

#NoNDAs Day of Action

**Everything you ever
wanted to know about
NDAs.***

***But were legally not allowed to ask.**

What's an NDA?

An NDA (short for “Non-Disclosure Agreement”) is a confidentiality clause.

In its basic form, an NDA can be a standard part of an employment contract used to protect sensitive company information, like client details or intellectual property.

Increasingly, NDAs are also being used by employers to settle workplace disputes and grievances. This might sound like an ideal way to solve problems that arise at work.

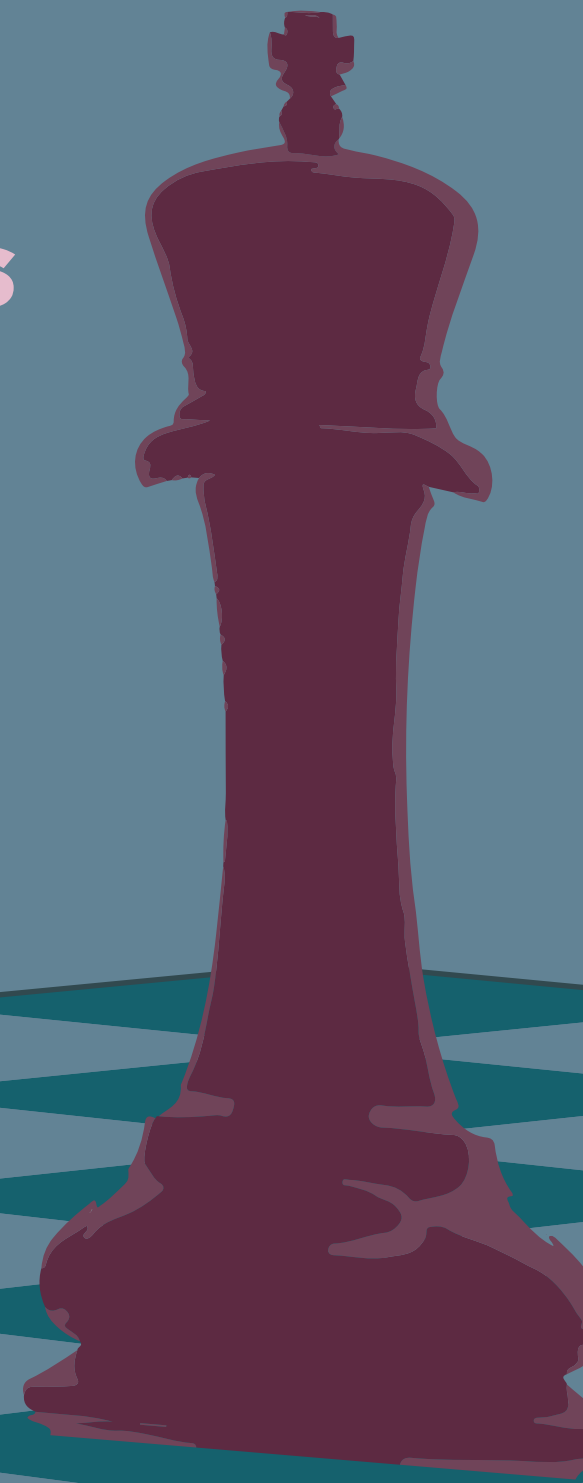
But **when NDAs are used in cases of workplace discrimination, bullying, abuse, harassment, or assault, they often do much more harm than good.**

Far from protecting victims, these NDAs take advantage of unequal power dynamics. They enforce a culture of silence, protect abusers, and perpetuate cycles of abuse.

