

Restrict & Regulate Non-Disclosure Agreements

Stop Silencing Women & Workers

Selected Media and Reporting



The Australian media have covered the issue of non-disclosure agreements, and efforts to regulate and restrict them, extensively in recent times. Below is a selection of non-paywalled coverage, and other commentary and reports.

[Australian Human Rights Commission calls for end to NDAs in workplace sexual harassment cases](#) <<

The Australian / 25 June 2025, Jessica Wang

Excerpt: “The Australian Human Rights Commission has called on the government to restrict the use of confidentiality and nondisclosure agreements in workplace sexual harassment cases, and hit employers with civil penalties if they fail to take proactive steps to prevent discrimination and sexual harassment. The two recommendations were made in the independent body’s Speaking from Experience report into combating workplace sexual harassment.

Out of the 11 recommendations, the body said Australian laws should mirror legislation in Ireland that prevent workplaces from imposing NDAs and confidentiality agreements on victims, which are commonly used as a condition of receiving compensation for harassment.

Sex Discrimination Commissioner Anna Cody said while the use of the contracts were “decreasing” she said lawyers and HR departments were still “unaware that they are optional. We’re saying restrict them so they’re not used unless the person who’s experienced the workplace sexual harassment requests it,” she told NewsWire. “I think they are mostly used to protect the reputation of the harasser and of the employer but I think (we need to remember) that employers will gain their reputation from taking action against harassers.”

[UK bosses to be banned from using NDAs to cover up misconduct at work](#) <<

The Guardian / 8 July 2025, Pippa Crerar, Jessica Elgot and Anna Bawden

Excerpt: “After years of campaigning by activists, ministers have looked beyond high-profile cases linked to the #MeToo movement to address concerns about workers in regular employment who may not have the means or confidence to pursue their employers through the courts to challenge “gagging orders”.

Announcing the change, Angela Rayner, the deputy prime minister, said: “Victims and witnesses of harassment and discrimination should never be silenced. As the Guardian has reported on widely, this is not an issue confined to high-profile individuals or the most powerful organisations.

“The use of NDAs to cover up abuse and harassment is growing – and sadly amongst those in low-income or insecure employment across multiple industries and workplaces. This cannot go on. That is why we are stamping out this practice and taking action to ban any NDAs used for this purpose. My message is clear: no one should suffer in silence and we will back workers and give survivors the voice that they deserve.”

[Should non-disclosure agreements be restricted in cases of workplace sexual harassment? Here's what reforms need to get right](#) <<

The Conversation / 17 December 2024, Lisa Heap Senior Researcher Centre for Future Work at the Australia Institute; Sessional Academic RMIT University, The Australia Institute David Peetz Laurie Carmichael Distinguished Research Fellow at the Centre for Future Work, and Professor Emeritus, Griffith Business School, Griffith University

Excerpt: “There is an appetite both in Australia and overseas for legislated, tighter restrictions on the use of NDAs. A key feature of good policy in this area is transparency. At the same time, we need to give victim-survivors more agency regarding if and how NDAs are used. A range of policy reforms could move us in that direction. First, the use of NDAs could be limited by creating a

legislative presumption that they are not necessary. Legislation could reserve confidentiality restrictions for specified circumstances.”

[Victorian review of NDAs gets strong support for outright ban in sexual harassment cases](#) <<

The Guardian / 18 December 2024, Benita Kolovos

Excerpt: “About 90% of submissions to a Victorian government-led consultation have recommended restricting the use of non-disclosure agreements (NDAs) in cases of sexual harassment, with a legal centre revealing pressure was put on a 15-year-old girl to sign one while she was working at a supermarket.”

[Companies called out for using NDAs to stop women talking about sexual harassment](#) <<

ABC News / 12 December 2024, Lexy Hamilton-Smith

Excerpt: “The use of heavy-handed Non-Disclosure Agreements (NDAs) by Australian companies to gag women has been called out by the federal sex discrimination commissioner. Yesterday, landmark class actions were launched against Rio Tinto and BHP for alleged widespread, systemic sexual harassment and gender discrimination in mining sites across the country. The lawsuit claims women have been urinated on, defecated in front of, sexually groped and ridiculed, and often sacked if they spoke out. Most were forced to sign NDAs. Dr Anna Cody said she was “deeply concerned” NDAs were being used to manage women out after they complained.”

[Maria felt pressured to sign an NDA after being sexually harassed. Now she's speaking out against the practice](#) <<

The Guardian / 29 November 2024, Benita Kolovos

Excerpt: “Hopes are rising that a push for change in Victoria means victims will no longer be ‘badgered into silence’ “We know that NDAs have become the default in sexual harassment cases and victim-survivors often feel they have no choice but to sign up – that’s flat-out wrong,” said Jacinta Allan, the Victorian Premier. “This reform is about putting the voices of victim-survivors first – misuse of NDAs not only silences victim-survivors but protects perpetrators.”

[Current and former Channel Seven staff describe a 'degrading, soul crushing' workplace that's left some suicidal and unable to work](#) <<

ABC Four Corners / 12 August 2024, Louise Milligan, Nick Farrow and Dylan Welch

Excerpt: “Many former on and off-air staff who allege sexual harassment and bullying have been required to sign non-disclosure agreements (NDAs) that have silenced their right to tell their story. “They’re trying to present an illusion of being robust, happy workplaces, performing a public interest in cutting-edge journalism,” says solicitor Josh Bornstein, who has multiple clients at Seven and Nine. “What the NDAs do is mask the reality of a brutal workplace culture in which women particularly are mistreated very badly and routinely. It’s an unusually brutal culture. I haven’t actually seen anything like it.”

