



## New Bill Could Ban Misuse of NDAs in British Columbia

*BC Green Party Leader Sonia Furstenau announced the groundbreaking legislation at a Can't Buy My Silence event in Vancouver Wednesday afternoon*

March 8, 2023 — A new bill could make the abuse of non-disclosure agreements illegal in the province of British Columbia.

BC Green Party leader Sonia Furstenau announced the new legislation at a Can't Buy My Silence event at Vancouver's VIFF Centre on Wednesday, March 8.

If passed, the bill, which will be officially tabled on Thursday, March 9, would make it illegal for employers and other organizations to use NDAs in cases of harassment or discrimination.

"Too many British Columbians are faced with gag orders that allow instances of harm to be swept under the rug. It's time for this practice to end. We know that victims of discrimination and harassment are more likely to be women, especially those facing sexual harassment. That being said, all genders report harassment at work, whether it's from supervisors, clients, or colleagues," says Furstenau.

Furstenau also says people should contact their MLAs and express support for the bill. "It's time that British Columbia steps up to make our workplaces a safer, more transparent place for everyone, especially our most vulnerable. I call on the BC NDP and Premier Eby to support this important work."

"This legislation will make an enormous difference to people across B.C. who are regularly faced with signing NDAs, which add another layer of harm to the abuses they've suffered," 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 devoted to banning the misuse of NDAs.

"It will also mean significant changes to organizational and workplace culture, because instead of hiding wrongdoing, as Hockey Canada did, wrongdoers can be stopped in their tracks."

Similar legislation has been passed in Prince Edward Island, and has been tabled in both Nova Scotia and Manitoba. Other provinces are considering following suit. Seventeen U.S. states have also legislated to restrict the use of NDAs, and last month Macfarlane discussed the bill with state and federal politicians in Australia.

The B.C. bill will be tabled in the provincial legislature Thursday as the *Non-Disclosure Agreements Act*.

"We call on the BC government to please adopt this bill and make its passage speedy. Every day, people in B.C. are forced to contemplate signing NDAs, and any delay will push even more victims into a life of

silence,” says Macfarlane. “This movement is growing across Canada, and we expect that in the coming weeks and months, it will move even more rapidly.”

The news comes just weeks after the [Canadian Bar Association members voted over 90 percent in favour](#) of discouraging the use of non-disclosure agreements in cases of harassment and discrimination, and advocating for governments to limit their use. The Ontario government also recently passed a law prohibiting universities from using NDAs in cases of faculty/student sexual misconduct. At the same time, the [English parliament](#) passed a law prohibiting universities from using NDAs in cases of sexual misconduct, abuse, bullying, harassment or discrimination.

Non-disclosure agreements were initially used in workplaces to protect trade secrets. Now they are regularly used in cases of workplace discrimination and harassment — including sexual harassment, racism, disability discrimination and other injustices. Often vulnerable employees are told they must sign them or they won't be paid their severance or other monies they are owed.

They are also used to quiet whistleblowers, and to silence victims of abuse within other organizations such as religious institutions, sports organizations, youth clubs and universities.

The #MeToo movement exposed the extensive use of NDAs to silence victims. More recently, Hockey Canada came under fire after it was revealed that multiple women who had been sexually assaulted by professional hockey players have been required to sign NDAs in order to protect their own privacy.

Thanks to the efforts of Can't Buy My Silence and other advocates, a growing number of governments and businesses are shifting their policies. The BBC, Google and Apple are among the many organizations that have pledged to stop using NDAs to cover up misconduct.

“The damage being done by the prolific use of NDAs to protect wrongdoers and cover up misconduct, as well as the harm caused by the permanent gagging of victims, is finally being brought to light by Can't Buy My Silence and other allies,” says Macfarlane.

“Now that we understand how NDAs have been horribly misused, we must change the law and we call on employers, and provincial and federal governments to step up and outlaw their use for anything other than their original purpose: the protection of trade secrets.”

**For further information or interviews, please contact:**

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