

CANADA LEGISLATIVE TRACKER (*disclaimer: tracker currently undergoing an update)

Province/state	Bill Names and Details	Sponsored By:	Scope	Non-disparagement clauses?	Link:	Special notes
Alberta	NO PROPOSED LEGISLATION					
British Columbia	Bill M 215 – 2023: Non-Disclosure Agreements Act	Sonia Furstenuau (Green Party BC)	Harassment and discrimination (both workplace and civil)		https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-	A non-disclosure agreement must use language that is clear and understandable to the person who is the relevant person in relation to the discrimination or harassment, or allegations of discrimination or harassment, to which the agreement applies.
	Stand Alone Bill					For an NDA to be enforceable (Section 2(1) it must: (i) be the express wish and preference of the complainant (ii) include access to independent legal advice (ILA); (iii) include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so; (v) there must be no undue influence or pressure (v) have no adverse effect on the public interest or a third party (vi) be of a set and limited duration (Section 2(1)(a)-(e).
Manitoba	Bill 225, THE NON-DISCLOSURE AGREEMENTS ACT	Dougald Lamont (St. Boniface)	Harassment and discrimination (workplace and civil)		https://web2.gov.mb.ca/bills/42-4/b225e.php see page 9: https://web2.gov.mb.ca/bills/42-4/billstatus.en.pdf	For an NDA is to be enforceable (Section 3(1-6) it must include (i) access to ILA, (ii) is at the express wish of the complainant (iii) an opportunity for the complainant to waive, by following a process set out in the agreement (iv) no adverse consequences for the public interest or third party harm (v) no coercion or undue influence (vi) be of a set and limited duration.
	Stand Alone Bill	Independent Liberal				<ul style="list-style-type: none"> Includes provision for banning NDA requirement for investigation (Section 7(1)). Sponsor Dougald Lamont is now a Former Member of the Manitoba Legislative Assembly
New Brunswick	NO PROPOSED LEGISLATION					
Newfoundland and Labrador	NO PROPOSED LEGISLATION					
Northwest Territories	NO PROPOSED LEGISLATION					
Nova Scotia	Bill 144, An Act Respecting Non-disclosure Agreements	Claudia Chender (NDP NS)	Harassment and discrimination (both workplace and civil)	Included: Section 4	https://legislature's/legc/bills/64th_1st/1st_read/b144.htm	• Includes provision for banning NDA requirement for investigation (Section 4(c)(i)).
	Stand Alone Bill					
	Stage: First Reading (April 7, 2022)					
Nunavut	NO PROPOSED LEGISLATION					
Ontario	Strengthening Post-secondary Institutions and Students Act, 2022, S.O. 2022, c. 22	The Hon. J. Dunlop	Sexual misconduct by university and college employees		https://www.ontario.ca/laws/statutes/s22022	Does not allow for NDAS for acts of sexual misconduct unless: (a) the student has had a reasonable opportunity to receive independent legal advice; (b) there have been no undue attempts to influence the student with respect to the request;
	Amends Various Acts					(c) the agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so; and (d) the agreement is of a set and limited duration. https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-12/b026ra_e.pdf
	Stage: Passed (December 8, 2022)					
	Commencement: July 1, 2023					

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Province/state	Bill Names and Details	Sponsored By:	Scope	Non-disparagement clauses?	Link:	Special notes
Ontario	Bill 124, "Stopping the Misuse of Non-Disclosure Agreements Act, 2023"	NDP Justice Critic Kristyn Wong-Tam	Prevent discrimination, harassment, sexual harassment or sexual assault		https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023-06/b124_e.pdf	For an NDA to be enforceable (Section 1(3)) it must: (i) include access to independent legal advice (ILA); (ii) include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so; (iii) there must be no undue influence or pressure (iv) have no adverse effect on the public interest or a third party (v) be of a set and limited duration. (Section 1(3) (1-5)). <ul style="list-style-type: none"> Includes provision for banning NDA requirement for investigation
	Stand Alone Bill					
PEI	Bill 118, Non-Disclosure Agreements Act	Lynne Lund (Green Party)	Harassment and discrimination (both workplace and civil)	Included: Section 4(5)	file:///Users/meg/Downloads/chapter-51.pdf https://www.princeedwardisland.ca/sites/default/files/legislation/n-03-02-non-disclosure_agreements_act_2.pdf	<ul style="list-style-type: none"> For an NDA to be enforceable (Section 3(1)(b)) it must: (i) include access to independent legal advice (ILA); (ii) include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so; (iii) there must be no undue influence or pressure (iv) have no adverse effect on the public interest or a third party (v) be of a set and limited duration. (Section 3(d)-3(e)). Includes provision for banning NDA requirement for investigation (Section 4)(6)(b)(i)). Plain language requirement (Section 4(8)). Validity and enforceability requirements do not apply to NDA's entered into before Act comes into force (Section 3). Contravention of act can liable on conviction to a fine of not less than \$2,000 or more than \$10,000. (Section 6). The validity and enforcement provisions do not apply to settlement amounts (Section 7). Bills information page: https://www.assembly.pe.ca/legislative-business/house-records/bills#/service/LegislativeAssemblyBillProgress/LegislativeAssemblyBillView;e=LegislativeAssemblyBillView;id=9e65eec9-3f80-479b-acf2-c5a00b121d44;chapter=51;bill_number=118;general_assembly=66;s
	Stand Alone Bill					
Quebec	NO PROPOSED LEGISLATION; see: Civil Code of Quebec					In Quebec, the Civil Code of Quebec represents the statutory basis for most NDAs. When a contract is legally formed in Quebec and respects its formation requirements, then the Quebec courts will enforce non-disclosure agreements.
Saskatchewan	Saskatchewan Employment (Fair Workplaces, Better Jobs) Act	Nicole Sarauer (NDP House Leader)	Harassment and discrimination	Included	https://docs.legassembly.sk.ca/legdocs/Explanatory%20Notes/29L4S/Bill29-613EN.pdf	For an NDA to be enforceable (Section 6) it must: (i) be the express wish and preference of the complainant (ii) include access to independent legal advice (ILA) re entering the agreement and the terms and conditions of the agreement; (iii) include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so; (v) there must be no undue influence or pressure (vi) have no adverse effect on the public interest or a third party (vi) be of a set and limited duration (vii) be written in plain language. Cannot use an NDA as a condition of an investigation (section 6(2))
Yukon	NO PROPOSED LEGISLATION					
Federal	S-261 Can't Buy Silence Act	Senator Marilou McPhedran			https://www.parl.ca/DocumentViewer/en/44-1/bill/S-261/first-reading https://openparliament.ca/document-viewer/en/44-1/bill/S-261/first-reading	Public money is not to be used for (a) pay for settlements in relation to harassment and violence or discrimination if the settlement is to include a non-disclosure agreement; or (b) litigate non-disclosure agreements against complainants (section 6 (2)) and section 7(3)) unless (i) ILS is provided which presents alternatives to confidentiality for a complainant and (ii) the complainant makes a specific request for an NDA.
	Stand Alone Bill					