ca/bills/42-4/b225e.php	Includes provision for banning NDA requirement for investigation. Exception for settlement amount. Plain language requirement
Canada	Nova Scotia	Bill 144, An Act Respecting Non-disclosure Agreements	Stand alone	First Reading	Harassment and discrimination (both workplace and civil)	07-Apr-22	Claudia Chender	Included	https://nslegislature.ca/legc/bills/64th_1st/1st_read/b144.htm	Exception for settlement amount; (5) prohibits NDA before investigation; plain language requirement
Ireland		Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021	Amendment	Report	Any of 7 heads of discrimination or harassment under Employment Equality Act (workplace but includes universities and volunteers)	Sep-21	Lynn Ruane	Included	https://www.oireachtas.ie/en/bills/bill/2021/82/	Retrospective; plain language requirement
United States	California	Silenced No More Act (Senate Bill 331)	Stand alone	Passed	Racial discrimination at work	Sep-18	Senator Connie Leyva	Included	https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=20212022058331	NDA may still be used when requested by the employee, some say leaving room for companies to pressure employees
United States	Washington	Silenced No More Act (House Bill 1795)	Stand alone	Passed	Discrimination, harassment, retaliation, wage and hour violations, sexual assault at work	March 24 2022	Rep Liz Berry, Senator Karen Kaiser	Included	https://app.leg.wa.gov/billssummary?BillNumber=1795&initiative=false&Years=2021	Includes wage and hour violations and retaliation. Exception for settlement amount. Retroactivity applies only to workplace agreements and allows recovery of damages awarded for breach. <i>Washington's Silenced No More Act, which Gov. Jay Inslee signed into law March 24, will make it unlawful for employers in the state to require, or even request, that workers sign NDAs or nondisparagement provisions that restrict workers' right to talk openly about illegal discrimination, harassment, sexual assault, retaliation, wage and hour violations, or any other breaches of public policy.</i> <i>Unlike laws in California and New York that also restrict use of NDAs by employers, the Washington law goes a step further by barring confidentiality clauses in workplace settlements related to illegal acts, even if requested by an employee. https://www.law360.com/articles/1476428/one-by-one-states-are-banning-ndas-to-protect-workers</i>
United States	Arizona	House Bill 2020	Amendment to Arizona Statutes section 12-720	Passed	Sexual assault and sexual harassment at work	2019	Rep. Michelle Udall, Introduced by Representatives Syms: Allen J, Bowers, Campbell, Espinoza, Norgaard, Nutt, Shope	Included	https://legiscan.com/AZ/text/HB2020/id/1659364	A. A CONFIDENTIALITY AGREEMENT THAT RESTRICTS THE DISCLOSURE OF FACTUAL INFORMATION THAT IS RELATED TO A SEXUAL ASSAULT OR SEXUAL HARASSMENT, INCLUDING FACTUAL INFORMATION THAT IS RELATED TO AN ALLEGATION OF OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL HARASSMENT, IS AGAINST THIS STATE'S PUBLIC SAFETY AND POLICY AND IS VOID AND UNENFORCEABLE. B. A PERSON MAY NOT ENTER INTO A CONFIDENTIALITY AGREEMENT THAT RESTRICTS THE DISCLOSURE OF FACTUAL INFORMATION THAT IS RELATED TO AN ALLEGATION OF OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL HARASSMENT BY AN ELECTED OFFICIAL. C. THIS SECTION DOES NOT APPLY TO THE DISCLOSURE OF A MINOR CRIME VICTIM'S MEDICAL OR PERSONAL IDENTIFYING INFORMATION OR TO OTHER INFORMATION THAT IS SPECIFICALLY PROTECTED FROM DISCLOSURE BY LAW.
