

2022-04 NON-DISCLOSURE AGREEMENTS/NON-DISPARAGEMENT AGREEMENTS (NDAs)

Whereas #1: Employers often force workers to sign non-disclosure and non-disparagement agreements as part of severance packages that restrict survivors' freedom of speech and removes their ability to communicate what they endured; and

Whereas #2 Confidentiality terms in settlement agreements (Non-Disclosure Agreements) are contractual provisions that isolate survivors of harassment and discrimination leaving them permanently in the grip of, and legally accountable to, their abusers and their abusers' employers; and

Whereas #3: On a societal level, these terms conceal wrongs that need to be exposed, acknowledged, and addressed on a systemic level; and

Whereas #4: Over the past two decades there has been minimal movement towards a relaxation of non-disclosure agreements with respect to discrimination and harassment, and this relaxation of confidentiality requirements is completely voluntary; and

Whereas #5: NDAs exacerbate the practice of silencing survivors, and all too often survivors will accept NDAs to secure a settlement that brings them some closure; therefore, be it

Resolved #1: that the National Council of Women of Canada (NCWC) adopt as policy that the use of non-disclosure agreements/non-disparagement agreements be restricted in cases of harassment and discrimination where its purpose or effect is to conceal the details relating to the complaint or prevent the lawful investigation into the complaint; and

Resolved #2: that the NCWC strongly urge the Government of Canada to introduce legislation restricting the use of non-disclosure agreements/non-disparagement agreement in cases of harassment and discrimination; and be it further resolved

Resolved #3: that the NCWC urge the Government of Canada to increase support mechanisms for victims of harassment and discrimination as their cases evolve through the justice system.