



Hockey Canada Sexual Assault Arrests Reconfirm Need to Ban NDAs: Expert

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January 31, 2024 — As people in Canada and around the world watch five former members of Canada’s world junior hockey team face charges of sexual assault, a legal expert and sexual abuse survivor says the Hockey Canada case shows the terrible damage of non-disclosure agreements, or NDAs.

The arrests come after the revelation in 2022 that Hockey Canada used a secret slush fund to pay out settlements following a 2018 group sexual assault in a London, Ontario hotel room, as well as in other cases of sexual assault and abuse. London police have promised to release further details in an announcement on **February 5, 2024**.

The Hockey Canada story has drawn attention across Canada, the U.S., Europe and beyond, and reconfirms the need for NDAs to be banned in cases of sexual assault, harassment, abuse and discrimination, says Dr. Julie Macfarlane, who co-founded the group [Can’t Buy My Silence](#) with Zelda Perkins, the first woman to break her NDA with disgraced Hollywood mogul Harvey Weinstein.

“The Hockey Canada case is a horrible example of how NDAs silence victims, protect perpetrators and cover up wrongdoing in organizations — including ones like Hockey Canada that receive public funds,” says Macfarlane, Emerita Distinguished Professor of Law at the University of Windsor and Member of the Order of Canada. “In the process, these secret settlements cause immense harm to survivors, organizations and the larger society.

“In some cases, police send allegations back to corporations and institutions to investigate internally. Then complainants are required to sign NDAs and none of the facts or findings ever see the light of day,” adds Macfarlane, noting the survivor of the 2018 group sexual assault first went to the police, but her complaint reverted to Hockey Canada for investigation. “Sadly it seems that’s what happened here. It took years to see charges — and many cases vanish with no charges at all.”

Following the Hockey Canada revelations, Pascale St-Onge, at the time the Minister of Sport, vowed to end the use of NDAs in Canadian sports. In 2023, Canadian Senator Marilou McPhedran introduced the [Can’t Buy Silence Act](#), which would bar all federally funded agencies and organizations — including Hockey Canada, CBC and others — from using federal dollars to

pay for or enforce NDAs in cases of sexual misconduct, harassment, discrimination and other abuses. That legislation is pending second reading in the Senate. As more and more stories of NDA abuse come to light, we urge the Liberal government to adopt this bill.

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. In Quebec, a government-appointed committee on sexual harassment and sexual assault in the workplace has recommended the legal restriction of NDAs.

In 2023, 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. Nineteen U.S. states have also introduced or passed legislation to restrict the use of NDAs, and many businesses are also shifting their policies, with BBC, Google and Apple among the organizations that have pledged to stop their use in cases of misconduct.

Despite this rapid progress, NDAs are still in widespread use, says Macfarlane — and until more legislation is passed and brought into force, and more businesses and institutions pledge to stop using NDAs, more victims will be silenced and more perpetrators will be shielded, allowing them to continue their abuses with impunity.

“It’s a terrible cycle: victims experience sexual abuse, discrimination and other harms. Then when they come forward, an internal investigation gets launched, and those victims are required — sometimes quite coercively — to sign NDAs. Then everybody goes quiet, everything gets swept under the rug and nothing changes,” says Macfarlane, who has followed the Hockey Canada story closely and has been interviewed by media across Canada and internationally.

“Outlawing this shameful practice of using NDAs to cover up misconduct is the fastest route to widespread change,” she says. “And the Hockey Canada story shows us just how important it is that we make that change now.”

Dr. Macfarlane is available for interviews in advance of the February 5 police announcement, and after.

For more information and interviews, contact:

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