



‘Their time’s up’: Ontario government takes big step in banning NDAs in cases of harassment and misconduct

Ontario Labour Minister David Piccini says he wants to hear from Ontarians about their experience of non-disclosure agreements

November 7, 2023 — Ontario’s government is taking a big step toward banning the misuse of non-disclosure agreements across the province.

On Monday, November 6, Ontario Labour Minister David Piccini announced the Progressive Conservative government is considering banning the use of NDAs in cases of workplace sexual harassment, misconduct or violence, and it’s planning to consult with lawyers, survivors and employers on the issue.

"We want to hear from Ontarians and [our] consultations will work with the legal community, survivors, employers to identify those options to restrict the use of NDAs while protecting the rights of victims," Piccini said in an interview.

The government says seven in 10 workers have reported experiencing harassment or violence in their workplace, and rates are even higher for women and gender-diverse people.

"NDAs should never be used to silence victims, and those who've done that, their time's up."

The announcement comes less than a year after Ontario became the first province to ban the use of non-disclosure agreements in cases of sexual harassment [at Ontario post-secondary institutions](#).

"Can't Buy My Silence applauds the Ontario government for taking this next step in stopping the use of NDAs in cases of harassment, discrimination and other forms of abuse. Every day, people across the province are being silenced by these agreements, while perpetrators and abusive organizations are being protected," says Julie Macfarlane, Emerita Distinguished Professor of Law at the University of Windsor and Member of the Order of Canada and co-founder of Can't Buy My Silence. "NDAs are also used every day to cover up failure to pay money that is legally owed, especially maternity and pregnancy benefits.

"The Ontario government already took a crucial step by banning the use of NDAs in cases of harassment at post-secondary institutions. This legislation would protect *all* victims of discrimination and harassment in the province — and the sooner the *Misuse of Nondisclosure Agreements Act* is passed, the more people can be saved from the painful life of silence."

In June 2023, the Ontario New Democratic Party (NDP) tabled a bill aimed at stopping the misuse of NDAs; now the party is urging the ruling Progressive Conservatives to pass that legislation.

"Non-disclosure agreements stand in the way of justice and healing. Instead of working to protect victims, they work to protect abusers while effectively giving them a pass to perpetrate again," said NDP

MPP Jill Andrew, Official Opposition Critic, Women's Social and Economic Opportunity. "We urge the government to move quickly to ban their misuse by passing MPP Wong-Tam's legislation, created through in-depth consultation with the sector, as an important step to ending gender-based violence in Ontario."

"I look forward to working with the government to pass this overdue bill as soon as possible," said MPP Kristyn Wong-Tam, who tabled the Ontario bill in June, in a statement.

Legislative change is moving quickly in Canada. In July 2022, PEI became the first province to ban NDAs in cases of harassment, discrimination and other abuses, and provincial bills have since been tabled in [British Columbia](#), [Manitoba](#), [Ontario](#) and [Nova Scotia](#).

In February 2023, a Canadian Bar Association AGM resolution that discourages its members from using NDAs in cases of abuse, discrimination and harassment [passed by 94 percent](#). It also commits the CBA to lobbying for legal reforms.

In May of 2023, Senator Marilou McPhedran tabled the federal [Can't Buy Silence Act](#), which would bar federally funded agencies from using federal dollars to fund or enforce NDAs in cases of harassment and discrimination.

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, and on October 26, a bill in Ireland was passed by the Seanad Éireann. Twenty-one U.S. states have now introduced or passed legislation to restrict the use of NDAs.

Can't Buy My Silence's University Pledge has been signed by 100 universities in England and Ireland, including campuses of Oxford and Cambridge. A growing number of businesses are also shifting their policies, and BBC, Google and Apple are among the many organizations that have pledged to stop using NDAs to cover up misconduct.

Non-disclosure agreements were initially used in workplaces to protect trade secrets. But increasingly they have been 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 with Harvey Weinstein. Perkins was later named a Person of the Year by both *Time* and *The Guardian*.

"For too long, NDAs have been forced on victims who are told they must protect perpetrators or abusive organizations, and then those perpetrators go on to abuse even more," says Macfarlane. "It's time to put an end to this harmful practice by passing laws and policies that protect victims from a lifetime of silence. I applaud the leaders who are doing the right thing; they will be on the right side of history."

For More Information and Interviews, Contact:

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- [More information](#) and [victim testimonies](#) at [Can't Buy My Silence](#)

Major Legislative and Policy Developments in Canada, 2022-2023

April 2022: Nova Scotia's [Non-Disclosure Agreements Act](#) gets its first reading

May 2022: PEI's [Non-Disclosure Agreements Act](#), the first of its kind in the country, comes into force

May 2022: The Nova Scotia Union of Public and Government Employees (NSGEU) becomes the first union to resolve to ban NDAs in cases of workplace sexual harassment

June 2022: The National Union of Public and General Employees (NUPGE) becomes the first national union to resolve to ban NDAs in cases of workplace sexual harassment

November 2022: As part of Manitoba's [Non-Disclosure Agreements Act](#), parliamentarians hold a committee hearing where more than 20 members of the public [testify about their NDAs](#) for the first time

December 2022: Ontario Government passes a law [banning universities from using NDAs](#) to cover up faculty/student sexual misconduct

February 2023: A Canadian Bar Association [AGM resolution](#) discouraging members from using NDAs in cases of abuse, discrimination and harassment passes by 94 percent. It also commits the CBA to lobbying government for legal reforms

March 2023: British Columbia's [Non-Disclosure Agreements Act](#), introduced by Green Party leader Sonia Furstenau, gets its first reading

May 2023: Senator Marilou McPhedran tables federal [Can't Buy Silence Act](#), which would bar federally funded agencies from using federal dollars to fund or enforce NDAs in cases of harassment and discrimination

May 2023: Sports Canada announces [it will remove the current NDA clause](#) from its athlete contract template

June 2023: Ontario's [Stopping the Misuse of Non-Disclosure Agreements Act](#), tabled by Ontario MPP and NDP Justice Critic Kristyn Wong-Tam, gets its first reading

July 2023: Ontario's [Strengthening Post-Secondary Education](#) amendment, which prohibits Ontario universities from using NDAs to cover up faculty sexual misconduct, comes into force

November 2023: Ontario Labour Minister David Piccini announces the government will begin consultations on banning the use of NDAs in cases of harassment and misconduct. "NDAs should never be used to silence victims," he says, "and those who've done that, their time's up."