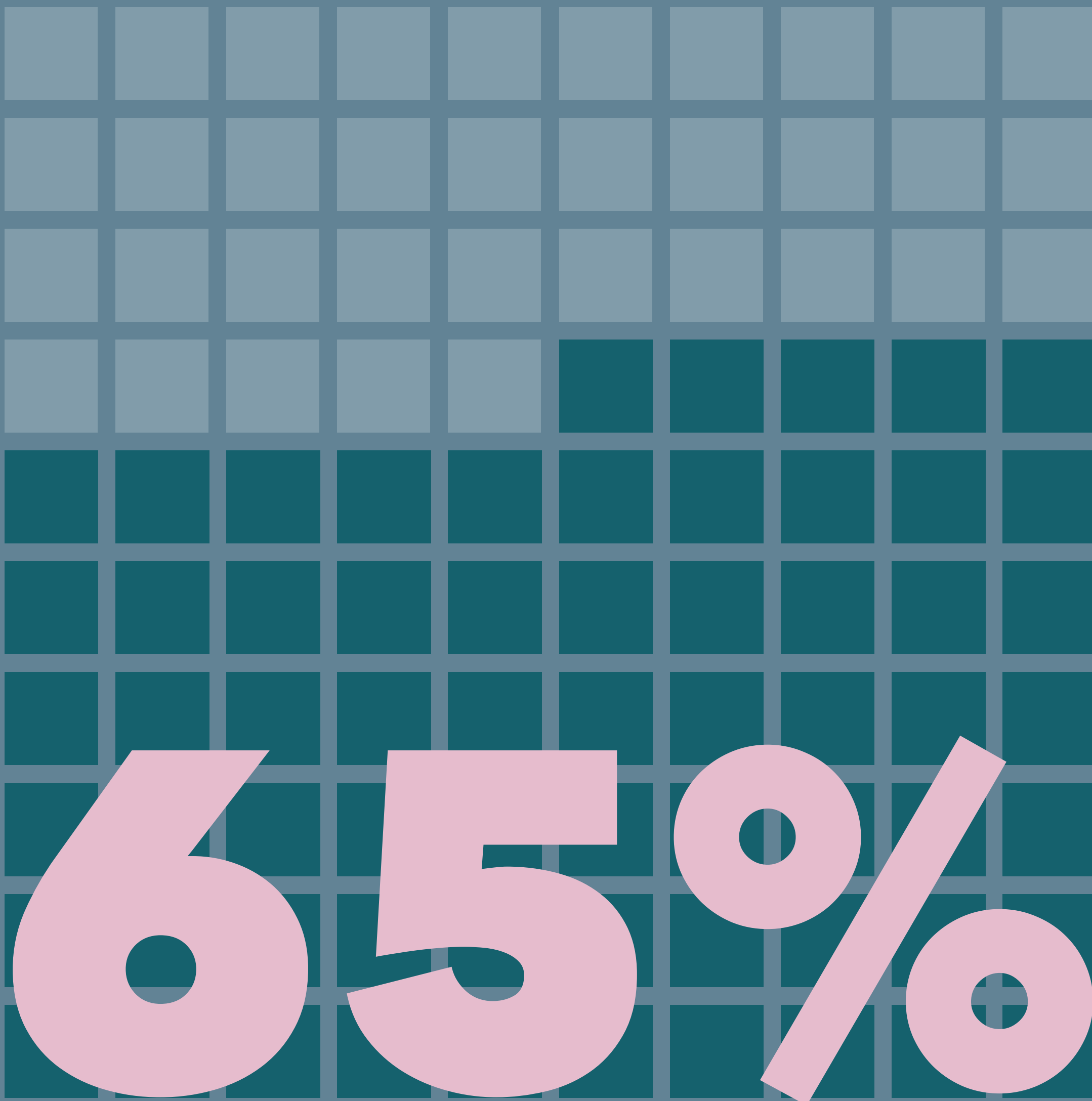
NDAs make victims of abuse feel *unsupported, isolated, and powerless.*

This is especially true in situations where victims have less power and fewer resources than their abusers—situations like workplace discrimination/harassment.

This power imbalance can be amplified by a fear of retaliation from their employer or abuser.



