



NEW YORK STATE SENATOR

Alessandra Biaggi

Senator Biaggi, Senator Gounardes, and Assemblymember González-Rojas Introduce Stop Silencing Survivors Act to Ban Non-Disclosure Agreements

ALESSANDRA BIAGGI April 29, 2022

ALBANY, NY – Senator Biaggi, Senator Gounardes, and Assemblymember González-Rojas have introduced legislation ([S8914](#)) to ban non-disclosure and non-disparagement clauses in settlement agreements in workplace disputes and in employment contracts.

This legislation bars employers from including a non-disclosure agreement (NDA) or non-disparagement agreement in a waiver, settlement, agreement, or other resolution to an alleged violation of the human rights law or labor law. Agreements may still include language barring an employer from revealing the identity of an employee or the circumstances surrounding their complaint, providing important protections to victims who want privacy. Additionally, the legislation bars employers from including language in a contract or application for employment as a condition of employment that bars employees from disclosing information related to any future alleged violations of the human rights law, labor law or their experience with the employer.

“Non-disclosure agreements (NDAs) have been used again and again by employers to silence survivors of workplace harassment and discrimination and protect abusers. By passing the Stop Silencing Survivors Act we can put the power back in the hands of employees — giving

them the agency to share their experiences when and if they so choose. I am incredibly grateful to the Sexual Harassment Working Group and Lift Our Voices for spearheading this movement to create safer, more equitable workplaces, and to my colleagues Senator Gounardes and Assemblymember González-Rojas for their partnership on this legislation,” **said Senator Alessandra Biaggi.**

“As we’ve seen in recent years, employers across all sectors in New York frequently weaponize non-disclosure agreements (NDAs) to silence employees who’ve experienced workplace harassment or discrimination. Employers also use NDAs to deter new hires from speaking out about potential future harm. With this new bill, employers will no longer be allowed to do either and survivors will cease to be silenced. I’m pleased to sponsor this legislation along with Senator Biaggi and grateful to the Sexual Harassment Working Group and Lift our Voices for their tireless advocacy to protect New York’s workforce. It’s time New York join states including Washington, New Jersey, and California in passing a ban on NDAs to further improve our state’s culture of workplace harassment and discrimination,” **said Assemblymember Jessica González-Rojas.**

“NDA’s silence victims of harassment and discrimination plain and simple. They protect abusers and prevent employees from sharing information that can protect them from future harm. The Stop Silencing Survivors Act will finally put an end to this predatory practice and allow for survivors to have authority over their own trauma. I am excited to continue our work to dismantle the harassment protection machine alongside my partner in the Senate, Senator Biaggi, Assemblymember Jessica González-Rojas, Lift Our Voices and the Sexual Harassment Working Group,” **said Senator Andrew Gounardes.**

“Survivors and whistleblowers should not be forced to sacrifice their voices in order to move on with their lives. The Stop Silencing Survivors Act finally gives workers the agency to privacy on their terms, restoring their right to be the owners of their own experiences by

allowing them to speak publicly about what happened to them, if and when they are ready. We thank bill sponsors Senator Biaggi, Senator Gounardes, Assemblymember González-Rojas, and Lift Our Voices for their support and dedication to changing the culture that allows toxic harassment and discrimination to fester,” **said the Sexual Harassment Working Group.**

“Concealment clauses like NDAs and non-disparagement agreements are tools to keep dirty laundry under wraps and ensure that the culture of workplace toxicity continues to thrive unabated. In an era when organizations routinely talk about diversity, equity and inclusion, it is all the more important that they allow workers to speak honestly about toxic workplace issues. With this legislation, New York State is taking a momentous step in ensuring that survivors can finally demand a more respectful and inclusive workplace, free of fear and retaliation,” **said Gretchen Carlson and Julie Roginsky of Lift Our Voices.**

“This bill ensures employees will no longer be bullied into silence if they want to hold employers accountable, while leaving room for reasonable protections of privacy,” **said Margaret McIntyre, Employee Rights Attorney.**

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