



Manitoba Bill To Stop Abuse of Non-Disclosure Agreements Passes Second Reading

April 20, 2023 — Advocates working to stop the abuse of non-disclosure agreements, or NDAs, are celebrating after Bill 225 passed its second reading in the Manitoba Legislature on Tuesday.

The Non-Disclosure Agreements Act aims to halt the use of NDAs in cases of discrimination, harassment and other forms of abuse, where they are regularly employed to silence victims and protect perpetrators.

“It’s encouraging to see this important bill move to the next stage in Manitoba,” 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 dedicated to stopping the abuse of non-disclosure agreements. “The sooner this legislation gets passed in Manitoba and other provinces, the more victims can avoid being forced into a life of silence — and abusers can be stopped from abusing with impunity.”

A similar bill passed unanimously in [P.E.I.](#) in 2022, and [British Columbia](#) and Nova Scotia have legislation in the works. Seventeen U.S. states have also legislated to restrict the use of NDAs. Earlier this year, the Canadian Bar Association [overwhelmingly passed a resolution](#) to discourage the use of non-disclosure agreements and to lobby for change in legislation.

From here, the Manitoba Bill will proceed to the committee stage, where members of the public — including those who have signed NDAs — are invited to speak publicly about the harms the agreements cause. Because the committee process is protected by parliamentary privilege, victims can speak publicly without fear of legal reprisal.

People can register to speak by contacting the Office of the Clerk at 204-945-3636, or can [sign up online here](#).

At a similar session last November, 20 people spoke candidly about the effects of signing NDAs, and how they added a layer of harm to the abuses they had already suffered. Among them were a victim of sexual harassment whose boss was a supporter of her harasser, an IT professional who experienced years of anti-Indigenous racism from his supervisor, and a journalist who said Peter Nygard's alleged abuses might have ended earlier if several of his victims hadn't been silenced by NDAs. (The full video of their testimony is available [here](#).)

"We're pleased that the Manitoba Liberal NDA reform bill has passed second reading to public hearings with all-party support. It would never have happened without the courageous testimony of the people who stepped forward to tell their powerful stories back in November," says Dougald Lamont, leader of the Manitoba Liberal Party.

Now Lamont is encouraging others to step forward. “For anyone who wants to tell their story, being a presenter at committee means they can speak about their NDA and be protected from legal action. This was an incredibly powerful part of the process when the bill was introduced last session, because they could speak the truth and be protected by parliamentary privilege,” he says. “The public could finally understand how traumatizing being silenced is — especially after being hurt.”

Macfarlane agrees. “The [stories of lived experiences](#) told to the committee then were both shocking and moving, and clearly brought home to committee members the real trauma and exploitation of NDAs,” she says. “We call on the Manitoba government to adopt the bill and provide legislative time for it to pass, and protect Manitobans from being silenced when they experience misconduct and abuse.”

The news comes the same week the federal Liberal government came under fire for restoring funding to Hockey Canada without explicitly stopping the organization’s use of non-disclosure agreements. The organization’s federal funding had been frozen since June, 2022, after reports surfaced that the organization used NDAs to cover up multiple alleged sexual assaults — including an alleged group assault that involved members of Canada’s 2018 world junior men’s team.

Non-disclosure agreements were initially used in workplaces to protect trade secrets. However, they are increasingly 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 and 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 she signed decades earlier with Harvey Weinstein. Perkins was later named a Person of the Year by both Time and The Guardian.

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

Now Macfarlane is calling on Manitoba legislators to step up and do the right thing. “We hope the PC government will make passing this a priority, because it is urgent,” she says. “Every day it doesn’t pass is a day that harm can be legally covered up, and we know NDAs are still being used and abused in Manitoba. As a former police officer told us at committee last session, reforming NDAs will act as a deterrent because predators won’t be able to hide behind them anymore.”

"There's no public interest in silencing the people the way they're being silenced with NDAs — none whatsoever," said Lamont in an interview last fall. "It's against the public interest, it's against justice, and frankly, it protects predators."

For More Information and Interviews, Contact:

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