#NoNDAs Day of Action



65%

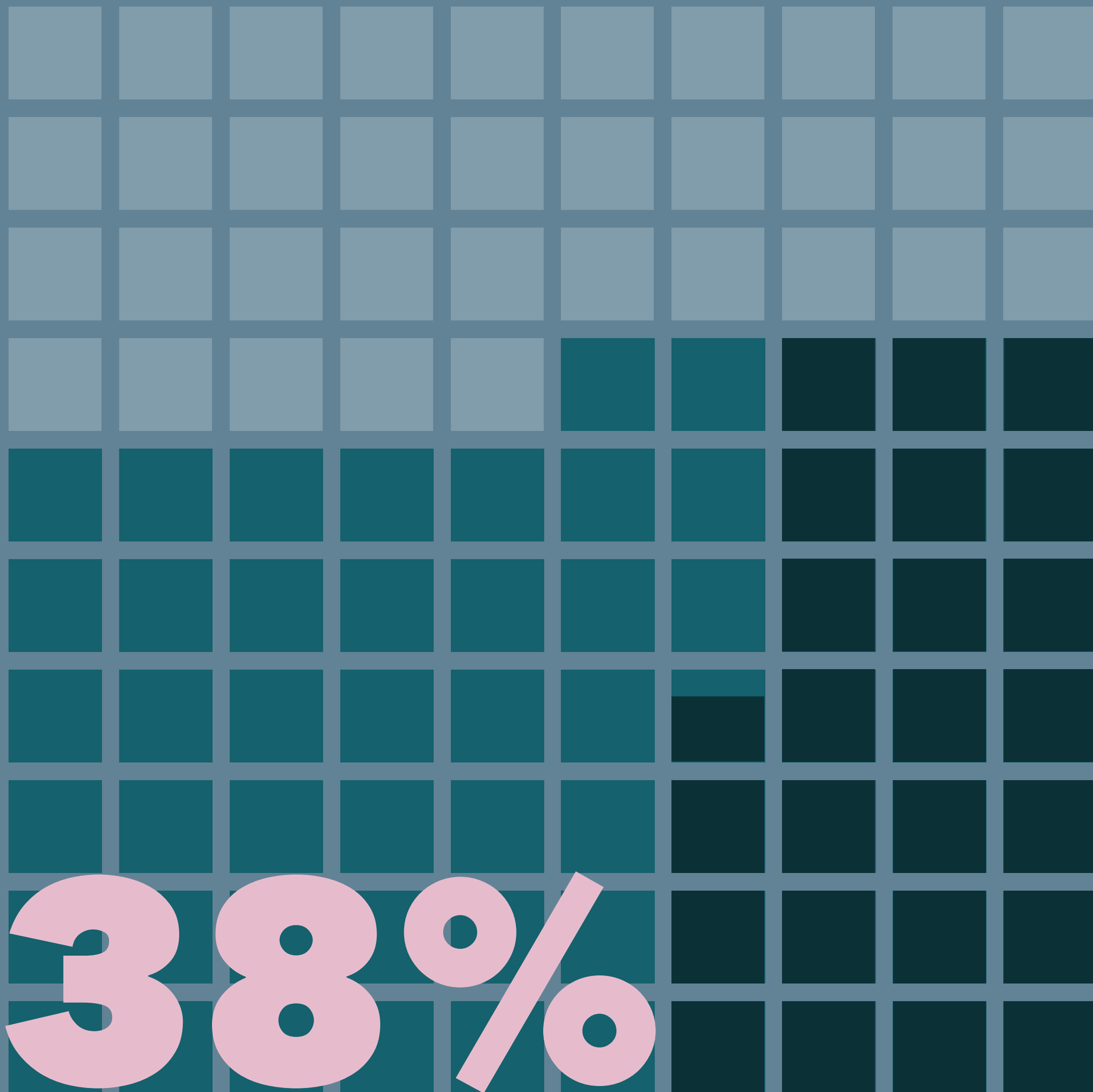
**of all tech industry workers have
signed an NDA.**

(approx. the same rate as that of *all* U.S. workers.)

Source | Economic Policy Institute, "Strengthening accountability for discrimination"
June 23, 2021

@WGAEast

#NoNDAs Day of Action



38%

**of those NDAs prevent workers
from speaking out about injustices.**

In other words...

Source | Economic Policy Institute, "Strengthening accountability for discrimination"
June 23, 2021

@WGAEast

#NoNDAs Day of Action



...Nearly 1 in 4 tech industry workers say that in the face of unjust treatment such as discrimination, harassment, or abuse, their NDAs would demand their silence.

