

The Speak Out Act

lift our
voices®

The bipartisan **Speak Out Act** was signed into law by President Joe Biden on December 7, 2022. The law was championed from inception to passage by Gretchen Carlson and Julie Roginsky, co-founders of Lift Our Voices (LOV), a nonprofit dedicated to eradicating silencing mechanisms in the workplace, prohibits the use of predispute nondisclosure agreements (NDAs) and non-disparagement agreements in cases of workplace sexual misconduct.

Over one-third of all American workers are bound by NDAs, which have been used to silence survivors of workplace abuse. Many of these agreements are signed on the first day of work, as part of an employment contract. They can also be included as part of severance and settlement agreements and even in exchange for raises. **Workers who sign these agreements often do not realize they have signed away their right to speak out about any part of their workplace experience, including workplace toxicity.**

What the Law Does

- Prohibits the use of predispute NDAs and non-disparagement agreements for survivors and witnesses of sexual harassment and assault.
- Applies to all contracts past, present and future as long as the sexual misconduct claim is filed after December 7, 2022.
- Invalidates existing NDAs and non-disparagement agreements prohibiting current, prospective or former employees and independent contractors from disclosing sexual harassment and assault, provided they have not yet initiated a legal claim.
- Allows survivors and witnesses of sexual misconduct to speak out about their experiences, provided they have not yet initiated a legal claim.

- It does not prohibit NDAs that protect trade secrets or proprietary information.
- It does not bar employers or organizations from using NDAs and non-disparagement agreements to cover up other civil rights violations, like discrimination.
- It does not apply to postdispute NDAs and non-disparagement agreements between employers and workers, such as NDAs used during settlements or severance.
- **It does not invalidate state laws that have gone further to eliminate NDAs and non-disparagement agreements for all protected classes.**

What the Law Does Not Do

DID YOU KNOW?

Over 1/3 of the U.S. workforce are bound by NDAs.



81% of women & 43% of men have experienced some form of sexual harassment or assault throughout their lifetime.



States with Limits on NDAs [Click the map to learn more](#)

