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UK to Ban Gagging Clauses in Abuse and Harassment Cases

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The UK government is moving to ban the use of non-disclosure agreements (NDAs) that prevent victims and witnesses of workplace harassment and discrimination from speaking out. As part of proposed changes to the Employment Rights Bill, the planned reform aims to close legal loopholes that have allowed employers to silence employees through confidentiality clauses in settlement agreements.

For years, Non-Disclosure Agreements (NDA) have been criticised for enabling a culture of secrecy where misconduct is quietly dealt with behind closed doors. This practice gained public attention during the movement, as high-profile cases revealed how victims of abuse and discrimination were routinely gagged in exchange for financial settlements. The government's proposed ban would invalidate any NDA clause that attempts to stop an individual from disclosing incidents of harassment or discrimination they experienced or witnessed.

Deputy Prime Minister Angela Rayner stated that the use of NDAs in such contexts has “no place in a modern workplace,” stressing that victims should never be forced into silence. Employment Minister Justin Madders added that the change would help restore trust in workplace protections and encourage more people to come forward.

Support for the move has been strong among campaigners and legal reform advocates. Zelda Perkins, a former assistant to disgraced film producer Harvey Weinstein and now an anti-NDA campaigner, welcomed the announcement, calling it a “transformational step” for workers’ rights. Perkins, who co-founded the group Can’t Buy My Silence, has long argued that these gagging clauses perpetuate harm and allow repeat offending to go unchecked.

The new rules will ensure that employees can speak out about abuse without fear of breaching a settlement agreement. They also cover witnesses who previously may have been restricted by confidentiality terms. While the reforms target abusive NDAs, employers will still be permitted to use confidentiality agreements to protect legitimate business interests, such as trade secrets and commercially sensitive information.

Some legal commentators have raised concerns that the changes could complicate the settlement process, making employers less likely to resolve disputes informally. However, supporters argue that the moral imperative to protect vulnerable workers outweighs any administrative inconvenience. They note that transparency is essential for accountability and cultural change.

The legislation aligns the UK with countries such as Ireland, Canada, and several US states that have already introduced similar restrictions. Once the Employment Rights Bill passes, the UK will take a significant step forward in ensuring that workplaces are not only safer but also fairer.