Source | Economic Policy Institute, "Strengthening accountability for discrimination"
June 23, 2021

@WGAEast

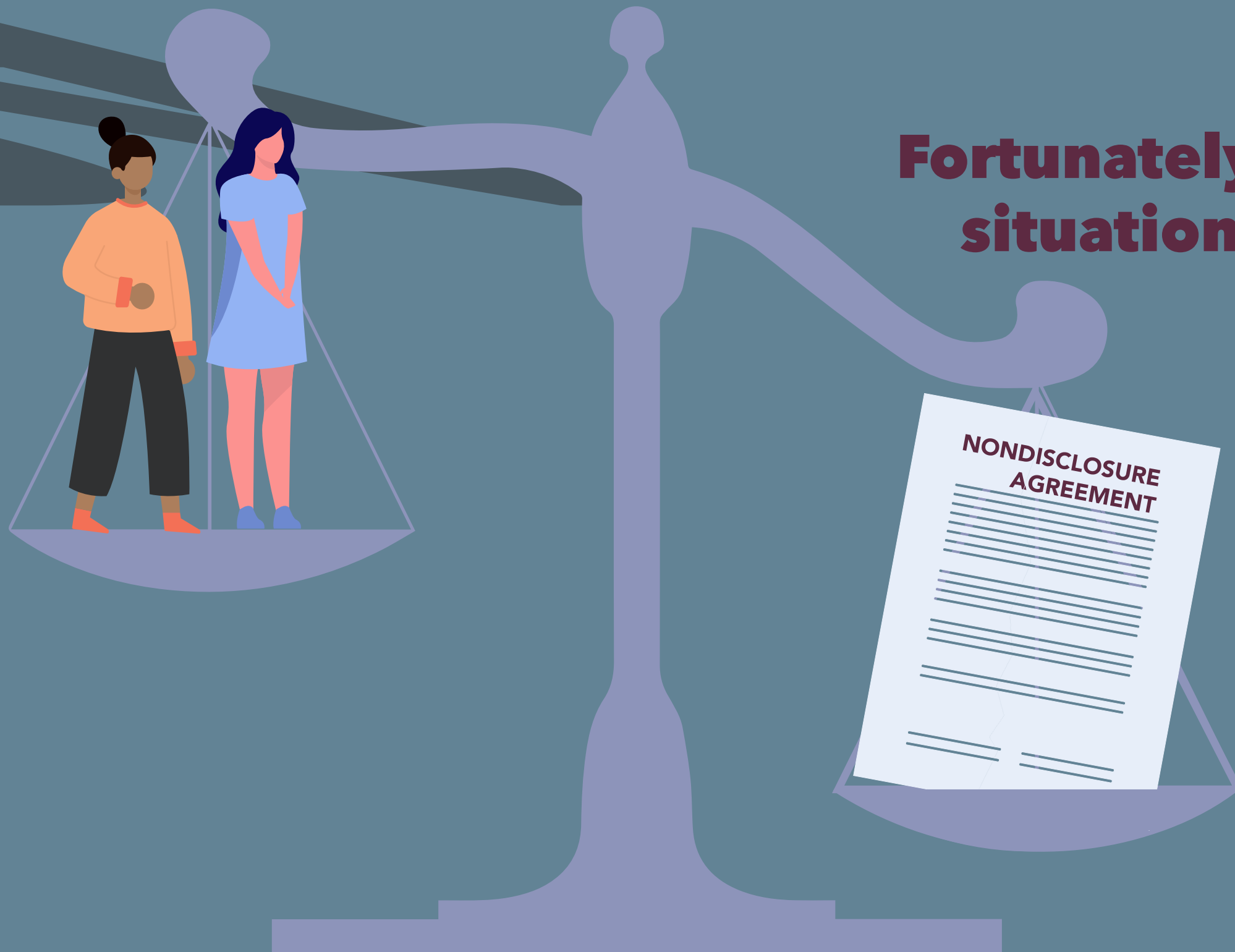
#NoNDAs Day of Action

When a workplace has a history of discrimination, harassment, or violence, NDAs can help maintain those cycles of abuse.

But when victims of these behaviors are able to speak out, it can expose patterns of abuse, warn potential victims, & encourage others similarly situated to come forward.

Fortunately, there are certain situations in which you *can* break an NDA.

That's why it's important that you know your rights.



#NoNDAs Day of Action

Know Your Rights:

National laws governing NDAs.

The National Labor Relations Board (NLRB) has ruled that certain employer activities violate the Wagner Act & constitute an unfair labor practice.*

- Enforcing “confidentiality rules” that could prohibit or prevent employees from discussing their sexual harassment complaints with each other.

Source | 337 NLRB 510

- Requiring that employees sign any agreement promising not to “publicly criticize” the firm or its leaders (e.g., nondisparagement agreements).

