

President Biden Signs Speak Out Act Restricting Use of Non-Disclosure Agreements to Muzzle Sexual Harassment and Sexual Assault Victims

PUBLISHED ON

December 12, 2022

On Wednesday, December 7, 2022, President Biden signed into law the [Speak Out Act](#). The new Act is effective immediately and applies to any nondisclosure agreements before a dispute has occurred. More specifically, any agreement that includes a nondisclosure or non-disparagement provision relating to sexual assault or sexual harassment claims is prohibited before a dispute has occurred. Since the Act is narrow in scope, it does not apply to settlement agreements resolving claims already raised. Moreover, it does not prohibit employers from using nondisclosure agreements to protect trade secrets and other confidential business information. However, employers should review their existing employment, confidentiality and other standard agreements to ensure that the language comports with the Act and does not restrict victims of sexual harassment or sexual assault from speaking out before a dispute arises.

Our [Employment Practice Group](#) regularly assists employers in reviewing employment and confidentiality agreements for legal compliance. Please reach out to a member of our group for assistance.

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