

Community Legal Assistance Society Launches Campaign to Restrict Non-Disclosure Agreements in Sexual Harassment Cases in British Columbia

(Vancouver, B.C.) The Community Legal Assistance Society's SHARP Workplaces Legal Advice Clinic is launching a campaign to advocate for provincial legislation restricting the use of Non-Disclosure Agreements in sexual harassment cases. The [campaign](#) will raise awareness about the misuse of NDAs in sexual harassment cases, advocate for provincial legislation restricting the use of NDAs in sexual harassment cases.

In recent decades, NDAs have become commonplace in sexual harassment settlement agreements to buy the silence of a complainant and protect the reputation of the harasser and employer. NDAs are often so restrictive that the complainants are effectively “muzzled”, unable to discuss what happened to them with even friends, family members and counsellors, severely limiting their ability to process and seek help for the trauma experienced.

“The use of NDAs contributes to serial sexual predation and causes additional harm to survivors of sexual harassment,” said Jennifer Khor, Supervising Lawyer of the SHARP Workplaces Legal Advice Clinic. “The problem is that NDAs have become so normalized that complainants of sexual harassment often feel they have no choice but to sign one.”

There is a global movement to stop the use of NDAs in sexual harassment cases led by the “[Can't Buy My Silence](#)” campaign. SHARP Workplaces Legal Advice Clinic has teamed up with Julie Macfarlane, co-founder of the Can't Buy My Silence campaign and formerly Distinguished Professor of Law at the University of Windsor, to collect data about NDAs in BC. “I'm excited to work with SHARP Workplaces to raise awareness about the misuse of NDAs in BC and the harmful impacts of muzzling people who have experienced sexual harassment, discrimination and other workplace misconduct. The provincial legislature must protect British Columbians by passing legislation to restrict the use of NDAs.”

Several jurisdictions, including PEI and 17 U.S. states, have passed legislation limiting the use of NDAs in sexual harassment cases. Other jurisdictions, like Manitoba and Nova Scotia, are considering similar legislation. The secrecy of NDAs makes it difficult to research the prevalence and impacts of NDAs in BC – however US research suggests that 1 in 3 employees have been asked to sign some sort of NDA.

“NDAs are extremely common in sexual harassment complaints,” said Khor, “but we need BC-specific data to demonstrate to policymakers that people in our province are harmed because of the misuse of NDAs. The goal is to use the anonymous stories and data we collect to demonstrate to policy-makers the impact and prevalence of NDAs, and the need for legislation restricting the use of NDAs in sexual harassment cases.”

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About the Community Legal Assistance Society (CLAS):

CLAS is a non-profit providing free legal services to marginalized British Columbians since 1971 and undertakes law reform to address the critical needs of those who are disadvantaged or face discrimination.

About CLAS' Sexual Harassment Advice, Response, and Prevention for Workplaces Program (SHARP Workplaces):

[SHARP Workplaces Legal Advice Clinic](#) provides free, confidential legal advice to anyone who has experienced workplace sexual harassment in BC.