United States	New Jersey	Senate Bill 121	Stand alone	Passed	Discrimination, retaliation, or harassment in the workplace	18-Mar-19	Senator LORETTA WEINBERG		https://legiscan.com/NJ/text/S121/id/1752556	There has been a new amendment tabled to the original Act to limit the ban to domestic working situations
United States	Louisiana	House Bill 197 , Prohibits certain nondisclosure agreements in settlements involving the payment of public funds	Stand alone	passed	Those who receive payment with public funds	2019	REPRESENTATIVE FRANKLIN FOIL		http://www.legis.la.gov/legis/ViewDocument.aspx?d=1124465	A. No settlement agreement of a claim against the state, a state agency, a political subdivision, or any employee or officer of the state, a state agency, or a political subdivision shall contain a provision prohibiting the disclosure by the claimant of the terms of or the facts associated with the underlying claim of the settlement agreement when the underlying claim is based on an allegation of sexual harassment or sexual assault of the claimant and public funds are paid, in whole or in part, as satisfaction of the terms of the settlement agreement.
United States	Nevada	Assembly Bill 60	Amendment to Chapter 50 Nevada Revised Statutes	Passed	Criminal conduct, sexual harassment, discrimination (multiple heads) and retaliation. All civil and workplace contexts	May-21			https://www.leg.state.nv.us/App/NEUS/REL/81st2021/8111/2313/Text	It will apply, however, only prospectively; i.e., it applies to any contract or settlement agreement entered into on or after May 21, 2021. AN ACT relating to witnesses; making provisions of a contract or settlement agreement that prohibit or restrict a party to the contract or settlement agreement from testifying at judicial or administrative proceedings concerning criminal conduct or sexual harassment void and unenforceable under certain circumstances; and providing other matters properly relating thereto.
United States	New York	Senate Bill 58914- The Stop Silencing Survivors Act	Stand alone	First reading April 2022	Applies to all labor law and human rights violations in the workplace. Applies to contracts of hire that include pre-emptive NDAs for future complaints	April 2022	Alessandra Biaggi	Included	https://www.nysenate.gov/legislation/bills/2021/58914	The bill would bar employers from using non-disclosure agreements or non-disparagement clauses in a waiver, settlement, agreement or similar resolutions. The agreements can still include language that would bar employers from revealing the identities of employees or the circumstances surrounding the complaint in order to preserve privacy for victims.
United States	Maryland	Accountability for Workplace Misconduct Act,	Stand alone	Introduced June 2022	NDA unenforceable if it relates to disclosing information under existing protections (list in Act) to federal state or legal sources	June 2022	Rep. Maloney, Carolyn		https://www.congress.gov/bill/117th-congress/house-bill/8146/text?r=158&s=1	seeks to ban post-dispute NDAs that would hamper an individual's ability to disclose harassment, discrimination or retaliation and forbid employers from trying to intimidate or take action against employees who divulge or try to report instances of harassment, discrimination or retaliation, among other measures.
United States	Vermont	An Act Relating to the Prevention of Sexual Harassment	Stand alone	Passed	Workplace sexual harassment. Covers independent contractors and unpaid interns	2018			https://legislature.vermont.gov/Documents/2018/WorkGroups/Senate%20Appropriations/Bills/H_707-Senate%20Committee%20on%20Economic%20Development,%20Housing%20and%20General%20Affairs-Prevention%20of%20Sexual%20Harassment-5-1-2018.pdf	

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United States	New Jersey		Stand alone	2022 amendment submitted	Workplace discrimination, retaliation and harassment	2019	Rep Loretta Weinberg	2022 Savage decision establishes does not apply to non-disparagement clause		Essentially allows employee to breach an NDA and identify employer, but not vice versa. 2022 Amendment limits coverage to domestic workers and employers. https://legiscan.com/NJ/text/S121/id/1752556/New_Jersey-2018-S121-Amended.html
United States	Oregon	Senate Bill 1586 Workplace Fairness Act	Amendment to Workplace Fairness Act	Passed	Workplace sexual assault and discrimination, including off-premises between employer and employee. New 2022 amendments extend to agreements with past employees (see also special notes)	June 9 2022		Included	https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1586	Permits NDAs and non-disparagement in specified areas on request of victim and not as a condition of a settlement
United States	New Mexico	House Bill 21,		Passed	Sexual assault and sexual harassment in the workplace	2020	Dayan Hochman-Vigil		https://www.nmlegis.gov/Sessions/20%20Regular/bills/house/HB0021.pdf	NDA permitted where victim requests confidentiality of particular facts to prevent their identification. Exception for monetary amount of settlement.