[Why strict non-disclosure agreements in sexual harassment cases shouldn't be the only option](#) <<

ABC Law Report / 21 March 2024, Sophie Kesteven and Damien Carrick

Excerpt: “For Rachel, she says looking back, she would have thought twice about signing her own NDA. “I think it’s terrible because the company still looks like a good corporate citizen, but they’re not actioning any of the toxic environment they’ve got in the workplace,” she says. “It’s affected my health and wellbeing, and any women that would work there would feel the same. It’s just a cover up and it’s making the victim feel like they’re the problem.”

[Fight to Get Rid of NDAs Silencing Workplace Harassment Victims](#) <<

The Project / 29 July 2024, Waleed Aly

Excerpt: “One in three people have been sexually harassed in the workplace in the last five years. But the use of non-disclosure agreements in sexual harassment cases means many victims are being silenced unnecessarily, and now they're fighting back.”

This TV segment features Working Women's Centre SA clients, and 'Let's Talk About Confidentiality: NDA use in sexual harassment settlements since the Respect@Work Report' authors Sharmilla Bargon and Regina Featherstone. Viewing time 7:10mins.

[Speaking from Experience: What needs to change to address workplace sexual harassment](#) <<

Report, Australian Human Rights Commission / June 2025

Excerpt: “While the Respect@Work report recommended the development of best practice principles to guide the use of NDAs, legislation on their use has not changed. This stands in contrast to legal developments in the United States, United Kingdom, Ireland and Canada, where some jurisdictions have enacted reforms to restrict the use of NDAs in sexual harassment cases in certain settings, such as workplaces, higher education institutions, and more broadly. These international developments underscore the need to examine how current legal and institutional practices in Australia may reinforce structural power imbalances and limit transparency and accountability.

“In relation to defamation, contributors advocated for protections against strategic lawsuits aimed at silencing victim-survivors, known as strategic litigation against public participation (SLAPP) lawsuits. The laws designed to minimise the harm of SLAPP suits vary greatly, including about the types of speech they protect. Some laws seek to blunt the economic harm of SLAPP suits and require litigants who bring SLAPP suits to pay defendants' legal costs and attorney fees if those suits are unsuccessful. Anti-SLAPP legislation is a key area of law reform in the US and Europe. As contributors identified, a gap remains in relation to Australian anti-SLAPP legislation and how to deter litigation which stifles public-interest discussion about gender-based violence.”

[Let's Talk About Confidentiality: NDA use in sexual harassment settlements since the Respect@Work Report](#) <<

Research report, University of Sydney / 6 March 2024, Sharmilla Bargon and Regina Featherstone

Excerpt: “The picture is worrying: despite the Respect@Work NDA Guidelines – NDAs are continuing to be used, misused – and over-used. Bargon and Featherstone's research and data shows that 75% of the profession has never reached a sexual harassment settlement without strict NDA terms and that 50% of respondent solicitors have never advised their clients that sexual harassment matters can be resolved without strict NDA/confidentiality terms. In this way, this report sheds important light on how the legal profession has responded – or failed to respond – to the broader public and policy discussions on workplace sexual harassment and the extent to which NDAs obscure the scale of the problem – and highlights how much further we need to go.

But most importantly, Bargon and Featherstone's report offers a way forward, with recommendations for improvement in practice that will ensure a victim-centred approach and better protect women in the workplace. What is clear from this report, and as we argue in our book, we need an approach to NDAs which better protects freedom of speech and the public interest in employees being able to speak out about sexual harassment and gender-based violence – and ensures that women are not being unfairly silenced.” Foreword, Jennifer Robinson, Barrister, Doughty Street Chambers

[Restricting NDAs in workplace sexual harassment cases](#) <<

Government of Victoria, Engage Victoria website

This website tracks the NDA legislation consultation process in Victoria, including a significant discussion paper, submissions to the public consultation, and a timeline of the process.

Excerpt: “The Victorian Government is progressing legislative reform to restrict the use of NDAs in workplace sexual harassment cases.

This reform is in response to the Victorian Ministerial Taskforce on Workplace Sexual Harassment (Taskforce), which recommended that the Victorian Government introduce legislative amendments to restrict the use of NDAs in relation to workplace sexual harassment cases.

The Taskforce found that NDAs are often misused to silence victims, protect employer reputations, and avoid full liability and that NDAs can be used to hide serial offending and offenders.

The Taskforce recommended that Victoria use the *Irish Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021*, and lessons from other jurisdictions, including the United Kingdom and the United States, as the model for reform in Victoria.”

[Giving Sexual Harassment Victim-Survivors A Voice](#) <<

Media Release / 12 August 2024, Premier of Victoria, the Hon Jacinta Allen MP

Excerpt: “Non-disclosure agreements are being used to protect perpetrators and silence victims. That’s flat-out wrong. We’ve listened directly to victim-survivors who have been silenced, and this nation-leading reform will make sure they are heard.” Premier Jacinta Allan

“We will restrict the use of NDAs in sexual harassment cases to make Victorian workplaces and Victorian workers safer. We know that NDAs are too often misused, and this reform is about putting the voices of victim-survivors first.” [former] Minister for Industrial Relations Tim Pallas

[Can't Buy My Silence campaign](#) <<

International campaign website

This website is a global campaign hub and information clearinghouse for campaigns to end the misuse of NDAs to buy the silence of victim-survivors of sexual harassment and discrimination. It includes a significant amount of information from law reform work in the U.K, Ireland and North America/ Canada, including draft/model bills, media coverage, and materials for victim-survivors, lawyers and campaigners.

**Join the call to stop silencing women and workers through NDAs.
Help eradicate sexual harassment and discrimination in our workplaces.**



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