Source | 359 NLRB 1201

An NDA can also never prevent you from:

- Filing a sexual harassment complaint with the Equal Employment Opportunity Commission (EEOC);
- Reporting illegal/discriminatory conduct (i.e., “whistleblowing”) to authorities;
- Assisting with official investigations made by a government agency.

Source | Harvard Business Review, “NDAs Are Out of Control. Here’s What Needs to Change”

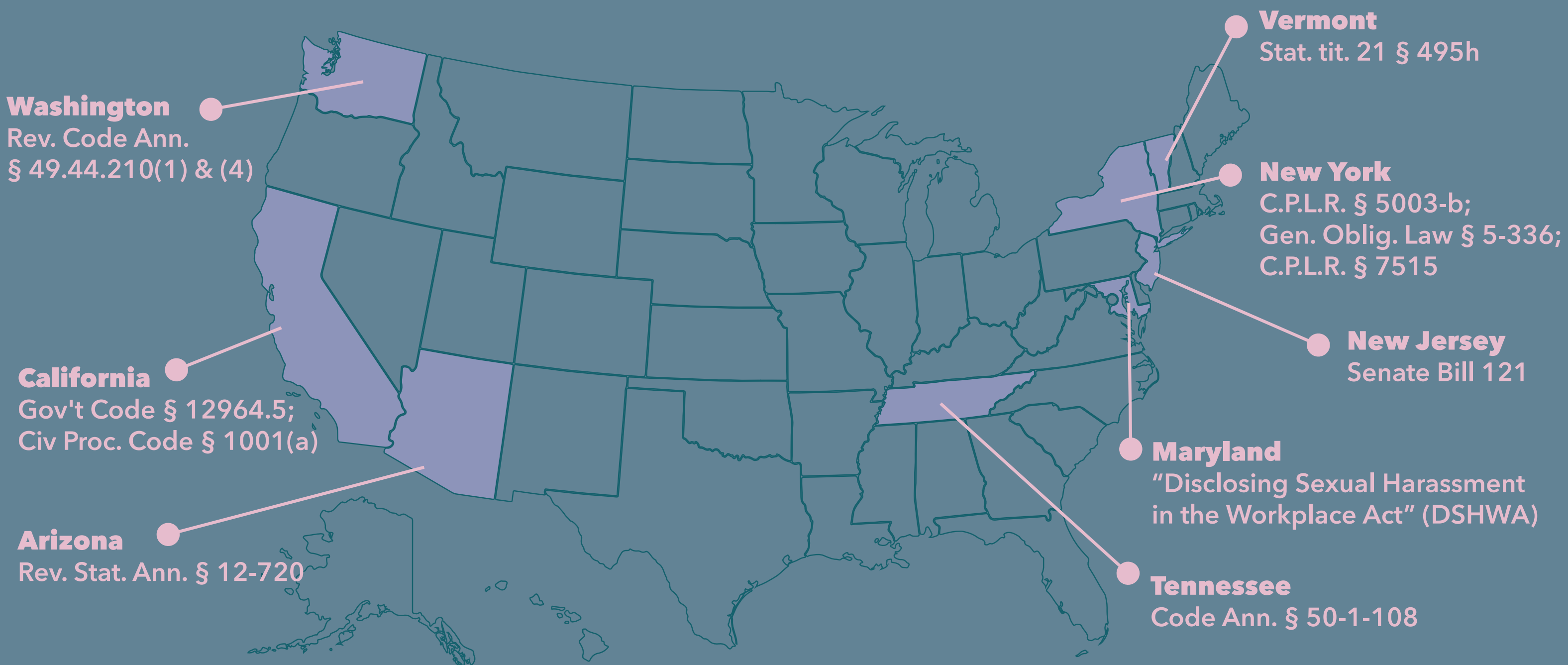
* Section 7 of the National Labor Relations Act of 1935 (a.k.a. the Wagner Act) protects a worker’s right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

#NoNDAs Day of Action

Know Your Rights:

State *laws governing NDAs.*

There are eight states with laws that restrict or prohibit the application or arbitration of NDAs in cases of sexual harassment or other forms of discrimination.