United States	Illinois	Senate Bill 75, Workplace Transparency Act (WTA)		Passed	1. Ban NDAs in economic development deals 2. Pre-dispute ban, post dispute ban in cases of discrimination, harassment, retaliation	2020			https://www.iga.gov/legislation/101/SB/10100S80075enc.htm	No contract, agreement, clause, covenant, waiver, or other document shall prohibit, prevent, or otherwise restrict an employee, prospective employee, or former employee from reporting any
United States	Maine	Legislative Document (L.D.) 965, "An Act Concerning Nondisclosure Agreements in Employment"		Passed		Aug 8 2022	Representative Harnett Gardiner		https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0711&item=1&snum=130	
United States	Virginia	"Nondisclosure or Confidentiality Agreements; Sexual Assault, Condition of Employment"	amended by adding a section numbered 40.1-28.01	Passed	Makes NDAs in pre-disputes NDAs in cases of sexual assault unenforceable	Dec-19			https://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+HB1820S ; https://legiscan.com/VA/text/HB1820/id/1950501/Virginia-2019-HB1820-Chaptered.html	allegations of unlawful conduct to federal, State, or local officials for investigation, including, but not limited to, alleged criminal conduct or unlawful employment practices.
United States	Hawaii	Act 17	Stand alone	Passed	Prohibits point of hiring NDAs for sexual assault and harassment as a condition of employment	2020			https://governor.hawaii.gov/newsroom/latest-news/dlir-news-release-two-new-laws-strengthen-civil-rights-in-hawaii/	In 2022: Hawaii expanded its restrictions regarding non-disclosure agreements of sexual assault. Effective July 12, 2022, employers may not enter into, nor require an employee to enter into, a non-disclosure agreement that would prevent them from discussing work-related sexual harassment or assault. Previously, the prohibition only applied in cases where the employer made the non-disclosure agreement a condition of employment.
United States	Colorado	House Bill 22-1317	Stand alone		they do not prohibit the disclosure of: (i) information arising from the worker's general training, knowledge, skill, or experience; (ii) information that is readily ascertainable to the public; and (iii) information that the worker otherwise has a right to disclose as a protected disclosure	Aug 10/22, Sept 1, 22	HOUSE BILL 22-1317 BY REPRESENTATIVE (S) Tipper, Bacon, Bennett, Duran, Exum, Gonzales-Gutierrez, Jodeh, Lindsay, Lontine, Sirola, Weissman, Woodrow, Garnett, Herod, also SENATOR(S) Bridges, Hansen, Rodriguez.			Confidentiality/Non-Disclosure Covenants. While reasonable confidentiality and non-disclosure covenants remain valid in Colorado, the new law expressly provides these covenants
United States	Pennsylvania	Senate Bill 392- "An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for contracts and agreements for nondisclosure of certain information."	Amendment	Referred to judiciary March 11, 2021		Introduced March 11, 2021	Senator Schwank		https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&ind=0&body=S&type=8&bn=0392	
United States	Connecticut	Senate Bill 697	-	Dead	sexual harassment in the workplace	Introduced 2019	-	-	https://legiscan.com/CT/research/SB0697/2019	To prohibit the silencing of victims in the workplace and to prevent sexual harassment by repeat offenders
United States	Massachusetts	Bill 51020 (and other amendments)	Series of amendments	Passed	Prohibits the use of NDAs in cases involving sexual assault, harassment, and discrimination in both the public and private sectors		Diana DiZoglio, Alyson M. Sullivan and Mike Connolly		https://bostonbar.org/journal/status-of-nondisclosure-agreements-ndas-in-massachusetts/	
United States	Federal	HR 8227 Speak Out Act	Stand alone	Introduced July 2022	Bans pre-hiring NDA on sexual harassment		Rep Lois Frankel			

In Australia while there is no set timeline for implementing NDA reform, the Task Force on Sexual Harassment has recommended that the government consider adopting the Irish legislation and the government has committed to consult and consider this, accepting the idea "in principle"

NOTE: We expect this document to require many edits and updates as the nature of legislation on the misuse of NDAs expands in both parameters and location