



## Saskatchewan Becomes Latest Province to Introduce Bill to Ban NDAs

*Bill 613 would put strict limits on non-disclosure agreements in cases of harassment and discrimination*

November 10, 2023 — Saskatchewan has just become the latest Canadian province to introduce legislation to end the use of non-disclosure agreements — also known as gag orders or confidentiality agreements — in cases of harassment and discrimination.

Saskatchewan NDP MLA Nicole Sarauer introduced the legislation as part of the *Saskatchewan Employment (Fairer Workplace, Better Jobs) Act* on Wednesday.

“Non-disclosure agreements have been used in the past to silence survivors of workplace harassment and discrimination. This needs to stop,” said Sarauer, a lawyer and Opposition Critic for Labour, Justice and Attorney General. “We hope these provisions will improve the lives of workers in Saskatchewan as we all work toward a harassment-free work environment. We hope the Government of Saskatchewan agrees and decides to pass this Bill into law.”

If passed, the Saskatchewan bill would prohibit the use of non-disclosure agreements and non-disparagement clauses — which prevent survivors from making any negative remarks about the person or organization — in cases of harassment and discrimination. It would also allow people with existing NDAs, under certain conditions, to tell a new employer they signed an NDA with a previous employer.

If they want their own privacy protected, survivors could still request an NDA — as long as they have the opportunity to receive independent legal advice, they aren’t pushed to sign, and it wouldn’t jeopardize anyone else’s health or the public interest. It would also allow the survivor to talk about the harassment and discrimination they experienced.

Sarauer is encouraging people who support these provisions to [email Saskatchewan Minister of Labour Don McMorris](#) and urge him to pass the legislation.

“Can’t Buy My Silence applauds the Saskatchewan NDP for bringing forward this important legislation. NDAs are used across all sectors to silence victims of harassment and discrimination, and to protect perpetrators and abusive organizations. They’re also used to cover up for employers who fail to pay their employees’ salary, severance and maternity benefits,” 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. “The sooner this legislation is passed, the more people can be saved from a painful life of silence.”

The limits on non-disclosure agreements are part of the larger *Saskatchewan Employment (Fairer Workplace, Better Jobs) Act*, which would also establish a \$15 per hour minimum wage, guarantee paid sick leave for all Saskatchewan workers, and require employers to report the number of harassment investigations they conduct each year. The NDA provisions were modelled after the PEI legislation that Can’t Buy My Silence helped to draft, and became law in 2022.

Similar legislation has since been introduced in [British Columbia](#), [Manitoba](#), [Ontario](#) and [Nova Scotia](#). In May 2023, Senator Marilou McPhedran also introduced the [Can't Buy Silence Act](#), which would bar any federally funded department or agency from using federal dollars to pay for or enforce NDAs in cases of harassment, discrimination and other abuses.

The Saskatchewan news comes just days after [Ontario Labour Minister David Piccini announced his government would launch consultations on banning NDAs](#) in cases of harassment and other forms of misconduct in that province — the latest in a series of major milestones on the road to ending abusive NDAs.

Earlier this year, members of [the Canadian Bar Association voted 94 percent in favour](#) of discouraging the use of NDAs in cases of harassment and discrimination, and lobbying for legal reforms. On October 25, 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. At the same time, the [English parliament](#) passed a law prohibiting universities from using NDAs in cases of sexual misconduct, abuse, bullying, harassment and discrimination.

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*.

“When it comes to NDAs, the tides are turning — and fast,” says Macfarlane. “People are beginning to understand the profound harm that NDAs cause, both to victims and to the larger society. Even abusive organizations are waking up to the fact that they pose a major PR risk. It’s high time we put an end to this practice, and we applaud leaders like Nicole Sarauer and David Piccini who are making it happen.”

**For More Information and Interviews, Contact:**

- **Stacey Buchholzer**, Campaign Coordinator: [info@cantbuymysilence.com](mailto:info@cantbuymysilence.com)
- [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:** Nicole Sarauer, Saskatchewan MLA and Justice and Labour Critic, introduces *The Saskatchewan Employment (Fairer Workplace, Better Jobs) Amendment Act*, which prohibits NDAs in cases of harassment and discrimination.

**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."