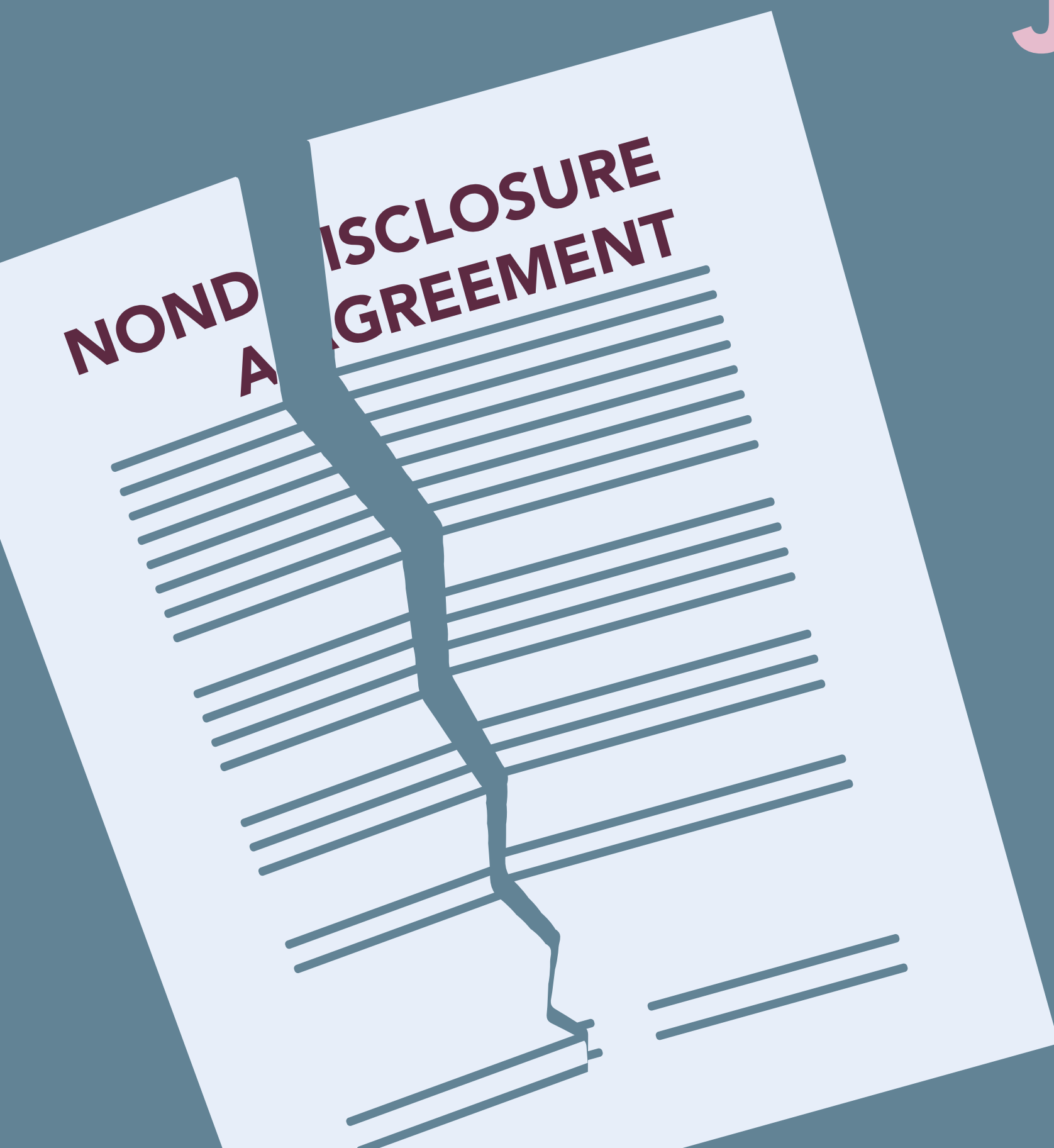
June 23, 2021

@WGAEast

#NoNDAs

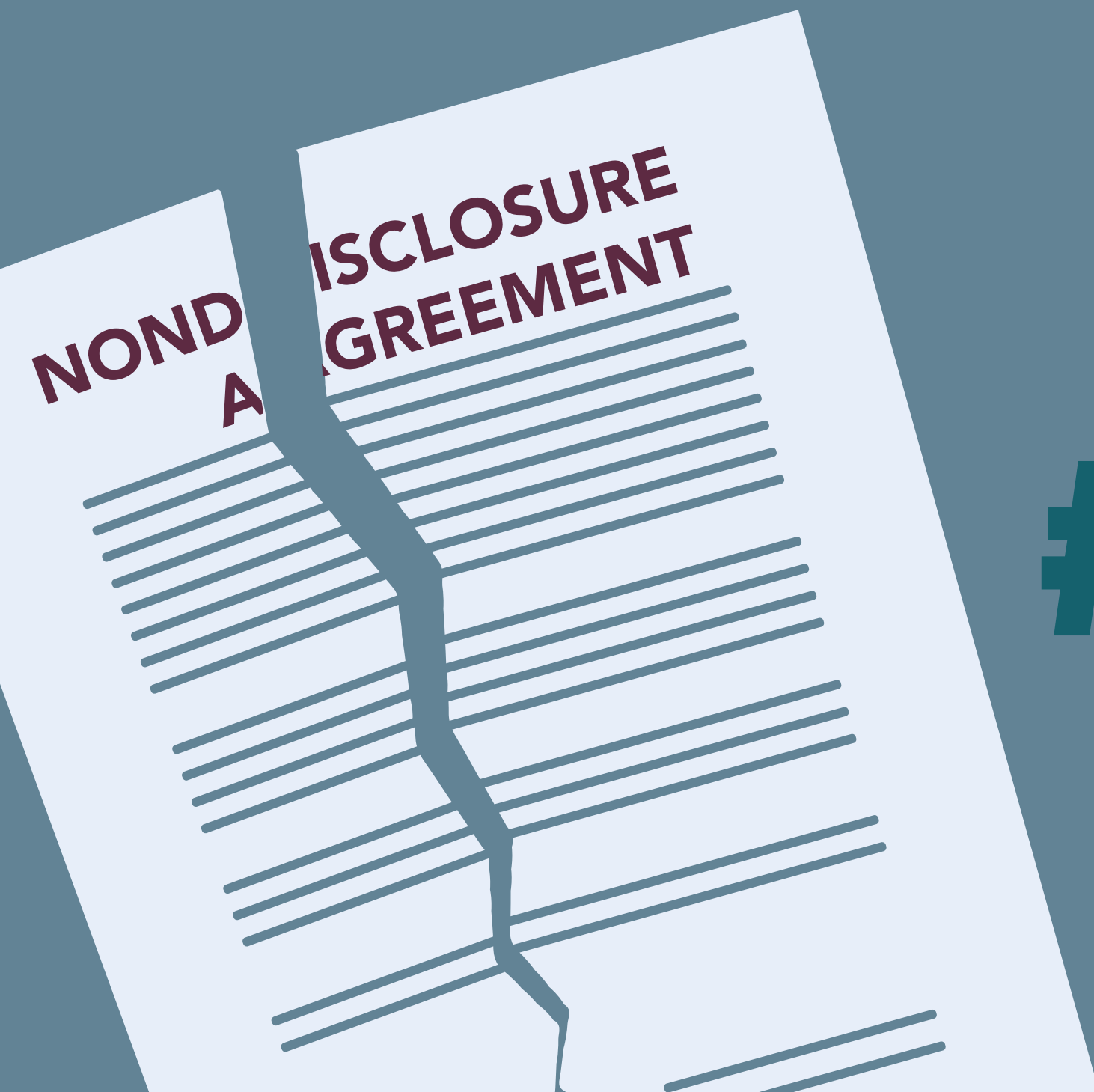
Day of Action

June 23, 2021



*Use the hashtag
#NoNDAs to show
your support.*

@WGAEast



No discrimination.
No harassment.
No silence.

#NoNDAs

June 23, 2021: #NoNDAs Day of Action
@WGAEast

#NoNDAs Day of Action



Nearly 1 in 4 tech industry workers say that in the face of unjust treatment such as discrimination, harassment, or abuse, an NDA would demand their silence.

Source | Economic Policy Institute, "Strengthening accountability for discrimination"

June 23, 2021

@WGAEast

#NoNDAs Day of Action

**NDAs make victims of abuse feel
*unsupported, isolated, and
powerless.***



This is especially true in situations where victims have less power and fewer resources than their abusers—situations like workplace discrimination/harassment.

**This power
imbalance can be
amplified by a fear of
retaliation from their employer or abuser.**

June 23, 2021

#NoNDAs Day of Action

@WGAEast